

**INSTITUTING POWER:  
POWER RELATIONS, INSTITUTIONAL HYBRIDITY,  
AND INDIGENOUS SELF-GOVERNANCE IN BOLIVIA**

by

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## Abstract

Scholars have long observed that institutions and power relations are cyclically constitutive, as institutions shape a given polity's power relations, and the latter influence the design of institutions. This dissertation unveils how indigenous agents interact with each other, and with the state's bureaucrats and consultants to create divergent institutional trajectories in a new institutional environment: the construction of 11 pilot institutions of indigenous self-governance in Bolivia, as provided by the 2009 Constitution. The combinations of institutional forms have most significantly been shaped by local relations of power among differently identifying indigenous agents, and by the state-determined socio-territorial boundaries that are the site of institutional construction. Each new "indigenous autonomy" combines liberal and indigenous norms, constituting a hybrid model of indigenous autonomy. Within that model we can discern a bifurcation in which some institutions are more liberal and others are more communitarian.

These observations contribute to our understanding of democracy and citizenship in contemporary Latin America as states respond to popular pressures for more rights and inclusion, in what many have called "left turns." In terms of democracy, this study illustrates how electoral representation is complemented by communitarian democratic forms in ways that enhance Bolivia's historically exclusionary democracy, yet how elaboration of communitarian democracy is also constrained by the party-based system of representation. Meanwhile, the Constitution's expansion of rights has contributed to what some observers have called "post-liberal" citizenship. This investigation indicates that state-society relations in Bolivia are not well-characterized as populist, liberal or corporatist; rather, they are concomitantly plural, cyclical and reactive – which I conceive of as interest intermediation by "contentious bargaining."

The contradictions in the construction of these "indigenous autonomies" are a consequence the changing character of the ruling party. As the Movement toward Socialism and its leader, Evo Morales, have shifted from an oppositional force to elected government, they have contended with a complex correlation of social forces and pursued a development program of resource nationalism that responds to widespread calls for economic growth and poverty reduction. In Bolivia's contentious context, the state's disposition with regard to indigenous self-governance has been contradictory, simultaneously enabling and constraining indigenous rights.

## **Preface**

This dissertation is an original and unpublished intellectual product of the author, J. Tockman. The fieldwork reported throughout the dissertation was covered by UBC Ethics Certificate number H11-01875.

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## List of Acronyms

|                 |   |
|-----------------|---|
| <b>AIOC</b>     | Autonomía Indígena Originaria Campesina<br>Indigenous First Peoples Peasant Autonomy  |
| <b>ALP</b>      | Asamblea Legislativa Plurinacional<br>Plurinational Legislative Assembly  |
| <b>APDHB</b>    | Asamblea Permanente de Derechos Humanos de Bolivia<br>Bolivian Permanent Assembly on Human Rights   |
| <b>APG</b>      | Asamblea del Pueblo Guaraní<br>Assembly of Guaraní Peoples  |
| <b>CIDOB</b>    | Confederación de Pueblos Indígenas de Bolivia<br>Confederation of Indigenous Peoples of Bolivia   |
| <b>CIPCA</b>    | Centro de Investigación y Promoción del Campesinado<br>Centre for Peasant Research and Promotion  |
| <b>CONAIOC</b>  | Coordinadora Nacional de Autonomías Indígena Originario Campesinas<br>National Coordinator of Indigenous First Peoples Peasant Autonomy         |
| <b>CONAMAQ</b>  | Consejo Nacional de Ayllus y Markas del Qullasuyu<br>National Council of Ayllus and Markas of Qullasuyu   |
| <b>CONISUR</b>  | Consejo Indígena del Sur<br>Indigenous Council of the South   |
| <b>CPE</b>      | Constitución Política del Estado<br>Political Constitution of the State   |
| <b>CPEMB</b>    | Central de Pueblos Étnicos Mojeños del Beni<br>Central of Ethnic Moxeño Peoples of Beni   |
| <b>CPESC</b>    | Coordinadora de Pueblos Étnicos de Santa Cruz<br>Coordinator of Ethnic Peoples of Santa Cruz  |
| <b>CPIB</b>     | Central de los Pueblos Indígenas de Beni<br>Central Indigenous People of Beni   |
| <b>CSCB</b>     | Confederación Sindical de Colonizadores de Bolivia<br>Confederation of Unionized Colonists of Bolivia   |
| <b>CSUTCB</b>   | Confederación Sindical Única de Trabajadores Campesinos de Bolivia<br>United Confederation of Peasant Workers' Unions of Bolivia                |
| <b>FNMCB-BS</b> | Federación Nacional de Mujeres Campesinas de Bolivia – Bartolina Sisa<br>Bartolina Sisa National Federation of Peasant Women Workers of Bolivia |
| <b>HDI</b>      | Human Development Index   |

|                |  |
|----------------|--|
| <b>ILO</b>     | International Labor Organization, United Nations   |
| <b>INE</b>     | Instituto Nacional de Estadística<br>National Institute of Statistics  |
| <b>INRA</b>    | Instituto Nacional de Reforma Agraria<br>National Agrarian Reform Institute  |
| <b>LMAD</b>    | Ley Marco de Autonomías y Descentralización<br>Framework Law of Autonomies and Decentralization                                    |
| <b>LPP</b>     | Ley de Participación Popular<br>Law of Popular Participation   |
| <b>MACOAS</b>  | Marka de Ayllus y Comunidades Originarias de Arax Suxta<br>Marka of Ayllus and First Peoples Communities of Arax Suxta             |
| <b>MACOJMA</b> | Marka de Ayllus y Comunidades Originarias de Jesús de Machaca<br>Marka of Ayllus and First Peoples Communities of Jesús de Machaca |
| <b>MAS</b>     | Movimiento al Socialismo<br>Movement toward Socialism  |
| <b>MBL</b>     | Movimiento Bolivia Libre<br>Free Bolivia Movement  |
| <b>MNR</b>     | Movimiento Nacionalista Revolucionario<br>National Revolutionary Movement  |
| <b>MST</b>     | Movimiento Sin Tierra<br>Landless Workers Movement   |
| <b>OEP</b>     | Órgano Electoral Plurinacional<br>Plurinational Electoral Organ  |
| <b>PDCR</b>    | Proyecto de Desarrollo Concurrente Regional<br>Concurrent Regional Development Project   |
| <b>PDM</b>     | Plan de Desarrollo Municipal<br>Municipal Development Plan   |
| <b>SIFDE</b>   | Servicio Intercultural de Fortalecimiento Democrático<br>Intercultural Service for Strengthening Democracy                         |
| <b>SVI</b>     | Social Vulnerability Index   |
| <b>TCO</b>     | Tierra Comunitaria de Origen<br>Ancestral Community Lands  |
| <b>TCP</b>     | Tribunal Constitucional Plurinacional<br>Plurinational Constitutional Court  |

|               |   |
|---------------|---|
| <b>TIOC</b>   | Territorio Indígena Originario Campesino<br>Indigenous First Peoples Peasant Territory                        |
| <b>TIPNIS</b> | Territorio Indígena y Parque Nacional Isiboro Sécore<br>Isiboro Sécore Indigenous Territory and National Park |
| <b>TSE</b>    | Tribunal Supremo Electoral<br>Supreme Electoral Court   |
| <b>TSJ</b>    | Tribunal Supremo de Justicia<br>Supreme Court of Justice  |
| <b>UNDP</b>   | United Nations Development Program  |
| <b>VERDES</b> | Verdad y Democracia Social<br>Truth and Social Democracy  |

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As Pierre Bourdieu reminds us, "the stuff of the social is made of relations, not individuals." A dissertation, as a social product, cannot be conceived outside of the communities and milieu

inhabited by the author. In this case, the people and organizations mentioned above contributed in innumerable ways to the development of this text. As the author, I am indebted to each of them – grateful for the privilege of translating their inputs into this dissertation. Of course, any errors in fact, observation or analysis are mine alone.

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who kindly welcomed me to Bolivia  
and helped me to understand the social worlds  
in which I found myself.*

## Introduction

“Men make their own history, but they do not make it just as they please in circumstances they choose for themselves; rather they make it in present circumstances, given and inherited. Tradition from all the dead generations weighs like a nightmare on the brain of the living. And just when they appear to be revolutionising themselves and their circumstances, in creating something unprecedented, in just such epochs of revolutionary crisis, that is when they nervously summon up the spirits of the past, borrowing from them names, marching orders, uniforms, in order to enact new scenes in world history, but in this time-honoured guise and with this borrowed language.” Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (2002: 19-20)

As Marx professes, agents and the power relations between them emerge from institutions (or circumstances), but they also shape them. That institutions structure and reconfigure relations between key social groups, including state agents, has been demonstrated by extensive social science research.<sup>1</sup> What is less well established, and is the focus of this dissertation, is how the social agents acted upon by a society’s primary institutions and the power dynamics between them return to influence the character of future institutions. This dissertation illustrates the cyclic constitution of institutions and power relations. It also unveils how distinct indigenous agents interact with each other and with the state – including, importantly, government bureaucrats and consultants – to create divergent institutional trajectories. These two socio-political processes are examined in a novel institutional environment: the construction of new institutions of indigenous

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<sup>1</sup> The capacity of institutions to configure power dynamics can be read – albeit from quite different theoretical orientations – through Karl Marx’s general class analysis and, more specifically, his depiction of commodity fetishism (1867); Émile Durkheim’s notion of a “social solidarity” that binds together society’s groups, and, in what he saw as a threat to that solidarity, his account of how the disintegration of established class and caste institutions can give rise to “miserable squabbling” or “class war” (1984 [1893]: 310-311); Max Weber’s Protestant ethic thesis (1930); Pierre Bourdieu’s conception of *habitus* (1977); Douglass North’s broad oeuvre on institutions (see, especially, North 1990), Ruth and David Collier’s study of the legacy of labour incorporation in Latin America (1991); Walter Powell and Paul DiMaggio’s work on “new institutionalism” (1991); and Robert Putnam’s writing on social capital (1993).

self-governance in Bolivia.<sup>2</sup> Contrary to rationalist views of institutions as “given” or efficient mechanisms that reward utility maximization behaviour and tend to produce equilibrium outcomes, institutions are revealed by this study as taken-for-granted and culturally specific rules or symbolic systems that provide agents with interpretive frames that shape social behaviour, and which operate, as Marx observed (1867), “behind the backs” of the those that reproduce, revise or construct them. Historical institutionalist accounts of “critical junctures” and “path dependencies” (Lipset and Rokkan 1967; Collier and Collier 1991; Mahoney and Snyder 1999) are useful in depicting patterns of institutional durability and change; however, the most relevant factors in institution (re)formation are the particular cultural rules or symbolic systems which find expression in shared “cognitive scripts” that are imbued with meaning and define for agents the social world in which they find themselves (Meyer and Rowan 1991 [1977]; DiMaggio and Powell 1991). In other words, new institutional structures that are generated tend to reflect and reproduce agents’ mental structures (Bourdieu 1977).

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<sup>2</sup> My conception of the term “indigenous” largely follows James Anaya’s definition: “the term *indigenous* refers broadly to the living descendents of preinvasion inhabitants of lands now dominated by others. Indigenous peoples, nations, or communities are culturally distinctive groups that find themselves engulfed by settler societies born of the forces of empire and conquest” (1996: 3). Anaya’s conception uses much of the same phraseology as that of the Cobo Report – which has been accepted by the United Nations and various scholars (Xanthaki 2007: 9) – although he gives greater attention to historical and present-day power relations between indigenous peoples and non-indigenous people. The only modification I make is that Anaya’s definition does not recognize that in some cases the social relations of land ownership and inhabitation are more complicated than is captured by the characteristic of “now dominated by others.” This is particularly the case in a region or country, such as the highlands and central valleys of Bolivia, where the majority of the population is descended from pre-invasion inhabitants. In this text, when referring to indigenous communities, I privilege the term indigenous *peoples*, rather than *people* or *indigenous populations*, as the former generally implies “a greater and more positive recognition of group identity and corresponding attributes of community” (Anaya 1996: 48), and the “right to self-determination under international law” (Deer 2010: 19). The term *peoples* has been embraced by many indigenous people, scholars, and advocates, and has factored significantly into international and intrastate efforts to advance the right to self-determination to include not just sovereign states but also indigenous nations, while states have historically resisted applying the term *peoples* to indigenous and other ethnic groups out of concern that it could permit a greater degree of self-determination than they wish to concede, or even, allegedly, secession (Anaya 1996; Lâm 2000; Thornberry 2002). Chief Ted Moses of Grand Council of the Cree elaborates: “They [governments] have called us populations, ‘communities’ ‘groups’, ‘societies’, ‘persons’, ‘ethnic minorities’; now they have decided to call us ‘people’ in the singular. In short, they will use any name they can think of, as long as it is not peoples with an ‘s’. They are willing to turn universality on its head to avoid recognizing our right to self-determination.” (quoted in Thornberry 2002: 41-42). According to Ronald Niezen, there are an estimated 300 million indigenous people from around 4000 “distinct societies” (2003: 4).

In contemporary Bolivia, novel institutions of indigenous self-governance are being constructed by indigenous agents who are mobilizing, adapting, and combining inherited institutional forms, consistent with Émile Durkheim's postulation that "it is a very general fact that new institutions are shaped initially in the mould of previous institutions" (1984 [1893]: 138). However, the particular combinations of institutional forms, this dissertation finds, reflects local relations of power among indigenous agents, as well as the state-determined socio-territorial boundaries that are the site of institutional construction. More broadly, as elaborated below, these institutional transformations provide important insights into the quality and dimensions of democracy, the character of citizenship, and the implementation of international indigenous rights norms in contemporary nation-states that have a legacy of colonization and in which there exists significant contestation over plural sovereignty.<sup>3</sup>

#### *Institutions and power in Bolivia's indigenous politics*<sup>4</sup>

More than any other part of the world, in the past two decades Latin America has experienced social upheavals that have changed states' relations with indigenous peoples. Partly linked to what some have called "left turns" (Cameron and Hershberg 2010), an array of insurgent social groups – often appealing to indigenous rights and ways of being – have challenged the free market doctrine of neoliberalism,<sup>5</sup> and demanded greater space for democratic participation and

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<sup>3</sup> By "plural sovereignty," I refer to those national contexts in which the unitary claim of state sovereignty is now contested by multiple indigenous nations that exist within, or across, official national boundaries; see Lightfoot (2013).

<sup>4</sup> As elaborated in Chapter I, my conception of power comes closest to that of Pierre Bourdieu and Michel Foucault: as a productive and relational force that pervades society, transmits meaning, and enables groups to realize their interests.

<sup>5</sup> The ideology of neoliberalism draws upon classical formulations of economic liberalism (i.e. Adam Smith, David Ricardo) and places them into a global context. Neoliberalism views the individual as the central unit of society and the private sector as the primary arbiter of political and economic affairs. David Harvey characterizes it as a "...theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private

political inclusion. Indigenous peoples have mobilized to secure greater self-determination and control of territory and natural resources, have demanded a shift away from elite-based democratic practices, and, frequently, have called for greater state control over natural resource extraction toward developmentalist and redistributionist ends. Pressures from below have, to varying degrees and with differing outcomes, pushed Latin American countries to experiment with a range of novel mechanisms of democratic participation, means of recognizing indigenous rights, and strategies for achieving more equitable economic development. These experiments entail both the reformulation of existing institutions and the creation of new forms of democratic participation (Cameron, Hershberg and Sharpe 2012).

One of the most interesting cases that captures each of these transformations is Bolivia – recently renamed the Plurinational State of Bolivia – in which social movements prevailed in December 2005 by electing as President Evo Morales, a *coca* growers union leader who claims an indigenous Aymara identity, breaking with an elitist, pacted democracy that had prevailed since the country’s 1982 return to democracy, following almost two decades of dictatorship. At the centre of Bolivia’s social, political and economic reforms, a new Constitution, approved in 2009 by 61% of voters, authorizes the construction of novel institutions of indigenous self-governance called “indigenous autonomies.” Bolivia’s 2009 Constitution (*Constitución Política del Estado*, CPE) created a new possibility for indigenous self-governance by which municipalities and indigenous territories can convert into a government-sanctioned “territorial

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property rights, free markets, and free trade... State interventions in markets (once created) must be kept to a bare minimum because, according to the theory, the state cannot possibly possess enough information to second-guess market signals (prices) and because powerful interest groups will inevitably distort and bias state interventions (particularly in democracies) for their own benefit.” (2005: 2). Attendant policy prescriptions include fiscal austerity, privatization, deregulation, liberalization of foreign investment, and free trade of goods, services and capital.

entity” known as *autonomía indígena originaria campesina*, AIOC.<sup>6</sup> Eleven municipalities have chosen this option for greater self-governance, seven of which have completed the legally specified process of drafting and approving “autonomy statutes,” local-level texts that elaborate novel structures, processes and names of local government. Meanwhile, most of Bolivia’s municipalities with an indigenous majority – more than 200 (Albó and Romero 2009; Colque 2009) – have thus far not pursued indigenous autonomy.<sup>7</sup> This dissertation is based upon 10 months of field work in the municipalities undergoing conversion (detailed in the Appendix), complementing those positive cases with an examination of why most majority-indigenous municipalities have not opted to convert – at least, not as of the time of this study.

At the centre of its analysis, this dissertation studies these new institutions of indigenous self-governance, the multiplicity of agents involved in initiating and carrying out the processes of constructing them, and the political agendas of participants in these processes. It asks three principal questions about the construction of indigenous autonomy in Bolivia:

1. In the design of institutions of indigenous autonomy, what are the existing models and practices upon which these new institutions draw?
2. What are the emergent forms or trajectories of local indigenous self-governance, and what factors most significantly account for observable variations.
3. Why is the implementation of indigenous self-governance, and the exercise of indigenous rights more generally, being simultaneously enhanced and impeded in Bolivia?

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<sup>6</sup> Throughout this text, I use the terms indigenous autonomy, *autonomía indígena originaria campesina*, and AIOC interchangeably. AIOC translates into English as Indigenous First Peoples Peasant Autonomy.

<sup>7</sup> As elaborated in Chapter IV, seven other municipalities endeavored to convert to indigenous autonomy in 2009, but were unable to complete the requirements to initiate the process (Tockman, Cameron and Plata 2012). In 2013, two additional municipalities, San Miguel de Velasco and Gutiérrez, initiated conversion to indigenous autonomy (Fundación TIERRA 2013a).

In terms of institutional design, this analysis finds that those municipalities that have begun conversion combine liberal conventions and indigenous norms and procedures, *normas y procedimientos propios*, in varying ways that have produced distinctions in institutional trajectories. What all of the incipient AIOCs share is a combination of those norms, constituting a *hybrid* model of indigenous autonomy. However, one of this dissertation's central findings is that within that single model, we can discern a bifurcation as some indigenous autonomies have emerged as more liberal and municipal,<sup>8</sup> incorporating mechanisms for universal secret balloting and maintaining an executive authority whose power is not offset by a deliberative assembly based on pre-colonial indigenous norms,<sup>9</sup> while others are more communitarian, embracing more collectivist governance structures and processes and prioritizing a communal development orientation. I characterize the resulting indigenous autonomies as constituting two subtypes which occupy distinct positions along a continuum from *more liberal* to *more communitarian*.

Why do we see this variation in institutional trajectories? As depicted in Table 1, this bifurcation can be traced back through (1) local relations of power among peoples with varying modes of indigenous identification, and (2) Bolivia's internal socio-territorial boundaries, to the critical juncture of state-making – the 1952 National Revolution.<sup>10</sup> That major state project of

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<sup>8</sup> “Liberal” refers to both the Lockean values of liberty, individual rights and private property, and the set of political institutions and practices that have come to be associated with liberalism, namely the separated powers of executive, legislative and judicial authority, political parties, majority rule, and universal secret balloting. “Municipal” refers to Bolivia's system of municipalities, as created by the 1994 Law of Popular Participation (LPP) and subsequently modified by constitutional and legal reforms.

<sup>9</sup> In Bolivia, the creation of 250 new municipalities under the 1994 LPP was the point of entry of liberal political institutions at the local level; thus, the terms “liberal” and “municipal” are frequently linked in this text – sometimes hyphenated as “liberal-municipal.” The intention here is not to conflate the two, or suggest that the proliferation of municipalities across rural Bolivia signifies a simple implementation of liberal principles. The decentralizing reforms of the LPP were complex and served many purposes, not all of which were liberal. While the LPP did bring to rural Bolivia “certain standardized and westernized notions of development and government procedures,” it also recognized 15,000 community organizations and established mechanisms by which those groups oversaw local government activities in ways that can be characterized as more collective than individualistic (Kohl and Farthing 2006: 137). However, the pairing of liberal and municipal is useful here because decentralization had a strongly liberal character, and because both contrast sharply with communitarian norms and procedures.

<sup>10</sup> As Centellas notes, the 1952 Revolution is “the reference point for transformative politics in Bolivia” (2013: 92).

the National Revolutionary Movement (MNR) party, its attendant nation-building efforts to assimilate indigenous peoples into Bolivian society, interpellating<sup>11</sup> them as peasants (*campesinos*) with a common national *mestizo* identity,<sup>12</sup> combined with the 1994 Law of Popular Participation (LPP) that dramatically expanded Bolivia's system of municipalities, have significantly shaped the indigenous preferences for and practices of self-governance being expressed today. Here, paraphrasing Marx (2002), we observe indigenous peoples making their own history, yet doing so in circumstances of particular and consequential historical contexts. The principal circumstances, or causal mechanisms, that have most influenced the institutions of indigenous self-government are: (1) relations among the indigenous peoples with varying modes of identification – principally as peasants *or* indigenous peoples – which shaped the correlation of local political forces, and (2) specific socio-territorial geographies – most significantly, the municipal boundaries that were constructed through the decentralization policies of the Law of Popular Participation.<sup>13</sup> In other words, *identity-based power relations and geography have significantly shaped the varying observable institutional forms of indigenous self-governance.*

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<sup>11</sup> As elaborated in Chapter I, the concept “interpellation” was popularized by French philosopher Louis Althusser, who employed the term to describe processes through which agents develop a self-awareness as subjects. Althusser saw agents’ perceptions and identities as “hailed” by ideologies that are embedded within political institutions (or state apparatuses). He illustrates this with the example of the subjectification that occurs when a police officer commands, “Hey, you there!” (1971: 174).

<sup>12</sup> The MNR’s state-building project sought to incorporate indigenous peoples as *campesinos* – an officially prescribed identity that was inconsistently accepted by indigenous peoples across the country’s central valleys and Western highlands, the *altiplano*.

<sup>13</sup> Bolivia’s political geographies were also significantly shaped by the 1996 Agrarian Reform Law (*Ley INRA*), which created indigenous territories (*Tierras Comunitarias de Origen*, TCOs, renamed *Territorios Indígenas Originarios Campesinos*, TIOCs, by the 2009 Constitution). TIOCs, like municipalities, can convert to indigenous autonomy under the 2009 Constitution; however, the process for TIOC conversion is still incipient, and thus not a central part of this dissertation’s analysis.

**Table 1. Causal factors in the construction of indigenous self-governance<sup>14</sup>**

| <i>Critical juncture</i>  | <i>Causal factor 1</i>  | <i>Causal factor 2</i>  | <i>Outcomes</i>  |
|---|---|---|--|
| <i>State reform</i>   | <i>Relations of power among local groups with varying indigenous identities</i>   | <i>Socio-territorial boundaries</i>   | <i>Institutional form</i>  |
| State-making and major state programs and projects →  | Modes of identification of indigenous agents, and consequential correlation of local forces +   | Political geographies at time of establishment of new institution of indigenous self-government →           | Preferences for indigenous autonomy, and structures and processes of self-governance |
| <i>In Bolivia</i>   |   |   |  |
| MNR nation building project – construction of the <i>campesino</i> and peasant unions within corporatist structure (1952) → | Identification by local agents as either <i>campesino</i> or indigenous/ <i>originario</i> , and resulting balance of power among local authorities + | Geographical boundaries established by the municipal system under the Law of Popular Participation (1994) → | Preference for AIOC or municipality, and varying outcomes among AIOCs                |

Identity-based and socio-territorial factors – especially the latter – also help explain why AIOC conversion has not been undertaken in most majority-indigenous municipalities, where indigenous peoples had already effectively gained control of municipal government after the 1994 reforms, rendering less appealing what is revealed to be a lengthy and uncertain process of constructing indigenous autonomy, to which the government has grown increasingly ambivalent. Further, this analysis suggests that, rather than a fixed set of practices, a particular indigenous community’s preferences for self-governance, specific structures and processes of “communitarian democracy,” and the names given to institutions and authorities are a consequence of the indigenous group’s engagement with the *longue durée* of state-making and major state projects. In other words, contrary to essentialized or romantic assumptions about indigenous systems of governance, this investigation finds contemporary indigenous self-

<sup>14</sup> The sequencing I have delineated illustrates the relative timing of causally significant events, and is not intended to suggest that they only took place during that moment of time (nor that trends are irreversible, or that teleological forces are at play). For example, the negotiation of indigenous versus peasant identities is an ongoing process for many people and communities, occurring both before and after of the 1952 Revolution, and it continues today. What is key here is that the dominant configuration of identities had crystallized into a particular correlation of social forces, prior to the time that the new institutions of indigenous autonomy were established.

governance to be historically and culturally contingent, surely informed by pre-colonial norms and procedures, but also, and importantly, emerging through processes that are negotiated between indigenous peoples and the states in which they live.<sup>15</sup>

A recurrent observation of this thesis – which informs the related literatures on democracy, citizenship, institutional change, and indigenous rights – is that the new institutions of indigenous autonomy being constructed in Bolivia express a hybridization of liberal conventions and indigenous norms and procedures – although these processes are, in general, highly contested. The observation of syncretism by itself is not particularly remarkable to scholars of indigenous politics; indeed, cultural and institutional hybridity have been the subject of considerable scholarly analysis (e.g. Bhabha 1994; García Canclini 1995; Goodfellow and Lindemann 2013). The more intriguing contributions of this dissertation arise from the possibility of studying how and why distinct hybridized institutional forms materialize in a novel environment, providing the investigator with an experimental context in which to study institutional design. Two important findings about institutions emerge. First, the “new” institutions are based on existing ones, which, in their general structure, combine communitarian (indigenous and/or peasant) and liberal-municipal norms to create varying hybridized forms – but, for reasons discussed below, always with a preponderance toward the latter. In a country awash with what Guillermo O’Donnell (1996a) and Gretchen Helmke and Steven Levitsky (2004) describe as “informal” institutions, we observe indigenous peoples fusing what have until now been institutions at the margin of the state – thus previously informal – with those already sanctioned, expressing an *institutional hybridity*. Yet, by their legal design these “new”

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<sup>15</sup> Such a conception of self-governance is quite distinct from most notions of sovereignty, as well as a “maximalist” conception of self-determination, falling closer to what Xanthaki (2007) and Lightfoot (2013) describe as a “political” definition of self-determination in which the right to determine the political status of indigenous peoples is negotiated with the state or states in which they live.

institutions incorporate many key functions of the state; as such, indigenous autonomy *governmentalizes* indigenous protagonism, in a Foucauldian sense, toward the state's ends. Ministry officials, government-funded consultants (*técnicos*), and accompanying non-governmental organizations (NGOs) participated extensively in the processes of elaborating indigenous statutes of autonomy, entering into local debates over autonomy as the privileged bearers of a specialized type of knowledge – a state-sanctioned understanding of highly complex constitutional and legal provisions – which conferred upon them a powerful influence into local deliberations. In so doing, government and NGO representatives served, sometimes unwittingly, as the front-line agents of transmission in the state's ambitions to harmonize the incipient indigenous autonomies and to implant state functions within the autonomy statutes.

Second, the finer-grained distinctions in institutional form are a consequence of the socio-territorial frontiers and identity-based local relations of power mentioned above. In terms of the former, the decentralization and municipalization of the LPP have been consequential in reconfiguring the political horizons of today's leading political agents, which has for some created the particular local context in which institutions of self-governance are designed, and for others attenuated interest in conversion to indigenous autonomy. The latter question of identity and power relations illustrates how indigenous self-understandings shape the forms that new institutions take by framing, in culturally specific ways, the options that are opened or closed. Power relations work through these interpretive processes, through the discourses they enable or hinder. In those municipalities where the dominant identity group is indigenous (*indígena*) or First Peoples (*originario*), institutional structures and processes are designed with deliberative assemblies at their core and communitarian development is prioritized; in contrast, in those municipalities where peasant identities dominate, the design of indigenous self-governance

reinscribes the influence of the peasant unions, maintains a strong local executive authority, and expresses broader priorities for development, not as focused on the communitarian. The specifics of institutional design emerge as influenced more by existing cognitive scripts, or mental structures, of the agents involved in the processes of construction, than by purposive intent, the motive of utility maximization, or the achievement of a functional equilibrium. Moreover, the correlation of forces among agents vying for local power also proved to be the most explanatory factor in determining the relative rate of statute elaboration, against rival hypothesis such as cultural-demographic, geographic, or socio-economic variation.

In the realm of democratic theory, this investigation contributes to an understanding of the coexistence of representative, participatory and communitarian dimensions of democracy, which has been characterized by Boaventura de Sousa Santos (2004) and José Luis Exeni (2012) as “demodiversity,” *demodiversidad*. However, Santos and Avritzer (2005) argue that with the proliferation of liberal democracy since the 1970s, demodiversity has been declining, and that a low-intensity liberal democracy has become established as globally hegemonic due to its compatibility with neoliberalism. The complementarity and tensions of these dimensions of democracy are evident in Bolivia, where we see that the three forms of democracy exist not merely at different levels of government, but overlap with one another. This is illustrated by some of the AIOCs’ combination of representative and communitarian modes of selecting authorities, as well as seven indigenous circumscriptions in the Plurinational Legislative Assembly (formerly, Bolivia’s Congress) that are chosen by indigenous peoples, albeit through a process mediated by a non-indigenous state apparatus and political parties. While the system of representation – of elected officials, based on universal secret balloting and competition between political parties – continues to account for most policy outcomes, representation is

complemented by communitarian and participatory forms in ways that enhance Bolivia's historically exclusionary democracy. However, it is evident in the elaboration of indigenous autonomy that communitarian democracy is also constrained by the political party-based system of representation. This is most apparent in the efforts by the ruling party of President Morales – the Movement toward Socialism (MAS), a self-conceived “instrument” of Bolivia's social movements – to maintain its influence at the local level, including by running its own candidates against those chosen through local assemblies according to *normas y procedimientos propios*, as well as in the MAS's interventions into the selection of the candidates that fill indigenous circumscriptions. The Bolivian narrative affirms Santos and Avritzer's claim of the dominance of representative democracy, and suggests that, despite the compatibility of dimensions of democracy, tensions are likely to materialize in cases where the communitarian is being reasserted.

With regard to citizenship, novel rights and responsibilities have been codified in most of the autonomy statutes that have been elaborated to date. The expansion of citizenship at the level of the AIOC reflects and is consistent with the commonplace official pronouncements of “plurinational” citizenship, yet it is important to emphasize both the gains and limitations of that discourse. To be sure, the Constitution's broad recognition of indigenous rights,<sup>16</sup> their incorporation into a new citizenship regime that discursively elevates the indigenous as the “paradigmatic citizen” (Canessa 2012b: 204), and the acceptance of asymmetrical rights and responsibilities are important advances in indigenous rights, and the government's declared commitment to these goals creates new expectations with likely future effects. However, this

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<sup>16</sup> The centrality of indigenous autonomy to plurinationalism has often been emphasized by government officials, such as former Vice Minister of the Ministry of Autonomies, Gregorio Aro, who frequently stated that “without indigenous autonomies there is no plurinational state” (John Cameron 2011, from seminar at CESU-UMSS, November 24, 2011).

dissertation finds that actually existing plurinationalism bears an unexpectedly strong resemblance to the multiculturalism of the 1990s, in that cultural recognition is extended, while the newly opened spaces for political participation are progressively constrained within the government's "predefined limits to what can be achieved" (Medeiros 2001: 419), that is to say, within parameters that do not challenge the dominant party's hegemonic aspirations or prevailing economic interests. While features like asymmetrical rights and responsibilities speak to some movement away from a strictly liberal frame and suggest something of a "post-liberal" citizenship, it is difficult to conceive of Bolivia's emergent state-society relations as either communitarian or corporatist.<sup>17</sup> However, nor does the specter of populism seem an adequate description of Bolivian politics, owing to both the numerous social movements organized from below that have managed to sidestep the mobilizational influences of the country's charismatic leader, and the MAS's permeability to "popular input in areas where civil society is strong and has mechanisms to arrive at collective decisions" (Anria 2014).<sup>18</sup> Eluding easy characterization, the form of interest intermediation in contemporary Bolivia remains a disorderly affair that is concomitantly plural, cyclical and reactive, which I will characterize as "contentious bargaining," to borrow a term from Santiago Anria (2010: 104).

This brings us to the third question posed above: why is the construction of indigenous autonomies, and the exercise of indigenous rights more generally, simultaneously being enhanced and impeded in Bolivia? This study finds that contradictions evident in the

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<sup>17</sup> Corporatism, in contrast with pluralism, is a system of interest intermediation that vertically links officially sanctioned and controlled interest groups to the institutions of the state. These class-based "peak associations," most commonly including business, labour and peasant groups, are exclusive channels for involvement in state's decision making and receipt of subsidies, while they provide support and legitimation for the state. Implemented in most Latin American states in the middle decades of the 1900s, the corporatism model faded from the region's politics in the 1980s and 1990s, deliberately replaced by neoliberalism's "more atomized or individuated set of state-society relations" (Yahsar 2005: 57), and as a consequence of the surge of broader, non-class-based social movements.

<sup>18</sup> I follow Kenneth Roberts in his conceptualization of populism as not linked to any particular socioeconomic policy set, but as "the top-down political mobilization of mass constituencies by personalistic leaders who challenge elite groups on behalf of an ill-defined *pueblo*, or 'the people'" (2007: 5).

implementation of indigenous autonomy are most significantly a consequence the changing character of the MAS Party as it has shifted from an oppositional force to the government itself. It traces how union leader Evo Morales and his political party capitalized on sustained social movement mobilizations against Bolivia's neoliberal program and won the Presidency in 2005 on an anti-neoliberal and anti-imperialist platform. The campaign promises and subsequent discourse of the Morales administration and the MAS have prominently featured, *inter alia*, the promotion of citizenship rights and democratic inclusion for Bolivia's long-marginalized indigenous majority.<sup>19</sup> However, in the course of two terms in office, Morales and the MAS have shifted away from many of the central demands articulated by social movements, especially indigenous social movements, enacting Marx's lament that appears in this chapter's epigraph. This has occurred for two reasons: (1) the electoral imperatives of being no longer an oppositional social organization but an elected government that wants to retain power in a diverse and conflictual political terrain, and (2) the party's development program, which attempts to respond to widespread calls for economic growth and poverty reduction. In response to what Marx called an epoch of "revolutionary crisis" – in this case dramatic and protracted social movement mobilizations that "swept away an atrophied neoliberal political order" (Hylton and Thomson 2007: 144) –, we observe Morales and the MAS "summon up the spirits of the past" (Marx 2002: 19) both in their discursive borrowing of names from pre-colonial indigenous vocabularies, and in their reenactment of much of the "national-popular" state-led development program of the MNR following the 1952 Revolution (see Zavaleta 2008[1986]). Having secured

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<sup>19</sup> Bolivia's population is frequently characterized as more than 50% indigenous, both within the country and by international observers; however, this question is contentious, especially within Bolivia, and will be discussed at length in Chapter II.

political hegemony, the MAS, rather than returning to the *ayllu*<sup>20</sup> or a seeking to implement a socialist utopia, has pursued the next phase of development of a popular and more productive capitalism – this time with an Andean inflection. In this context, the party’s development agenda and electoral imperatives sometimes conflict with a project of indigenous autonomy. Thus, the new institutions that indigenous peoples demanded, and for which they won early discursive and some material support from the “plurinational” state, are now being constructed in a political arena in which the correlation of forces – both locally and nationally – is distinct from that which existed a decade ago. This study suggests that one of the greatest determinants of the implementation of indigenous autonomy will be whether the MAS and its leadership promotes, impedes, or merely ignores its elaboration. In the context of the contentious bargaining that defines Bolivian politics, the disposition of the MAS will depend, to a large extent, on whether indigenous social movements prevail in their mobilizational efforts and convince the party and its leadership to enhance indigenous self-determination.

### *Outline of the dissertation*

Chapter I commences with an exposition of key theoretical debates related to indigenous institutions of self-governance and the power relations that are constituted by and consequently shape them, and in the process addresses several conceptual and contextual issues. My theoretical starting point is the literature on institutions and institutional change, which includes a brief review of concepts such as critical junctures and path dependency that will be used throughout the thesis (North 1990; Collier and Collier 1991; DiMaggio and Powell 1991; Hall and Taylor 1996; Schmidt 2008; Thelen and Mahoney 2009). That foundation sets the stage for

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<sup>20</sup> In the Andes, the *ayllu* is a kinship- and territory-based socio-political form of pre-colonial origin. Historically, many *ayllus* were geographically discontinuous and spanned several ecological zones, which contributed to the maintenance of food security in the face of the adverse environmental conditions (Colque and Cameron 2010).

an important contribution of this text: although existing institutions – both formal and informal (O’Donnell 1996a; Helmke and Levitsky 2004) – are key to understanding the emergent indigenous autonomies, institutional hybridity (Goodfellow and Lindemann 2013) better explains why indigenous self-governance looks the way it does in contemporary nation-states. The exploration of institutions next turns to the dissertation’s central question of how they shape and are shaped by power relations, both in terms of state-society relations, and relations among various social sectors, drawing especially on Marx (1867), Bourdieu (1977), and DiMaggio and Powell (1991). I then place the institutional scholarship in dialogue with questions of sovereignty, self-determination and self-governance from the indigenous rights literature (Stavenhagen 2000; Xanthaki 2007; Lightfoot 2013), arguing that what we see in Bolivia is best understood as accentuated self-governance, rather than indigenous sovereignty. It is farther still from self-determination. Along the way, these discussions will intersect with: sociological and cultural studies scholarship on hybridity (e.g.; Bhabha 1994; Hall 1994; García Canclini 1995; Rivera Cusicanqui 2012) and identity (DuBois 1969 [1903]; Foucault 1978; Calhoun 1995; Connolly 2002; Canessa 2012); critical analyses of projects of state formation (Corrigan and Sayer 1985; Scott 1998); studies of geography and territory and the effects of decentralization on local institutions (Cameron, J. 2010a; Ó Tuathail 2010; Diaz-Serrano and Rodríguez-Pose 2011); and some broad sociological questions posed by Durkheim and Pierre Bourdieu. All of the above, finally, sets the stage for specific debates within the literatures on the quality and diversity of democracy (O’Donnell, Vargas Cullell and Iazzetta 2004; Santos 2004; Seele and Peruzzotti 2009; Cameron and Luna 2010) and citizenship (Marshall 1950; Yashar 2005) as they speak to questions of institutions of indigenous self-governance, as well as how democracy and citizenship are being modified by observable practices of indigenous self-governance.

From that theoretical and conceptual foundation, the historical and descriptive Chapter II then elucidates the particular context in which new institutions of indigenous self-governance are unfolding in Bolivia. A brief historical overview is provided to situate the narrative of the contemporary changes that are taking place in that country, the locus of which is the 2009 Constitution. The novel legal framework derived from the Constitution is then reviewed, with careful attention to the procedural and institutional changes underway in relation to indigenous self-governance. This is followed by an in-depth analysis of what I assess are the most instructive cases – Jesús de Machaca, Mojocoya, Tarabuco, Charagua, and Curahuara de Carangas – and a more cursory analysis of seven secondary cases.<sup>21</sup> Methodologically, this chapter is grounded in *process tracing*, by which I seek to elucidate the key causal mechanisms that led to particular outcomes in each case (George and Bennett 2004).

Chapter III then provides a deeper empirical investigation into the new institutions of indigenous self-governance by comparing the autonomy statutes elaborated to date. This involves a close textual reading of eight autonomy statutes – those of Mojocoya, Charagua, Pampa Aullagas, Totorá, Chipaya, Charazani, and two from Jesús de Machaca – followed by an assessment of the variations and commonalities among them. From this inductive process, I conceive of the emergent institutions of indigenous self-governance as constituting a *hybrid model of indigenous autonomy* that draws on both liberal and municipal foundations and indigenous norm and procedures. As noted above, I locate each of the statutes elaborated thus far along a continuum, from more liberal to more communitarian.

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<sup>21</sup> As elaborated in Chapter II, I employed two criteria in the selection of primary cases for this study: (1) I chose municipalities in which recent or historical political events indicated a likelihood of offering salient insights into the construction of indigenous autonomy, e.g. Mojocoya's rapid approval of their autonomy statute, and Curahuara de Carangas's rejection of a referendum on autonomy, and (2) I sought to ensure a range of cases across ethnic and geographic difference, i.e. including municipalities in which the majority of residents are varyingly Aymara, Quechua, or Guaraní, and ensuring representation from each of Bolivia's major regions – the *altiplano*, central valleys, and Eastern lowlands.

The empirics of the previous two chapters inform a critical analysis of indigenous rights in Bolivia since 2005 – looking both at and beyond the novel elaboration of statutes and construction of AIOCs to a more holistic assessment of the state of indigenous rights. I undertake this in Chapter IV, which also incorporates two new elements: (1) a broader analysis of the 2009 Constitution and secondary legislation, and (2) a specific focus on the debate over highway construction through the Isiboro Sécore Indigenous Territory and National Park (TIPNIS). Together, these analyses enable us to triangulate the official discourses and practices around indigenous rights, showcase how they have been simultaneously enhanced and constrained, and indicate the specific mechanisms that impede indigenous rights in Bolivia.

In the dissertation's conclusion, I return to the broader theoretical questions of indigenous rights, democracy, citizenship and the overarching theme of institutions and power relations, as outlined in Chapter I. There, I further refine my argument of the historical and cultural contingency of constructing institutions of indigenous self-governance; discuss the tensions between dimensions of democracy (in the present case, principally representative and communitarian); and comment on plurinational citizenship in Bolivia. I reflect on some possible outcomes of the present-day transformations that Bolivia is navigating. Noting the results of the 1994 Law of Popular Participation, by which local power was devolved but not always in the manner anticipated by the party that initiated that devolution (the National Revolutionary Movement), it is important to acknowledge that the consequences of the political program being advanced by the MAS will be varyingly intended and unintended. I suggest that although the MAS has often acted to limit the very spaces of indigenous self-governance that it played a key role in opening, the expectations that have been engendered by the political reforms since 2006 can be expected to fuel new rounds of contestation over indigenous rights that may move the

political field toward greater inclusion and representation, or, alternatively, circumscribe indigenous rights. Finally, I highlight what this study indicates about countries' fulfillment of the UN Declaration on the Rights of Indigenous Peoples, in particular with regard to issues of territorial geography, natural resources, and the rights of consultation and consent, and discuss the exogenous and endogenous origins of Bolivia's politicized indigeneity.

Though the present study focuses on the construction of and changes in indigenous institutions of self-governance in Bolivia, these findings speak more broadly to a range of contemporary nation-states with both colonial histories and contemporary struggles over plural sovereignties – a contentious politics observable in much of Latin America. It is within that tension that the dissertation's title, *Instituting Power*, is intended to encapsulate the dual nature of much of the region's contemporary political change. Placing the inflection on “instituting” emphasizes its adjective form – an institutionalizing type of power. *Instituting* power, in this reading, characterizes a technology of government by which the state implements institutional reform to reorient power in society: to assert new “rules of the game” and construct a correlation of social forces toward new or renewed goals (e.g. economic development, the centralization of authority, the redistribution of rents), either by imposing those goals on society or by soliciting a broad range of social sectors to accept and reproduce them in a sort of Foucauldian governmentality. When “instituting” is cast as the present participle verb form, the focus shifts to one of instituting *power*, which describes the efforts of indigenous and other social forces to mobilize from below and prevail upon the state to create novel institutions that respond to their historical demands for rights and political inclusion. In this double sense, the state and indigenous peoples can be seen as recursively reshaping institutions and power relations from both above and below.

## **Chapter I. Theoretical framework, conceptual issues**

This dissertation asks three preliminary questions about the construction of new institutions of indigenous self-governance, and then poses what the findings of that analysis signify for democracy, citizenship, and indigenous rights in Bolivia. Numerous bodies of literature are crucial for this undertaking, and it is necessary to explain how several concepts are being used. This chapter provides a theoretical and conceptual overview for each of the questions of this study. First, this dissertation asks what are the existing models and practices upon which these new institutions draw upon in the design of institutions of indigenous autonomy? Answering that requires an exploration of scholarship on institutions and institutional change, and an explication of norms and procedures that are of either a pre-colonial indigenous or liberal origins. Second, I investigate the emergent forms and trajectories of local indigenous self-governance, and those factors most significantly account for observable variations. In addition to the institutional literature, this calls upon theorization around questions of identity, hybridity, spatiality and territoriality, state formation, and the relationship between institutions and power. Third, I pose the question of why the implementation of indigenous self-governance, and the exercise of indigenous rights more generally, is being simultaneously enhanced and impeded in Bolivia. This question builds upon those literatures already mentioned, supplemented by scholarship on indigenous rights and the diffusion of international norms. In the realm of democracy, this study enters into dialogue with writing on the quality and diversity of democracy. The engagement with citizenship turns to the literatures on the form and content of citizenship, as well as conceptualization of

multiculturalism, plurinationalism, (post)liberalism, and (post)neoliberalism. This theoretical chapter will be followed by two largely empirical sections, Chapters II and III, and then a shift from description to analysis in Chapter IV, before returning to address these various bodies of theory in the Conclusion.

This discussion could begin by looking at diverse conceptions of democracy, the diffusion or localization of international norms of indigenous rights, or contrasting notions of citizenship (multicultural and plurinational). However, I have chosen instead to ground the present debate in theories of institutions and institutional change. To some, it will appear counterintuitive to begin to theorize processes and structures of indigenous self-governance, with their roots in pre-colonial oral traditions and processes such as the rotation of authority, by looking at theories of institutions, but I take the approach for several reasons. Most significantly, over the past three decades, the literatures on institutions has been richly developed in the social sciences, and has been effectively employed to account for changes in structures and processes. Thus, I expect that thinking about institutions and how they are created and modified will contribute to an explanation of the changes in local self-governance in Bolivia. Moreover, numerous observations during my fieldwork indicated that informal institutions and the combination of distinct institutional forms are a significant part of the story, and the extensive literature on institutions has explored these themes. Lastly, I expect that an institutional change foundation will open fruitful lines of debate that can then be picked up in the other literatures. As the following discussion illustrates, thinking about institutions, institutional change, and institutional hybridity provides both a useful theoretical point of departure, and helps explain the construction of indigenous autonomy in Bolivia.

## *Institutions, power and hybridity*

Institutions and institutional change have been extensively theorized in the social sciences, and in particular in political science, to explain social phenomena and the behaviour of social agents.<sup>22</sup> As Hall and Taylor (1996) and Thelen (1999) have outlined, we can conceive of at least three major schools of thought that have developed around the theme: rational choice, (structural-) historical, and sociological institutionalism.<sup>23</sup> A fourth body of institutional literature – discursive institutionalism – has also emerged in recent years. Each of these are described below, followed by an integrated discussion of their utility in relation to the themes of this study.

Rationalists focus on micro-level human agency and see institutions as functional constraints that influence human behaviour. Writing from a rationalist perspective, Douglass North has offered an influential definition for institutions, which serves as a constructive starting point for conceptualizing institutions: “the rules of the game... the human devised constraints that shape human interactions” which, in turn, “structure incentives in human exchange” (1990: 3).<sup>24</sup> For

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<sup>22</sup> My use of the terms “agent” and “social agents” in place of the more common term in political science, “actor,” throughout this dissertation is deliberate, principally a consequence of an ontological position that views social structures and relations as more explanatory than individuated and strategic notions of actors generally assume, and which find their ultimate expression in rational actor theories. I concur with Bourdieu in his perception that the dispositions and preferences embodied in the “individual” agent cannot be separated from practice, that is to say from the “objective structures” that constrain and condition an agents’ “perceptions, appreciations, and actions” (1977: 85). The term is also used by O’Donnell to describe citizens in a democratic system: “In a democratic regime, citizens have the right to vote and to be elected and are thus legally defined as *agents*. That is, they are attributed the capacity to make choices that are deemed sufficiently reasonable as to have significant consequences, in terms of the aggregation of votes and of the incumbency of governing roles, and the capacity to exercise these rights and their correlated obligations. Moreover, this legal attribution of agency is the result of a universalistic and institutionalized wager.” (2007: 15).

<sup>23</sup> As Hall and Taylor (1996) note, each of these aggregations is fairly broad and contains internal disagreements, thus those falling within each group are far from homogenous in their view of institutions. Moreover, many scholars have theorized across these schools of thought, bringing together rationalist, structural-historical and sociological explanations of human behaviour: Bates et. al. (1998) unite rationalist and historical institutionalism; Tarrow (1998) combines rationalist and cultural perspectives; Reno (1999) intertwines rational choice and structural world system approaches; and Spruyt (1994) and Acemoglu and Robinson (2005) merge rationalist with structuralist orientations.

<sup>24</sup> Although North believes that efficient institutions create positive environments for goals such as economic growth, he does not assume that institutions are always efficient in their design; indeed, he argues that institutions

rationalists, institutions are key in explaining how benefits and sanctions are conveyed to “actors,” with institutions often, but not always, seen as promoting efficiency in human decisions. Rationalist perspectives are almost always deductive, making generalizations about human motivations and behaviour, such as the belief that actors are motivated by utility maximization and intentionality. As such, agents’ preferences are typically held exogenous to rationalist analyses. Meanwhile, power relations and dynamics are, for the most part, ignored or downplayed.

Historical, or structural-historical, approaches scale up their understanding of institutions to processes and norms that are embedded in large, persistent structural edifices, such as political organizations, the state’s form of political economy, and global systems (i.e. centre and peripheral positions in the global economy). They view institutions as effecting human behaviour on a macro-level through social processes that, in the words of Marx (1867), take place “behind the backs” of individuals. Thus, structural-historical institutionalists do not assume human agents to be utility maximizers; rather, they see institutions as existing within power relations, which are nearly always asymmetrical. Change and persistence of institutions and other political phenomena have often been explained by structuralists and historical sociologists through the concepts “critical junctures” and “path dependence” (Lipset and Rokkan 1967; Collier and Collier 1991; Mahoney and Snyder 1999). *Critical junctures* were conceived of by Seymour Lipset and Stein Rokkan (1967) to describe the multiple branching points that they observed in the formation of European party systems. These points were “foundational moments,” explain James Mahoney and Richard Snyder, when “political action created structures that had persistent causal effects which shaped subsequent trajectories of political

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“are not necessarily or even usually created to be socially efficient; rather they, or at least the formal rules, are created to serve the interests of those with the bargaining power to devise new rules” (1990: 16).

change” (1999: 16). Ruth and David Collier characterize critical junctures as periods of significant change that “dislodge” previous institutional patterns, occurring differently in varying contexts, but which produce distinct legacies (1991: 27-39). “Cleavages” and “crises” are commonly identified as such foundational moments (Collier and Collier 1991: 32). Frequently employed in conjunction with critical junctures, *path dependent* patterns describe situations in which, following antecedent conditions such as a significant transition or social cleavage, a particular trajectory is established and reproduced from which it is difficult for agents to deviate. This found an early expression in Paul David’s popular aphorism “one damn thing follows another” (1985: 332), but is captured most succinctly in Mahoney and Snyder’s pithy observation: “history binds” (1999: 16). Arthur Stinchcombe (1968) and Stephen Krasner (1999) provide important theoretical insights into the forces at play, attributing the reproduction of a particular path to the establishment of vested interests by powerful players, sunken costs, and capital stock in the form of “information trust and shared expectations” that exist once institutional structures are in place (Krasner 1999: 79).

Sociological institutionalists view institutions as interrelated with culture, defining institutions as symbolic systems or shared “cognitive scripts” – generally taken-for-granted by agents – that are imbued with meaning and which provide “interpretive frames” for understanding social reality (Meyer and Rowan 1991[1977]; DiMaggio and Powell 1991; see also Hall and Taylor 1996). As with structural-historical perspectives, human behaviour is a consequence of broader systems that cannot be reduced to the motives or attributes of individual agents (Meyer and Rowan 1991[1977]; DiMaggio and Powell 1991). This is not to say that individuals do not act rationally, but that rational behaviour itself is constituted socially (Hall and Taylor 1996). Thus, in their seminal sociological essay on institutions in “modern societies,”

Meyer and Rowan argue that embedded within institutional rules are “highly rationalized myths” that guide agents’ thoughts and actions in ways that are socially “legitimate” (1991[1977]: 42-44). In the same vein, French sociologist Pierre Bourdieu (1977) argued that what is at play is not rationality, but a social structuring of an agent’s perceptions and actions – the durable dispositions that, following Edmund Husserl, he called “habitus.” An agent’s dispositions, he argued, do not reach the level of consciousness, but rather constitute “an intentionality without intention... a practical mastery of the regularities of the world that allows one to anticipate its future without having to pose it as such” (Bourdieu 1988: 783-784).<sup>25</sup> Where the dispositions of mental structure (habitus) correspond closely with the social structure (i.e. institutions), there is a strong tendency to reproduce the social structure, and thus achieve the “naturalization of its own arbitrariness” (1977: 164). Social reproduction of “arbitrary” norms or behaviours takes on the appearance of being natural and self-evident, in what Bourdieu called *doxa* (1977: 164).<sup>26</sup>

Lastly, discursive institutionalism brings ideas, discourse, texts and interactive communication to the foreground of institutional analysis, doing so within an agent-centered framework (Phillips, Lawrence and Hardy 2004; Schmidt 2008). Coming closest to sociological perspectives, the discursive one engages with cognitive dimensions of human behaviour; however, it rejects that cognition is taken-for-granted or that it occurs behind agents’ backs.

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<sup>25</sup> Bourdieu draws significantly from phenomenological theorists, most notably Edmund Husserl. His popularization of the term “habitus” comes from Husserl, who describes a “field” or “network” of “intentionalities” by which agents retain past experiences and incorporate them into their “intuitive expectations” (Lane 2000: 24). Husserl’s articulation of a “practical sense” of what constitutes and does not constitute an “objective potentiality” (Lane 2000: 24) is developed by Bourdieu into his explanation of human behaviour being guided by a principle of “intentionality without intention” (Bourdieu 1988: 783). Jeremy Lane likens this to the common action of placing a spoon in one’s mouth, “agents will have only a ‘practical’ sense of what they are doing; they will intuitively anticipate the position of their own mouth, for example, based on practical aptitudes they have picked up through past experience” (2000: 24). Thus, Bourdieu’s habitus is less a matter of cognition than an embodied practice that an agent is “caught up in” (Bourdieu 1997: 143). He invokes Maurice Merleau-Ponty’s analogy of a footballer’s practical knowledge of a field: for the skilled player, the field is not an “object” but an “immanent term of his practical intentions; the player becomes one with it and feels the direction of the ‘goal’” (1963: 168-169).

<sup>26</sup> Bourdieu borrows the Greek term *doxa*, meaning “opinion” or “belief,” to characterize that which is taken for granted. It is “arbitrary” because the world appears to agents as self-evident, yet is only one possible understanding of reality: “the world of tradition experienced as a ‘natural world’ and taken for granted” (1977: 164).

Institutions, discursive institutionalists argue, are not “external-rule-following” structures, but are “structures and constructs internal to agents” that provide them with ideational and discursive abilities (Schmidt 2008: 303). Where discursive institutionalism is most distinct is that it takes “a more dynamic view of change, in which ideas and discourse overcome obstacles” of the other three institutionalisms (Schmidt 2008: 304).

In this dissertation, I conceive of institutions following structural-historical and sociological approaches. This orientation is based both on a greater coherence with my inductive and empirically based methodological approach, and how productive these theoretical perspectives and the concepts with which they work are for understanding social processes that involve indigenous peoples and institutional design. In terms of methodology, this study’s evidence-driven approach to research design is highly compatible with theoretical approaches that tend toward the inductive, such as structural-historical institutionalism’s analysis of power relations and sociological perspectives’ attention to the symbolic systems that translate to distinct social meanings. Least congruent among the approaches to institutions is rational choice institutionalism, which is more likely to be oriented toward deductive theory demonstration. Relatedly, rationalism’s generalizations and assumptions about human behaviour have a problematic tendency to simplify and flatten consequential human motivations according to utility maximizing, instrumental and intentionalist logic, holding agents’ preferences as exogenous to the analysis. Yet, to the contrary, and without assuming one-dimensional or homogenous models of communal life, it is likely that those living in more collective-based communities are less motivated by the type of utility maximizing analysis assumed in rationalist analyses – including Milton Friedman’s “as if” calculus by which rational behaviour is

purportedly rewarded (1953: 21).<sup>27</sup> Setting aside the extent to which rational choice modeling is effective in predicting human behaviour in general, it is much less clear that such a system of rationalist rewards operates as such in collectivist contexts. In fact, the reverse might be true. Consider, for example, that responsibilities to the community (e.g. the holding of rotating community positions, *cargos*) are central to the organization of society, even as they present significant burdens to the family that assumes them. In such a context, self-promoting utility maximizing behaviour may not only not always be rewarded; to the contrary, it may yield detrimental consequences (i.e. diminution of one's reputation).

With regard to the productivity of these approaches, several observations became clear early in this investigation: that Bolivia's Revolution of 1952 was paramount in generating divergent trajectories between indigenous people and peasants; that this cleavage has crystalized into distinct culturally based ways of understanding the world, which significantly accounts for the distinctions in the design of new institutions of indigenous self-governance; and that power relations are central to understanding both the character of indigenous autonomy and the external constraints to indigenous self-governance. Sociological and structural-historical explanations offer constructive theoretical frameworks and useful concepts to understand such phenomena. From structural-historical institutionalism, I find particularly useful the concepts of path dependency, critical juncture, and crisis as ways to understand persistence and change.<sup>28</sup> From

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<sup>27</sup> Many rational choice theorists do not assume agents to be one-dimensional actors guided solely by rationalism or utility maximization (see, especially, North 1990), yet some maintain, following Milton Friedman (1953), that because rational behaviour is rewarded in the course of social or economic interactions and irrationally behaviour is negatively sanctioned, individuals' actions can be explained *as if* they are rational. In other words, rationality can still be assumed, unproblematically, as the starting point of analysis.

<sup>28</sup> The significance of crises in political change was illustrated, for example, by Sacha Llorenti, who in 2005 described the street protests, blockades and hunger strikes that triggered Bolivia's shift away from a strictly neoliberal form of political economy to a more state-centered mixed economy under political reformer Evo Morales: "This is a political crisis, because right now the government doesn't represent the interests of the citizens; an economic crisis because the policies of structural adjustment and the processes of privatization have not resolved the situation of poverty, discrimination and social exclusion for Bolivians; and a social crisis because Bolivians now

the sociological perspective, I find particularly constructive the attention to shared interpretive frames and symbols that give agents' actions and preferences meaning. This seems to be the best-equipped orientation to explain the centrality of culture and identity evident in the transformations that swept Bolivian society and politics from 2000-2005, as well as the widespread use of cultural symbols and resource nationalist frames in the official discourse since the 2005 election of President Morales. These two theoretical traditions also maintain a greater coherence with the type of questions raised by collective processes, such as the autonomous assemblies involved in the construction of indigenous autonomies in Bolivia. In other words, group action is better explained by theoretical perspectives that locate human agency above the level of individual motivations.

Rational actor theories are frequently based on functionalist assumptions by which institutions serve to coordinate functions and maintain existing political arrangements, presupposing that purpose can be discerned from outcome. In doing so, they are able to offer useful insights into the *persistence* of existing institutions, yet the those same assumptions make of rationalist theories less suited for explaining institutional *origins* (Hall and Taylor 1996). For example, Riker (1980) characterizes institutions as an important force of generating equilibrium in majority rule situations such as in the U.S. Congress. In Weingast and Marshall's (1988) application of economic theories of contracts and firms to legislative institutions, they show how institutions ensure bargains among members of Congress. Terry Moe (1984), in his analysis of public bureaucracies, employs theories drawn from the economics of organization – principal-actor relations, adverse selection, and moral hazard – to elucidate how bureaucracies work;

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are in a much more vulnerable state in social terms than they were ten years ago" (Tockman 2005). Llorenti made this remark during a 2005 interview, during the resignation of pro-market President Carlos Mesa, while he was one of Bolivia's leading human rights campaigners; at the time of writing, Llorenti is Bolivia's Ambassador to the United Nations.

however, when it comes to explaining how these institutions arise in the first place, he admits that the politicians who design bureaucracies are typically motivated by electoral objectives: their “reelection chances or policy interests” and patronage to their home district (1984: 767). In other words, while rationalist theories seem to be useful in explaining observed relationships, they turn to the realm of power politics when dealing with the questions with which this dissertation occupies itself – the design of *new* institutions.<sup>29</sup> As Thelen argues, rational choice analyses may be useful for sorting out the logic of a situation, but they are not a substitute for a comprehensive process-oriented analysis which “is often the only way to understand how some games came to be nested within others in the first place” (1999: 400).

Discursive institutionalism, meanwhile, may at first blush appear to be a useful approach to study processes as deliberative as the assembly-based elaboration of indigenous autonomy statutes. However, the data gathered in the course of this research project indicates that ideas and interactive communication are less consequential than power and culture. Even where new institutions are being constructed amidst a national discourse of a “process of change,” agents harken back to known institutional forms, revealing greater continuity and institutional “stickiness” than a discursive approach suggests.

### *Institutions and power*

This dissertation illustrates how agents and the power relations between them emerge from institutions, yet how agents and power dynamics also shape institutions. In other words, there is a cyclical constitution of institutions and power relations. It also reveals how indigenous agents interact with each other locally to develop divergent institutional trajectories. Culturally specific

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<sup>29</sup> A latter wave of rational actor theorists took a greater interest in the origins of institutions; see especially Bates et. al. (1998).

symbolic systems associated with being either indigenous/First Peoples or peasant are shown to provide agents with the interpretive frames that shape their dispositions, which translates into autonomy statutes that are divergently more communitarian and more liberal. Concepts and theories drawn from historical and sociological institutional literatures make important contributions to understanding these phenomena.

In terms of the cyclical constitution of institutions and power relations, historical institutionalists' notions of critical junctures and path dependencies productively depict key elements of these processes. The 1952 Revolution was the critical juncture that established in Bolivia two durable trajectories, creating distinct subjective senses of being indigenous or peasant. Yet despite attempts by the post-1952 governments of the MNR to construct a homogenous peasant identity for indigenous peoples, indigenous self-identification continued for many, alongside or instead of their state-sanctioned identities; moreover, the line between the two was complicated by the rise of the peasant-Aymara *Katarista* movement of the late-1960s and 1970s (discussed at the beginning of Chapter II). Nonetheless, from 1952 forward two distinct trajectories emerged among indigenous and peasant peoples, who practiced different norms, adopted different identities, and were organized within different confederations with varying structures. Those distinct paths have proven highly durable, as characterized by Paul Pierson and Theda Skocpol's account of path dependencies: "once actors have ventured far down a particular path, they are likely to find it very difficult to reverse course...The 'path not taken' or the political alternatives that were once quite plausible may become irretrievably lost" (2002: 665). Sociological accounts of enduring and constantly reenacted symbolic systems, such as Bourdieu's notion of *habitus*, offer alternative plausible explanations of the staying power of these distinct modes of identification.

Consequently, as indigenous and peasant agents have been called upon to design new institutions of indigenous self-governance, they have turned to their respective symbolic systems, and produced two distinct subtypes of indigenous autonomy. To understand these processes, as explored in Chapters II and III, it is crucial to analyze the particular symbolic systems employed by the two groups. Here we see that institutions, as symbolic systems, provide agents with cognitive scripts, taken-for-granted interpretive frames that are imbued with meaning and that define for agents their social worlds (Meyer and Rowan 1991 [1977]; DiMaggio and Powell 1991). This is not to say that agents are mechanical rule-following “cultural dopes” (Garfinkel 1967: 68), or that they are incapable of imagining other possible scenarios, but that agents have a tendency to reproduce the institutional forms that have shaped their worlds. Put otherwise, institutions establish “the very criteria by which people discover their preferences” (DiMaggio and Powell 1991: 11). Such an understanding of institutions was articulated in Shmuel Eisenstadt’s study of the relation of culture and social structure in “historical societies” (imperial, imperial-feudal, city-states, and patrimonial societies), in which he observed, “...different constellations of cultural codes, as carried by different types of elites, generate different institutional patterns in general and patterns of change in particular” (1980: 850). Similarly, Robert Putnam (1993), looking at 20 regional governments in Italy, showed how socio-political differences between northern and southern Italy (legacies of communal republics and a powerful monarchy, respectively, and the consequential level of “social capital”) generated distinct outcomes in institutional performance. Although the national contexts, time-frames and variables evaluated differ considerably, the present investigation into the construction of 11 new indigenous institutions in Bolivia shares Putnam’s observations about the effects of socio-cultural difference on institutional variation.<sup>30</sup> Where Putnam found that differences in

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<sup>30</sup> This dissertation is also reminiscent of Putnam’s project in that it undertakes a comparative study of “a unique

democratic institutional performance are linked to the vibrancy of civic engagement in Italy's north and south, I observe differences in institutional design in Bolivia to be a consequence of the distinct norms, modes of identification, and organizational structures of indigenous peoples and peasants.

Chapter II will also profile how the particularities of new institutional forms reflect relations of power among local indigenous agents.<sup>31</sup> Bourdieu's (1989) conception of "symbolic power" is particularly useful for understanding how power relations operate among local agents. Symbolic power describes the ability of certain social groups – such as, in the case of Bolivia, indigenous peoples and peasants – to impose their view of the world on others. It is a "world-making" power that accrues to those "who have obtained sufficient recognition to be in a position to impose recognition" (1989: 22-23). Groups have symbolic power when they carry sufficient honor, attention, prestige or reputation to effectively shape how the social world and its array of groups are "classified" – in other words, how each group is conceived within a social order. However, the classification of groups "cannot be a construction *ex nihilo*," Bourdieu insists, as it "depends on the degree to which the vision is founded on reality" (1989: 23). Bourdieu's student and co-author, Loïc Wacquant, explains that the classificatory schemes by which society is actively constructed have a tendency to "represent the structures out of which they are issued as natural and necessary, rather than [as is actually the case] as the historically contingent fall-outs of a given balance of power between classes, 'ethnic' groups, or genders" (1992: 14). However, following Bourdieu, he argues, "if we grant that symbolic systems are social products that contribute to making the world, that they do not simply mirror social

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experiment in institutional reform" as powers of the central government are devolved to a sub-national level (Putnam 1993: 3).

<sup>31</sup> In Bolivia's contemporary environment, local non-indigenous people have not significantly factored into the pace or success in constituting systems of indigenous self-governance.

relations but help *constitute* them, then one can, within limits, transform the world by transforming its representation” (1992: 14). Thus, those that have secured significant symbolic power – in the present study, indigenous peoples and peasants – may use it as a “power of constitution” of social reality by re-classifying respective social groups as more or less relevant, more or less included in the new social order (Bourdieu 1989: 23). In the struggle over local political power in Bolivia, indigenous peoples and peasants have established sufficient reputation and/or attention through previous struggles to wield significant symbolic power, such that they are able to define the way that social groups are classified in the new indigenous autonomies. One way that this is occurring is through the drafting of autonomy statutes that redefine, reclassify and rename the local political field according to a new schema. Where indigenous peoples are relatively united in a singular organizational structure, that process has advanced more rapidly. Where power relations among local indigenous agents are divided, the construction of new institutions has been slower or completely impeded.

Observing the interplay of institutions and power relations helps us not only understand institutional design and change, but also the nature of power itself. Power, as depicted by these processes, appears as more collective and decentered than conventional notions of power, which tend to define power by its instrumental capacity, often individuated, to produce specific effects, usually intended ones, and which are principally concerned with “power over” others (Hobbes 2005 [1651]; Russell 2004 [1938]; Dahl 1957; Lukes 2005 [1974]). In contrast, we see power taking the form of productive, relational and somewhat dispersed forces that pervade society, consistent with conceptualizations articulated by Foucault (1980; 1982) and Bourdieu (1992; 1993). Through what Foucault described as a “capillary form of power” (1980: 39) or what Bourdieu labeled “fields of power” (1989), power is exercised by agents as they negotiate the

definitions and meanings of their social world and struggle to realize their interests. Power is located, in this view, not in the human body, but in the social body; as such, power is something beyond physical strength or mental will. In this vein, Hannah Arendt observed, “Power corresponds to the human ability not just to act, but to act in concert. Power is never the property of an individual; it belongs to a group” (1970: 44). From this perspective, moreover, power is not the exclusive purview of the sovereign or a repressive juridical formation “from above,” even if, as Foucault argued, “in a certain way all other forms of power relation must refer to” the state (1982: 793). Power is also, and importantly, wielded by classes or groups as they struggle for dominance in social domains (Bourdieu 1993). When power is exercised by social groups and compels the construction of new official institutions, I characterize it as “instituting power.”

### *Informality versus hybridity*

One highly productive area of institutional theorizing of particular relevance to the investigation of the changing nature of institutions of local governance in Bolivia is the expanding field of *informal* institutions. In their seminal work on the topic, Helmke and Levitsky argue that, alongside the formal institutions frequently studied by the social sciences, “socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels” can also be highly consequential to social and political outcomes, at times with effects beyond formal rules, and thus informal institutions should be part of scholarly analysis (2004: 727). Agents may create informal institutions for various reasons, they assert: because formal ones are incomplete or ineffective, because certain goals are considered to be publicly unacceptable, or because actors cannot achieve formal institutional solutions (2004: 730). For example, Todd Eisenstadt (2003) describes how informal “bargaining tables” mitigated conflicts

after local elections took place in Mexico, even as formal channels were being constituted in the form of electoral commissions and courts. Therein, he argues, “even well-designed formal institutions may actually be subverted by actors’ political discretion until actor consent is granted” (2003: 27). These formulations are helpful in understanding some of the patterns that will be explored in this dissertation, namely Bolivia’s routinized repertoires of social protest (e.g. blockades, marches) and the practices of indigenous autonomy prior to their sanction by the state.

However, the central focus of this study, indigenous autonomy, is neither accurately characterized as an informal institution, nor does it fit within the typology of formal-informal institutional relations formulated by Helmke and Levitsky (2004). The authors develop a typology of ways that formal and informal institutions can interrelate, describing four possibilities: complementary, substitutive, accommodating and competing. While the complementary category – in which informal institutions “coexist with effective formal institutions, such that actors expect that the rules that exist on paper will be enforced” – comes the closest to describing how new state-sanctioned institutions of indigenous autonomy have been conceived, it does not capture the fusion that appears to be occurring between informal and formal institutions. As Tom Goodfellow and Stefan Lindemann (2013) note, there is an important distinction to be drawn between what Gabi Hesselbein et. al. called “institutional multiplicity” (2006: 1) and institutional hybridity, in that the latter entails a syncretism that incorporates features of both traditions, as opposed to distinct institutions existing parallel to one

another.<sup>32</sup> The union of institutional traditions shifts us beyond the realm of co-existing, parallel rules that are alternately written and not, officially sanctioned or not.

A more useful way of thinking about the fusing of institutions is through the notion of institutional hybridity. Goodfellow and Lindemann have employed this term, for example, in their study of local authority in the Buganda Kingdom in Uganda to explain the synthesis or union of political systems or principles. There, they define institutional hybridity as “when rules and procedures associated with the state merge in some way with those of other organisations” (2013: 6). Similarly, in his study of chieftains of South Africa, Michael Williams observes the “mutual transformation of both the state institutions and the chieftaincy and the blending together of the different political norms, rules, and processes associated with each” (2010: 3). While these conceptions are helpful in describing the types of institutional patterns under analysis, they assume a conventional conception of institutions that does not account for the symbolic systems that provide frames for understanding and shape human behaviour. Taking a more sociological approach, I characterize institutional hybridity as the mixture of not just rules and processes, but the symbolic systems through which agents understand and act upon their world. Thus, I define institutional hybridity as *the fusion of the official rules, procedures and/or symbolic systems that structure human behaviour with those of social groups that wield symbolic power toward the constitution of new shared cognitive scripts that have structural or processual effects*. The caveat of those that wield symbolic power is an important element, as it emphasizes that not any social group can act upon and hybridize the institutions of the state; those with such capacity have necessarily already, to a significant extent, imposed their view of the world on society, and have thus constituted social reality according to their vision of it. In other words,

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<sup>32</sup> Hesselbein et. al. describe institutional multiplicity as: “multiple ‘rule systems’ that confront economic and political actors providing distinct and different normative frameworks and incentive structures in which they act” (2006: 1).

through past social action, groups such as indigenous peoples have secured enough public legitimacy to enter the game of institutional design.

Hybridity has been extensively theorized by sociologists, anthropologists and cultural theorists, especially in the post-colonial literature (Gilroy 1993; Bhabha 1994; Hall 1994; García Canclini 1995), with one of the most influential – and contentious – works being Néstor García Canclini's *Hybrid Cultures: Strategies for Entering and Leaving Modernity* (1995; first published in Spanish in 1990). Problematizing the relations and tensions between the “traditional” and the “modern” in Latin America, García Canclini employs hybridity as a tool to describe the effects of globalization on symbolic systems, by which elements of distinct cultures come into contact and create new combinations (1995: 207).<sup>33</sup> In doing so, he challenges binary accounts of social relations (i.e. developmental, modern, liberal, Marxist, and subaltern perspectives), arguing that people's experience of culture is complex, neither “authentic” nor “impure” – that is to say, not simply either traditional *or* modern. Yet in this move, questions of political economy and power relations become so obscured that García Canclini effectively surrenders class and ethnic struggles to very the market-industrial forces he seeks to critique.<sup>34</sup> Other scholars propose more politicized engagements with hybridity. For example, Stuart Hall uses the concept to explain cultural identities and post-colonial struggles of the “black diaspora”: “The diaspora experience as I intend it here is defined, not by essence or purity, but by the recognition of a necessary heterogeneity and diversity; by a conception of ‘identity’ which lives

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<sup>33</sup> García Canclini distinguishes hybridization from *mestizaje* and syncretism, which he characterizes as generally being inflected with racial and traditional-religious assumptions, respectively (1995: 11).

<sup>34</sup> While foundational to discussions about cultural mixing, including the questions explored in this dissertation, García Canclini's notion of hybridity problematically moves beyond simply posing a descriptive taxonomy of culture to a “*normative* concept for cultural studies,” shifting the conversation from politics and economy to the domain of culture (Beverley 1999: 126). Although progressive socio-economic concerns apparently underlie the postmodern culturalist perspective for which García Canclini advocates (Rodríguez 1997), by shifting his attention instead to the technology-enabled conversion of high art into mass consumption and the consequences for culture, power relations and inequality are neglected in his postulations.

with and through, not despite, difference; by *hybridity*” (1994: 401-402, emphasis in original text). More provocatively still, Silvia Rivera Cusicanqui (2012) directly challenges what she characterizes as García Canclini’s “lite” notion of cultural hybridity. She argues that it is based on a biological concept of intra-species breeding that connotes “infertility” – as with a mule that cannot reproduce – and orients us unconstructively to a fixed point (i.e. *mestizo*), a cultural cul-de-sac that is unlikely to propel political reform. In place of hybridization, Rivera Cusicanqui creatively proposes the Aymara concept of *ch’ixi*, which, she likens to René Zavaleta’s notion of *sociedad abigarrada* – the multi-coloured or motley Bolivian society that the elites cannot homogenize (2008[1986]; see also Wanderley 2005). *Ch’ixi*, she explains, names something grey, which both *is* and *is not* simultaneously: “It is the logic of the included third... [expressing] the parallel coexistence of multiple cultural differences that do not extinguish but instead antagonize and complement each other” (2012: 105). The terminological shift is appealing for its ability to account for the agonistic complementarity of cultural differences – with none of the contributing cultures disappearing in the process (of *mestizaje*). However, rather than substituting *ch’ixi* for hybridity in this text, I propose instead that *ch’ixi* be employed to reconceptualize hybridity. Hybridization can thus be reformulated as *the complementary yet often antagonistic fusion of distinct cultural forms, mutually constituting new ideas, norms or material cultural expressions – while not necessarily extinguishing the contributing ones.*

### *Institutions and spatiality*

Finally, when looking at the changing nature of institutions of *local* governance, it is important to place the analysis in the context of the specific socio-territorial changes associated with the decentralization of government powers, which were implemented to varying degrees by “almost

all Latin American countries” during the 1990s (Eisenstadt 2011: 165), and have been popular across the global North and South over the past four decades (Kohl and Farthing 2006). This is important for two reasons. On the one hand, as various observers have noted, political decentralization has had significant, albeit contradictory, effects on participation by local indigenous and *campesino* community organizations – as *grassroots territorial organizations*, GTOs – and the election of grassroots indigenous leaders to municipal and, subsequently, national offices (Medeiros 2001; Kohl and Farthing 2006; Postero 2007). On the other, as some critical geographers such as Gearóid Ó Tuathail (2010) have posited, area studies scholars need to pay closer attention to the complexity of place and internal diversity of agents than has been undertaken by investigations that have assumed a Cold War calculus – that is, an approach that “disaggregates rather than homogenizes” (2010: 257).<sup>35</sup>

In Bolivia, decentralization was accomplished through the 1994 Law of Popular Participation (LPP), which devolved executive, legislative and bureaucratic authority to the municipal level, assigning 20 percent of the national budget to municipalities on a per capita basis (Centellas 2013).<sup>36</sup> The LPP provided mechanisms for local citizen groups (GTOs) to be involved in the oversight of municipal functions, providing new spaces for local participation by indigenous and *campesino* groups. The creation of 250 new municipalities, largely indigenous, had immediate consequences for indigenous and peasant representation; in the 1995 national elections, 29 percent of public offices (464 out of 1624) were filled by indigenous and peasant candidates across 200 municipalities (Kohl and Farthing 2006). Decentralization also served to reorient

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<sup>35</sup> Additionally, research has suggested that fiscal and political decentralization have a significant positive effect on agents’ overall happiness, as indicated by Diaz-Serrano and Rodríguez-Pose’s research on European decentralization; they find, further, that “citizens seem to be happier with the actual capacity of their local governments to deliver than with the general principle that they can have a say on their daily politics and policies” (2011: 3).

<sup>36</sup> Eisenstadt (2011) characterizes Bolivia’s decentralization program was one of the most comprehensive in Latin America.

indigenous social movement energies – including resistance to neoliberal programs – toward local-level political struggles (Kohl and Farthing 2006). The effects of this devolution of powers and reorientation of local political energy is significant in understanding the correlation of local forces that exists as indigenous communities undertake the novel shift from municipality to indigenous autonomy. Yet, as John Cameron (2010a) argues, the outcomes of decentralization in Bolivia and elsewhere in the Andes – in terms of local participation – vary from one municipality to another, depending on the social, economic and political relations of power.<sup>37</sup>

The question of local and indigenous governance brings us to a Durkheimian observation about the differentiation of functions in social systems of lesser or greater complexity,<sup>38</sup> which Bourdieu distinguished as “relatively undifferentiated social formations, in which the prevailing classificatory system encounters no rival or antagonistic principle” (1997: 164) and “class societies, in which the definition of the social world is at stake in overt or latent class struggle” (1977: 169). Without assuming that any society, indigenous or otherwise, constitutes a homogeneous domain, it is useful to inquire as to the differential functions that are necessary in a less differentiated social formation such as an Andean *ayllu* or Guaraní *capitania*, as compared to the liberal and municipalist governance functions required in class-differentiated societies. Local indigenous governance structures and processes developed as a consequence of the conditions communities faced – including environmental factors such as the punishing Andes weather and fragile ecological systems (Regalsky 2003) – and minimal division of labour in an agrarian-based society. Thus, *ayllus* were constituted as a small, oral communities in which conflicts were resolved and collective action taken in deliberative assemblies, in accordance with

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<sup>37</sup> Cameron (2010a) posits that the particularities of the local power relations in a given municipality are a consequence of ecological contexts and historical factors, such as intervention by outside actors and particular encounters with capitalist development.

<sup>38</sup> I am indebted to Maxwell A. Cameron for suggesting a Durkheimian analysis of the distinct forms of governance observed in my research.

*normas y procedimientos propios*. In such a context, the deliberative body in which positions of authority are selected is the same as that which makes decisions about the distribution of land to community members, which is the same as that which rules on matters related to neighboring communities, as well as that which adjudicates transgressions of communal norms. As Zibechi observes, “there is no separation between economy and politics or between society and state,” which “prevents the emergence of a separate power from that of the community gathered in assembly,” and, consequently, there is little or no concentration of power (2010: 16). In other words, the differentiation of social, economic and political functions is considerably less than in, say, the city of La Paz. As the complexity and scale of social and economic life increases – with augmented and diversified population, especially in urban centers and greater sub-national territorial division – there is a more significant need to coordinate collective behaviour, described by Durkheim (1984 [1893]) as *organic solidarity*. He contrasted this with what he characterized as the *mechanical solidarity* of “primitive” societies, which is based on a *common* or *collective conscience* – in which a “totality of beliefs and sentiments common to average citizens of the same society forms a determinate system which has its own life” (Durkheim 1984 [1893]: 38-39). While it is important to avoid – as did Durkheim<sup>39</sup> – assumptions that ascribe purpose or cause to effect or observed institutional functions, it is evident that the expansion and durability of specialized areas of legislative, judicial, and executive-bureaucratic competencies through legal and other impersonal means helps to address the needs of class-differentiated societies. Notwithstanding the ethnocentric normative assumptions of Durkheim’s characterization of certain societies as “primitive,” his analysis of differential social structures

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<sup>39</sup> In *The Division of Labor in Society*, Durkheim specifies that his choice of the word “function” has the advantage of explaining the need to which the division of labour corresponds, without prejudicing “the question of knowing how that correspondence has been established, or whether it arises from some unintended and preconceived adaptation or from some adjustment after the event” (1984 [1893]: 11).

fruitfully suggests that we can understand the observed hybridization of institutions in Bolivia as not only merging two forms of governance – liberal-municipalist with *normas y procedimientos propios* – but also bringing together distinct *scales* of social organization.

### ***Indigenous peoples, rights and identification***

Theorizing the construction of new institutions of indigenous autonomy compels a series of questions about the agents involved in these processes, their priorities and demands, and the historical processes of which they have been a part. First, what is the international legal, normative and discursive context of indigenous rights in which these transformations are taking place, and how has that context affected local and national debates over indigenous politics? Second, how is it that identities, or forms of identification, carry so much significance that they have evoked the constitutional creation of a new political subject – *indigena originaria campesina* (indigenous first peoples peasant) – and the constitution of official territorial entities that are centered on indigenous identities? And third, on a more conceptual level, what is meant by *indigenous autonomy*, and how does it contrast with the related concepts *self-governance* and *self-determination*? In what follows, I commence with an analysis of the international context of norms and how they are diffused locally and nationally. In the processes, I address the aforementioned conceptual issues. This is followed by a discussion of questions of identity and indigenous identification.

International law governing indigenous peoples and their rights vis-à-vis states has developed substantially since World War II in a manner that has, however reluctantly and imperfectly, supported the demands of indigenous peoples (Anaya 1996). The United Nations has been deliberately chosen by indigenous peoples worldwide as the central forum for making claims

toward an improvement of their lives (Xanthaki 2007). In 1957, the United Nations International Labor Organization approved Convention No. 107 (ILO 107), deploying the prevailing assimilative and individualist human rights logic of the mid-twentieth century (Anaya 1996; Niezen 2003).<sup>40</sup> The convention encouraged states to take measures to protect the human rights of *members of indigenous populations*, paying only secondary attention to the protection of group rights (Anaya 1996; Niezen 2003). Throughout the 1960s and 1970s indigenous peoples became significantly more involved in international meetings, most notably the 1977 Conference on Discrimination against Indigenous Populations in the Americas, held in Geneva, which, Anaya explains, was a pivotal moment in the development of a “transnational indigenous identity” (1996: 46). Being involved in these processes helped to establish an expanding pattern of international collaboration among indigenous peoples (Anaya 1996; Xanthaki 2007). This coordination, along with recommendations supportive of indigenous demands elaborated in a series of reports by United Nations Economic and Social Council (ECOSOC) Special Rapporteur José Martínez Cobo between 1981 and 1983, led to the establishment of the UN Working Group on Indigenous Populations in 1982 (Anaya 1996), which produced the Draft Declaration on the Rights of Indigenous Peoples (Stavenhagen 2005) that was eventually approved by the UN General Assembly. In 1989, the International Labor Organization revised its earlier Convention, substituting it with ILO 169, which shifted the discourse around indigenous peoples from an attitude of assimilation to one of respect for indigenous cultures (Van Cott 2000). ILO 169 included the term “peoples” but limited its applicability: “The use of the term *peoples* in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law” (Article 1.3).

On September 13, 2007, following two and a half slow and frustrating decades of work by

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<sup>40</sup> Indigenous peoples were not significantly involved in the convention’s debates.

indigenous peoples, the UN Declaration on the Rights of Indigenous Peoples (“the Declaration”) was approved (Stavenhagen 2005; Deer 2010) by a vote of 143 states in favor, 11 abstaining, and 4 against, with 34 members not voting (UNPFII 2007a).<sup>41</sup> The Declaration goes significantly beyond ILO 169 and other antecedent conventions, enjoining supporting countries to recognize and protect indigenous peoples’ self-determination and their rights as both individuals and collectives, to protect their rights to land, and to negotiate plural sovereignties (Lightfoot 2010). As noted by Alexandra Xanthaki (2007), the Declaration’s inclusion of self-determination finally affirms the most important claim made by indigenous peoples worldwide. While the Declaration is not an international treaty and is thus non-binding (Stavenhagen 2005, Lightfoot 2010), it is “the most comprehensive and advanced of international instruments dealing with indigenous peoples’ rights” (Charters and Stavenhagen 2009: 10) and signifies an “international consensus on the minimum standard of indigenous rights that states are obligated to recognize and protect – an emerging international indigenous rights regime” (Lightfoot 2010: 84). Among the most significant features of this emergent international consensus, several components stand out, each of which is a central part of the new Bolivian constitutional and legal framework: self-determination, the collective right to land, and plural sovereignty (or plurinationalism).

Three related but distinct terms that describe indigenous rights – and are central to this dissertation – are protected by the Declaration: *self-determination*, *self-government*, and *autonomy*. The UN Declaration brings together the three terms in Articles 3 and 4:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (Article 3)

Indigenous peoples, in exercising their right to self-determination, have the right to

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<sup>41</sup> The four countries that voted against the Declaration are the United States, Canada, New Zealand, and Australia (Deer 2010); all four subsequently reversed their positions and endorsed the Declaration in 2009 or 2010.

autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions. (Article 4)

While Article 4 illustrates the overlap of the three terms, it also indicates that self-determination is a much more restrictive term, denoting a more rigorous set of conditions that must be met for its fulfillment.<sup>42</sup> Self-determination is understood as including both autonomy and self-government, but its exercise is not limited to them. Put otherwise, both autonomy and self-government can be conceived of as the application of the principle of self-determination.

Self-determination has been a central issue and demand for indigenous peoples movements, because it speaks to foundational questions of their relationship to the states within which (and across which) indigenous peoples live, and is based on their pre-existence to those states. It can therefore, be understood as the “heart” and “cornerstone” of the UN Declaration (Xanthaki 2007: 131). “All our rights either flow from or are linked to our right to self-determination,” explains Kenneth Deer, of the Mohawk Nation of Kahnawake, who was involved with developing the UN Declaration (2010: 27). Nonetheless, the question of what constitutes self-determination has not been settled in international law or common usage. Xanthaki (2007) outlines that understandings of self-determination range from minimalist to maximalist perspectives. A state-centred *minimalist* approach, which essentially equates self-determination with the *independence of states* in the context of decolonization, has been taken by many states so as to restrict the applicability of the term (Xanthaki 2007). For indigenous peoples, this is a limited and counter-productive proposition, especially considering indigenous peoples seek “their right to determine

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<sup>42</sup> Although the idea of “self-determination” finds its origins in the French Revolution and American Declaration of Independence, Cassese outlines the term’s evolution in the first half of the twentieth century, from an “animating *political ideal*” around 1915 – promoted first by Lenin as a critique of Western imperialism and colonialism – to its post-World War II significance as a “legally binding principle” (1995: 4). While a general reference to the “self-determination of peoples” was included in Article 1(2) of the United Nations Charter in 1945, its significance emerged in 1950 in the context of negotiations over the Covenants on Human Rights in the Third Committee of the UN General Assembly, with the Soviet Union advocating for the right to self-determination of colonized peoples as a precondition for individual rights (Cassese 1995).

their own political status,” which often does not involve the creation of newly independent state (Xanthaki 2007: 149). In contrast, she depicts a *maximalist* approach that is broadly construed to include cultural and economic dimensions such as territorial sovereignty, religious freedom and distinct systems of justice; this approach is often adopted by indigenous organizations in public declarations (Xanthaki 2007). While such conception has the advantage of being both far-reaching in its claims for justice and human rights and is adaptive according to context, Rosalyn Higgins points out that it risks turning the term into “all things for all men” (1994: 128). Somewhere in between a maximalist and minimalist notions, Xanthaki locates a *political* conception that is flexible and open to a wide range of possible relations between indigenous nations and states: “The scope of the right [to self-determination] is in the political realm, but the right of peoples to decide their political status includes a wide range of possibilities,” including democratic participation, local autonomy, legal pluralism, and indigenous citizenship (2007: 172). Such a political approach to self-determination – which Benedict Kingsbury (2000) calls a “relational approach” – is echoed by numerous scholars of indigenous rights (Harhoff 1988; Kingsbury 2000). Frederik Harhoff, for example, argues that self-determination is “the commonly established term referring to collective rights of indigenous peoples to *political control* of their future” (1988: 293, emphasis added).

Self-determination is often characterized as entailing two discrete dimensions or domains: internal (i.e. self-government, the right of peoples to choose their political regime and approaches to social and economic development) and external (relations with other peoples or authorities, and political status in the international community) (Cassese 1995; Hannum 1999; Myntti 2000). The distinction has also been observed by the United Nations Committee on the Elimination of Racial Discrimination in 1996 in its General Recommendation XXI, addressing

self-determination (Myntti 2000). In this rubric, Iorns (1992) observes that states are often more accepting of proposals for internal self-determination (e.g. greater autonomy) than external self-determination. Anaya, however, challenges the internal-external dichotomy, arguing that it ignores the many forms of human association that exist in the world and assumes “a limited universe of ‘peoples’ comprising mutually exclusive spheres of community” (1996: 81). He argues instead for discerning between *constitutive* and *ongoing* dimensions of self-determination, a framing that is echoed by Xanthaki, who notes that the external-internal distinction places too much attention on state independence (2007: 160-169).

“Self-government” is a necessary component of self-determination. It is a more general term that can be applied widely to local decision making capacities, and does not carry the suggestion of sovereignty. Illustrating this distinction, Frank Cassidy characterizes self-determination as the right of a group to “choose their own destiny without external compulsion... the right to be sovereign, to be a supreme authority within a particular geographical territory” (1990: 1). This includes but is not limited to self-government, which Cassidy defines as the capacity to “make quite significant choices concerning their own political, cultural, economic and social affairs” (1990: 1). Peoples can have self-government but still lack self-determination, insofar as they are able to make some choices over some internal affairs, but do not have sovereignty. Moreover, Cassidy notes, writing in 1990 about First Nations in Canada, that some forms of self-government can constitute a “denial of sovereignty,” such as where they risk reducing indigenous efforts for self-governance to a municipal model of governance (1990: 7). Similarly, Antonio Cassese, in an argument for how states can recognize self-determination for “ethnic groups and minorities,” expresses self-government as one element: “States should grant them extensive *personal and territorial autonomy*, that is, a broad measure of self-governance in

political, economic, cultural, and religious matters. Groups and minorities located in specific territorial areas should be granted the power to set up regional or local government structures endowed with legislative and enforcement powers and with the authority to take decisions regarding land and natural resources, social services, police and security matters, culture and education, and more generally the promotion of minority rights and interests.” (1995: 354-355).

The element of sovereignty is emphasized in Cassidy’s conception of self-determination – at least a regional form of sovereignty applied to the particular geography inhabited by a people. In other words, a people endowed with self-determination may exercise internal sovereignty within a particular area, while still collaborating with the surrounding state(s), and may select representatives to larger political entities (i.e. provinces, departments or parliaments). Yet this link of self-determination to sovereignty is controversial. For example, Hurst Hannum distinguishes sovereignty, which is a political community’s “absolute authority” or “constitutional independence,” from self-determination, which is a peoples’ right to choose their external and internal political status (1999: 489). Sheryl Lightfoot problematizes the relationship of self-determination and territoriality, analyzing whether the two are inextricably linked or whether they can be uncoupled under some sort of plural sovereignty – a “plural, multilevel citizenship” (2013: 137). The historical processes of negotiation and the actual texts of the ILO 169 and the UN Declaration reveal an uncertain relationship and ongoing debate between indigenous self-determination and sovereignty – a consequence of states’ fears that indigenous nations may threaten their own sovereignty. As Catherine Iorns argues, “The concern of the government representatives [regarding the draft Declaration text in 1991] was that the territorial integrity of states would be violated by the secession of indigenous peoples in any general right to self-determination was recognized” (1992: 220; see also Lightfoot 2013). However, reviewing

that history of difficult negotiations, Kuppe argues that on an international level, the principle of self-determination of indigenous peoples is not conceived of as, first and foremost, a community's political status in relation to the state, but rather as a framework for creating and enlarging the institutional capacity of indigenous peoples to pursue their own forms of development (2010: 106). As these varied readings suggest, the link of sovereignty to self-determination remains complicated and unsettled.

Among the most significant issues raised by indigenous organizations pursuing self-determination are territorial control, including of land and natural resources, and the right to free, prior informed consent in relation to projects or decisions that affect indigenous territory. Land and territory are critical to self-determination because without them, as Erica-Irene Daes argues, indigenous peoples “cannot fully enjoy their cultural freedom or cultural integrity... indigenous peoples need land to provide both subsistence and meet their physical needs. However, their cultural integrity and cultural development also depend fundamentally on their continuing right to determine their relationship with everything in their territories, including landforms, water, animals and plants” (2000: 81).<sup>43</sup> In Bolivia, Garcés emphasizes, the “right to land and natural resources in these territories” has been fundamental to indigenous and peasant organizations (Garcés 2011: 52). Yet, an important distinction must be made between land and territory. The former is a more general term entailing access to and use of specified parcels, while the latter signifies “a unit of political and cultural life,” signifying some degree of control (Lucero 2008: 92). The importance of territory – as opposed to land as a unit of production – was introduced to Bolivia in the mid-1980s by the principal indigenous confederation in the lowlands, the Confederation of Indigenous Peoples of Bolivia (CIDOB), which “invigorated the highland-led indigenous social movements in Bolivia” (Kevin Healy cited in Lucero 2008: 93). In 1990, the

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<sup>43</sup> See also Henriksen (2000) and Roy (2009).

CIDOB-affiliated Central Indigenous People of Beni (CPIB) led the first Indigenous March for *Territory and Dignity* (emphasis added), *Marcha por el Territorio y la Dignidad*; more contemporarily, in 2011, the theme of *land and territory* was once more the “central demand” of the VIII Indigenous March against the proposed highway through the TIPNIS (Fundación TIERRA 2012c: 12). The corollary of territorial control is the ability to consent to, or refuse, any activities, projects or administrative or legislative decisions that would affect that territory. Thus, the right to free, prior and informed consent is also a critical component of self-determination.

What, then, is “autonomy”? A considerably more vague and “generic” concept than the other terms (Ghai 2000), autonomy is sometimes used interchangeably with self-government or self-rule, and refers to a set of competencies that a state grants “to a subgroup that it encloses” (Lâm 2000: 188). Autonomy has been usefully defined by Yash Ghai as “a device to allow ethnic or other groups claiming a distinct identity to exercise direct control over affairs of special concern to them, while allowing the larger entity those powers which cover common interests” (2000: 8). It may entail measures to preserve culture and language and protection from discrimination, or adoption of a federal system and devolution of power to ethnic-based regions (Hannum 1990). Autonomy is a more flexible term, capable of responding to “minority” concerns while maintaining a state’s territorial integrity. However, as Xanthaki emphasizes, it can also be employed to promote segregation, be a means by which the state disposes of its obligations, and it can generate a “stagnated image” of a group and discourage cultural evolution (2007: 166). In the Latin American context, Miguel González argues that indigenous territorial autonomies encounter a Janus-faced dilemma: “they can contribute to the revitalization of state legitimacy, given its potential to improve democratic governance and the inclusion of multicultural diversity, but at the same time (and paradoxically) they can limit the processes of empowerment

of the holders of the right to self-determination, given their interaction with neoliberal multiculturalism” (2010: 57, translation by author). Autonomy indicates the presence of a greater political unit, as it implies an *autonomy from* something outside of the group (or person) in question – in contrast with self-determination, which makes no such assumptions and can be conceived of for a free-standing political entity. Thus, autonomy can, more easily and fittingly than self-determination, be claimed by a broad range of minority or geographically contained groups, such as the conservative movement for departmental autonomy in eastern Bolivia’s *media luna*.<sup>44</sup> As a consequence of this flexibility in usage, in international fora, the concept of autonomy remains “vague and imprecise” (Cassese 1995: 355).

As explored in Chapter II, the question of the autonomy of indigenous peoples in Bolivia cannot be extricated from the specific context of the 2009 Constitution, which, largely as a consequence of the *media luna*’s campaign for greater departmental control, explicitly articulates multiple levels autonomy – departmental, municipal, and indigenous – each of which constitutes a “territorial entity,” putatively in a non-hierarchical manner. Indeed, considering that Bolivia has established a national ministry – the Ministry of Autonomies – wholly dedicated to overseeing the various autonomous territorial entities, it is fair to speak of the existence of a “regime of autonomies” in Bolivia (see González 2010; Kuppe 2010). Such a regime of autonomy serves the dual functions of guaranteeing the state’s territorial and political integrity, while simultaneously overcoming cultural homogeneity by providing for the collective rights of ethnic and cultural groups (Kuppe 2010).

Bolivia is one case of a country legally recognizing the constitution of territorial indigenous

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<sup>44</sup> The *media luna*, half moon, is the common reference to Bolivia’s four eastern departments (Pando, Beni, Tarija and, most importantly, Santa Cruz), as their geographical configuration roughly resembles a crescent moon. Since the election of Evo Morales – although less so since 2009 – the *media luna* has been a region of significant opposition to the government’s program.

autonomy. In addition to Bolivia, González (2010) identifies five countries that have devised some form of indigenous or multiethnic autonomy: Ecuador, Nicaragua, Panama, Colombia, and Venezuela. Globally, various regimes of autonomy exist for indigenous peoples, including the Sámi people in the Nordic countries; the Inuit of Greenland (a self-governing country within the Kingdom of Denmark); the Inuit of Nunavut (a territory of Canada), and tribal sovereignty in the United States. What makes Bolivia a particularly compelling case to investigate indigenous autonomy is that the majority of the population identifies with an indigenous nation, the official government discourse is very pro-indigenous, both domestically and internationally, and the process of indigenous autonomy construction is ongoing, and thus accessible for contemporary investigation. Moreover, local participants, collaborating NGOs, and government officials have welcomed the scholarly observation of these processes. By exploring these concepts in a specific national context, this dissertation aims to provide insights into what indigenous autonomy is and is not, how it varies across localities, and how it relates to the key issues of indigenous rights: control of territory and natural resources, and prior informed consent. To preview an argument I will make in Chapters III and IV, the distinct model of indigenous autonomy that is being constructed in Bolivia is much closer to self-government than to self-determination, principally due to the lack of territorial and natural resource control and weak provisions for prior informed consent. These rights – although supported by the UN Declaration – have neither been recognized under Bolivian law, nor have they been invoked by most of the AIOCs' autonomy statutes to date.

In light of what we may call an international trend toward the recognition of indigenous self-governance, many observers have inquired about the extent to which the kind of *politicized* identities discussed so far are endogenously driven affairs, or whether they are better understood

as the diffusion of international norms and discourses. Constructivist scholars have shown how international norms are translated, reconstructed, and vernacularized by various social agents – activists, NGOs, academics, and community leaders – so as to resonate with prior local norms and ideas (Acharya 2004; Merry 2006; Shawki 2011). This is congruent with the frequent observation that in Bolivia, as in much of Latin America, international conventions, reports and declarations such as the UN Declaration on the Rights of Indigenous People have served as instruments by which indigenous peoples have asserted demands for greater rights (Van Cott 2000; UNPFII 2007b; Cameron 2010b). But how much are these instruments driving demands? Canessa suggests the international influence is significant: “this new cultural pride is not *sui generis*. It is, at the very least, stimulated by globalized discourses surrounding indigenous identity, and more specifically the authenticity of indigenous identity. Quite clearly, adopting the language and developing the practices of a globalized indigeneity can be very effective” (2012: 207). Moreover, Bolivia was the first country to legally implement the Declaration with the November 2007 approval of Law #3760, which John Cameron (2010b) suggests fulfills the legal obligations of the Declaration perhaps more than any other country.<sup>45</sup> Yet, as by tracing the process by which the 2009 Constitution was debated and approved, this dissertation suggests that politicized indigeneity is a consequence of both exogenous and endogenous factors.

While the origins of indigeneity’s politicization in Bolivia remains a subject of debate which the present text does not endeavor to resolve, there is little question that politicized ethno-cultural identities have been particularly consequential, especially since the 1990 March for

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<sup>45</sup> Despite Bolivia’s significant legal and discursive commitments to indigenous rights, some research points to greater advances in indigenous self-determination elsewhere. Lightfoot (2008) suggests that the world’s highest levels of state recognition of indigenous rights to self-determination and land have occurred in Australia, Canada and New Zealand, while Norway has enacted significant pro-indigenous reforms. Lars-Anders Baer, chairman of the Sámi organization Gáldu Resource Centre for the Rights of Indigenous Peoples, has emphasized the progress made by Nordic countries, especially Norway, toward the recognition of Sámi self-determination (2011).

Territory and Dignity. More recently, since 2000, the protagonism of indigenous identities has driven demands for constitutional reform and the refoundation of the state (Mayorga 2007: 216). As noted above, identity-based changes in Bolivia – both discursive and institutional – have risen even to the level of officially renaming the country as plurinational. However, before turning to the question of indigenous identities and their politicization, I will take a brief detour through a couple of relevant debates in the broader literature of identity and identity construction.

A wealth of scholarship emphasizes the constructedness, relationality, multiplicity and malleability of identities<sup>46</sup> (DuBois 1969 [1903]; Cooley 1902; Fanon 1952; Foucault 1978; Foucault 1980; Laclau and Mouffe 1985; Young 1989; McNay 1992; Gilroy 1993; Calhoun 1995; Tilly 1996; Butler 1999; Tully 2001; Connolly 2002).<sup>47</sup> As with all subject positions, the multiplicity and malleability of identity is pertinent to discussions of indigeneity and indigenous politics. Yet it is important to recognize that the meanings that social scientists typically ascribe to identity have a distinctively Western genealogy grounded in the intensive preoccupation with the self, which we can trace back through George Herbert Mead’s distinction between a subjective “I” and an objective “me” (1934), to Immanuel Kant’s encouragement that we release ourselves from “self-incurred tutelage” in “What Is Enlightenment?” (1784), to René Descartes’ dictum, “I think, therefore I am” (1991 [1644]: 5). As a consequence, the rational agent that Calhoun caricatures as a “disembodied cognitive subject” with an intense concern with the self and other likely differs from the collective structuring of pre-colonial indigenous identities

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<sup>46</sup> While some identities, such as one’s occupation, class or religion, are more subject to reconstitution, identities like gender and ethnicity have a strong tendency to resist it. Connolly calls the latter “entrenched contingencies” (2002: 176) and posits that these appear to agents as “deep truths” that are taken for granted and inform one’s sense of morality (2002: xvi). Such “truths” are central to the agent’s construction of identity. Thus, while identities are malleable and contingent, some identities are more contingent than others.

<sup>47</sup> Brubaker and Cooper note that, “These qualifiers have become so familiar – indeed obligatory – in recent years that one reads (and writes) them virtually automatically” (2000: 11).

(1995: 10).<sup>48</sup> Although shared identities and difference surely existed in pre-colonial relations between indigenous peoples with different languages, practices and worldviews *cosmovisiones*, the values attached to such distinctions were probably not shaded by the individualism and rationalism that underpins Western thought.

From the expansive literature on identity, two points are important to understanding the power dynamics that have emerged in AIOC construction. First, since Charles Cooley described in 1902 how our self-understanding is based on how we anticipate others perceive us – our “looking-glass self” (1902: 152) –, social scientists have understood that one’s identity is shaped by interaction with others. Contemporary scholars of identity have added that our identities are formed in relation to *difference* with others, as characterized by William Connolly’s observation that “to confess a particular identity is also to belong to difference” (2002: xiv). Identities tend to be experienced with more distinction or intensity in the presence of greater group variation. The extent to which a particular identity – be it based on nation, religion, gender, ethnicity, or other category – is held to have significance, or is capable of being mobilized for some political end, depends to a great degree on the presence of other identities with which contrast can be drawn. Part of the reason that indigenous identities have emerged as particularly salient in recent decades, in Bolivia and elsewhere, is due to extremely high rates of urbanization that has concomitantly densely concentrated indigenous communities and brought them into close contact with non-indigenous people. Meanwhile, neoliberal reforms since 1985 exposed and deepened the ethnic dimension of class inequality in Bolivia, facilitating the mobilization of indigenous identities by the MAS and others.

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<sup>48</sup> Calhoun contends that the problem of identity arose when clearly delineated markers of old – the “cultural and ideological consensus” and “organized networks of social relations” – were broken: “Modernity has meant in significant part the breakup – or the reduction to near-irrelevance – of most all-encompassing identity schemes. Kinship still matters to us as individuals; we invest it with great emotional weight, but kinship no longer offers us an overall template of social and personal identities” (1995: 11).

Related to this point, the identities of colonized people, or to use Brubaker and Cooper's (2000) processual term, their forms of *identification*,<sup>49</sup> are constituted in a unequal relationship of domination, the undoing of which must necessarily include a profound subjective transformation. In his influential work on how ethnic identification occurs in a colonial context, Frantz Fanon famously remarked of a putative black identity: "the black soul is a construction by white folk" (1952: xviii).<sup>50</sup> The colonial cycle of subjection, for Fanon, is broken through a process of "disalienation" that involves "a brutal awareness of the social and economic realities" (1952: xiv-xv). Yet for Fanon, this process of reclamation is not merely objective, but also subjective; he perceived that the "colonized's psycho-affective equilibrium" must be fundamentally transformed to achieve disalienation (1963: 148). Following Fanon, Glen Coulthard suggests the term "desubjectification" to describe the process by which colonized peoples purge "the psycho-existential complexes battered into them over the course of the colonial experience" (2007: 450). If Fanon and Coulthard's conceptions of disalienation and desubjectification are useful characterizations indigenous efforts to "decolonize" the Bolivian state, they also warn us that the desired transformation can only come about through a basic struggle that involves a fundamental reconceptualization of the colonized self. As we will observe in the construction of new institutions of indigenous self-governance, significant interventions by state agents have channeled identity-propelled transformations in particular directions; consequently, indigenous disalienation or desubjectification has been complicated

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<sup>49</sup> Brubaker and Cooper suggest that we conceive of these contingencies in terms of processes – as more of an identification than of fixed identities, and seek to discern the "specification of the agents that do the identifying" (2000: 16).

<sup>50</sup> Fanon's position rejected the pan-African identities and essential qualities attributed to black people, as embraced by the writers of the Negritude. He drew in particular on the work of W.E.B. DuBois, who conceived of a *double consciousness*: "this sense of always looking at one's self through the eyes of others... One ever feels his twoness, – an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder" (1969 [1903]: 45). Fanon explained that this double consciousness produces a "double narcissism" in which those of the subordinate group come to regard themselves as inferior.

and partial.

The changing ways that indigenous people in Bolivia conceive of themselves – a trajectory visible since at least the late 1970s – has played a significant role in shaping social and political events. What is less certain, and remains the subject of contemporary debate, is the extent to which the politicization of indigenous identities is more of a political or cultural phenomenon (while recognizing that culture and politics are overlapping and mutually constitutive domains of any society). Some researchers downplay the significance of indigenous identity and cultural explanations in contemporary political contestation, arguing that the apparent increase in indigenous identity is first and foremost a product of largely rhetorical political machinations (Toranzo Roca 2008a and 2008b; Schaefer 2009; Gordillo 2010). Timo Schaefer, for example, argues that “the process of mobilising is at its most irreducible core a political action, whose interpretation demands a political analysis under which cultural and economic factors must be subsumed” (2009: 398). For Schaefer, a cultural explanation is belied “by the arena which [indigenous leader Felipe Quispe] has chosen for his actions” (2009: 398). In a parallel argument, Carlos Toranzo Roca contends that contemporary Bolivian politics are in fact “much more mixed, more mestizo, than used to be the case, even though this *mestizaje* at times buys into the *indigenista* discourse” (2008b: 48).<sup>51</sup> Indeed, Toranzo Roca claims that “only between 14 and 18 percent [of Bolivians] perceive themselves as indigenous” (2008a: 15).<sup>52</sup> Conversely, other scholars have described indigenous cultures and identities as key to understanding the rise of indigenous movements, which have set in motion ensuing political events (Van Cott 2005;

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<sup>51</sup> *Mestizaje* is the mixing of those of indigenous and Spanish ancestries. As Javier Sanjinés notes, it has been the “ideal image of the nation” since the middle of the twentieth century (2004: 2). The discourse of *mestizaje*, which, Sanjinés argues, has become a “cult of the mestizo,” has been central to the project of constructing modernity in Latin America, providing elites with the language that could “claim for their countries the racial unity of a nation as conceived in European thought” (Sanjinés 2004: 3).

<sup>52</sup> Although Toranzo Roca characterizes Bolivian identities as unfixed and multiple, positing that one can be both indigenous and *mestizo*, he is quite clear that he privileges the latter category, asserting that the bulk of the Bolivian population is one or another variety of *mestizo* (2008a, 2008b).

Van Cott 2008; Yashar 2005; Kohl and Farthing 2006; Albó 2008). Cameron (2010b) offers a third possibility, suggesting that there exist in Bolivia at least two indigenous political projects, and that the MAS's more politically oriented indigenous project competes with more culturally identified projects, such as the reconstruction of indigenous territories. As will be discussed in Chapter II, the complexity of the debate over the interplay of multiple identities in Bolivia was further compounded by the results of the 2012 census, to which 40.6% of Bolivians indicated that they belong to an indigenous nation, down from 62.2% in the 2001 census (INE 2012).

Such shifting identities has been widely theorized by social scientists, many of whom have emphasized how human subjectivities are influenced by states' projects or behaviour. Louis Althusser employed the term *interpellation* to capture how an agent's consciousness and beliefs are "hailed" by ideologies that are embedded in political institutions (ideological state apparatuses), which he illustrates in the spontaneous subject formation that springs from a police officer yelling, "Hey, you there!" (1971: 174). The interpellated subject, for Althusser, always already exists, even before the agent's birth, inscribing the subject with a consciousness, ideas and beliefs that have all of the appearances of free will.<sup>53</sup> In a similar vein, although without an Althusser's focus on ideology, Althusser's student Michel Foucault conceived of a governmentality to describe techniques by which the state orchestrates subjects to act in ways that fulfill its objectives, constructing an economy of discipline throughout the population (1991), which has inspired considerable scholarship on the self-disciplining done by governed subjects. That literature views government as the "conduct of conduct," that is, as a productive power that involves "any attempt to shape with some degree of deliberation aspects of our

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<sup>53</sup> Althusser draws on the ideas of Blaise Pascal, the French mathematician and philosopher, to argue that it is an agent's actions that determine what she believes are freely chosen ideas, as opposed to the reverse. Pascal's illustrated this subject formation in his dictum: "Kneel down, move your lips in prayer, and you will believe" (1971: 168).

behaviour according to particular sets of norms and for a variety of ends” (Dean 1999: 17-18). Philip Corrigan and Derek Sayer, who perceive state formation as a cultural phenomenon engaged in *moral regulation*,<sup>54</sup> articulate that states: “...define in great detail, acceptable forms and images of social activity and individual and collective identity; they regulate... social life... Out of the vast range of human social capacities – possible ways in which social life could be lived – state activities more or less forcibly ‘encourage’ some, whilst suppressing, marginalizing, eroding, undermining others... This has cumulative, and enormous, cultural consequences; consequences for how people identify (in many cases, *have to* identify) themselves and their ‘place’ in the world.” (1985: 3-4).

Thus, by defining the acceptable cultural practices and modes of identification, state practices are significant in the construction of subject positions. Yet if this interpellation occurs, as Althusser argues, not merely at the state’s point of genesis, but on an ongoing basis, it is also punctuated at critical junctures. James C. Scott emphasizes that grand projects of social engineering – aimed at rendering a population “legible” – have “made possible quite discriminating interventions of every kind... These state simplifications... were maps that, when allied with state power, would enable much of the reality they depicted to be remade” (1998: 3). In the process of remaking reality, affected agents’ understandings of self are sometimes modified – although, as the Bolivian case illustrates, not always as the state intended.

How do changing modes of identification shape politics and society? Bourdieu’s concept of “symbolic capital” – which constitutes the currency of the aforementioned symbolic power – provides a constructive explanation. Symbolic capital, for Bourdieu, describes the capacity of a group to alter the “system of classification,” that is, the ability to *classify* people and groups in a

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<sup>54</sup> For Philip Corrigan and Derek Sayer, this *moral regulation* entails a project of “normalizing... what are in fact ontological and epistemological premises of a particular and historical form of social order” – which, in the English case they study, is bourgeois society (1985: 4).

given society, through such things as honor, prestige, attention and reputation (1977).

Operationalizing the concept in the Bolivian case observes indigenous peoples building their symbolic capital through the sustained mobilization, especially during the years 2000-2005, which enabled them to “impose upon other minds a vision, old or new, of social divisions” (1989: 23). For Bourdieu, it is within this political contestation that exists the very “struggle for the definition of reality” (1977: 169-170). A new reality crystalized in the 2009 Constitution, which accepts that indigenous nations existed prior to the foundation of the state – a state that is now refounded (or reclassified) as a country of many nations – newly “made” groups that may now choose a somewhat autonomous path. Thus, we might conceive the push for autonomy as the outcome of a re-classification of those groups that exist in Bolivia, a novel reality spurred by the gains in attention, honor and reputation that indigenous peoples secured through continuous mobilization against neoliberalism.

As a consequence, a newly classified group, or political subject, was articulated in the form of *indígena originaria campesina* (indigenous first peoples peasants – the IOC in AIOC) in the 2009 Constitution. The singular concept attempts to fuse together as indivisible the three principal terms by which distinct indigenous peoples in Bolivia self-identify to create what has been characterized as a new “collective subject” by both Fernando Mayorga (2011: 109) and Maria Teresa Zegada et. al. (2011: 10). The component parts of this new political subject – *indígena* (indigenous), *originario* (first nations, first peoples or aboriginal), and *campesino* (peasant or countryperson) – have different but overlapping historical meanings, and are varyingly preferred according to geographic region (see Albó and Romero 2009: 3-4). *Indígena* is the most common term in the eastern lowlands, where indigenous people constitute a minority of the population in almost all municipalities. *Originario* is preferred by many in the Andean

altiplano and central valleys, where *indigena* is often conflated with the pejorative *indio*. Meanwhile, usage of the term *campesino* and establishment of *sindicatos campesinos* (peasant unions), which proliferated after the Chaco War (1932-1935), became the official state policy and discourse of the post-1952 nationalist-modernization project that sought to erase ethnic difference and build a homogenous *mestizo*-Bolivian identity (Ticona 2003). Today, the term *campesino* carries a somewhat ambiguous mix of class and ethnicity, yet it is the self-identification of many in Andes, especially *colonizadores*,<sup>55</sup> and, like *originario*, it averts the discriminatory echo many perceive in the word *indígena* (Albó and Romero 2009; Garcés 2011).

Peoples and people who identify as *indigena* and *originario* in Bolivia maintain many pre-colonial norms and procedures associated with ancestral cultures and *cosmovisiones* commonly referred to as *normas y procedimientos propios*.<sup>56</sup> Some of the broadest and most important *normas y procedimientos propios* of the peoples studied in this dissertation are outlined in the following chapter (II) in the context of particular cultures and histories. Here, I will merely mention that there are a wide range of different cultural practices, norms, and beliefs across these communities. Most significantly, highland Aymara and Quechua cultures are quite distinct from those of Bolivia's eastern lowlands, such as Guaraní peoples. Beyond the more superficial differences in names of authorities and institutions of governance, there are significant structural distinctions, such as greater centralization of authority in the Andes; more extensive hybridization with peasant union structures and processes of decision making in the highlands;

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<sup>55</sup> In the Bolivian context, the term *colonizador* (colonizer or settler) is generally used to describe those who received parcels of land as part of the 1953 Agrarian Reform and subsequent efforts to bring agricultural development to the eastern part of Bolivia, the *Oriente*. Many beneficiaries of this *marcha al oriente*, eastward march, were western highland and valley indigenous people, who, especially during the significant expansion of colonization in the 1970s, found themselves, often unwittingly, in confrontation with increasingly organized lowland indigenous groups whose land colonization programs invaded (Ticona 2003; Postero 2007: 44-52).

<sup>56</sup> In Bolivia, the terms *usos y costumbres*, uses and customs, and *consuetudinario* – conventional, often in reference to rights, *derechos consuetudinarios* – have similar meanings, and are often used interchangeably with *normas y procedimientos propios*.

and varying belief systems, such as the centrality of *pachamama*, Mother Earth, in the Aymara and Quechua worldviews.<sup>57</sup> José Antonio Lucero emphasizes that Guaraní peoples, in contrast with indigenous peoples of the Andes, are more mobile and seminomadic: “Like other lowland groups, the Guaraní are rooted less in particular settlements than highland indigenous groups... Guaraní communities tend to be fluid collectivities that send and receive inhabitants constantly or even relocate the entire community from one location to another” (2008: 67).

As the empirical chapters that follow illustrate, these distinct modes of identification have profoundly affected Bolivian politics historically, and continue to do so today. Of greatest significance, this dissertation traces the distinction between *campesino* identities and those that consider themselves to be *indígena* and *originario*. The differences between the two have been consequential in the construction of indigenous autonomy, accounting for the bifurcation in the types of AIOC this study has uncovered.

### ***Diverse democracy***

The debate over indigenous rights in the Andes is inseparable from the struggle for democracy. As Lucero observes: “...the rise of indigenous politics is about nothing less than the finding of a democratic route toward decolonization and a decolonizing route toward democracy” (2008: ix). In that view, one reading of this dissertation is that it is a critical analysis of the route to democracy taken in the particular case of Bolivia. Democracy matters, and more precisely, the quality and diversity of democracy matters, because there is no necessary link between the democracy and indigenous rights. To the contrary, the history of democracy, globally and within Latin America, is until quite recently a story of marginalization of indigenous peoples in which

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<sup>57</sup> As discussed in Chapter II, although a search for a *tierra sin mal*, “land without evil” is central to the Guaraní worldview, this is distinct from the position of *pachamama* in Andean *cosmovisiones*.

gains in rights have come at the margins of much more through-going social and political exclusion. O'Donnell makes this point eloquently: "Everywhere, the history of democracy is the history of the reluctant acceptance of the inclusive wager – that is, the refusal to accept the universality of agency in the political realm. The history of the originating countries is punctuated by the catastrophic predictions and the violent resistance of the privileged sectors of society opposing the extension of political rights to 'undeserving' or 'untrustworthy' sectors. In the South and East, by means often more violent and comprehensively exclusionary, this same extension also has been resisted." (2004: 25).

Bolivian democratic history is marked by the violence and comprehensive exclusion O'Donnell describes. The 2009 Constitution promises a more inclusive, participatory, direct and representative democracy that will extend the rights of citizenship to indigenous peoples for the first time since the founding of the Republic almost two centuries ago.<sup>58</sup> With the guiding principle of plurinationalism,<sup>59</sup> the Constitution articulates a "participatory, representative and communitarian form of democracy" (Article 11). This demodiversity, now being articulated across Bolivia's political landscape, finds one of its most interesting and instructive expressions in the construction of indigenous autonomies – as local sites of communitarian democracy. Indeed, a justifiable claim can be made that Bolivia has created a historically important constitutional framework that *de jure* authorizes indigenous rights and communitarian democracy perhaps more than any another country (Cameron, J. 2010b). In Bolivia, representative and communitarian forms of democracy appear to reinforce one another by providing complementary routes of democratic inclusion of long excluded peoples. While this

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<sup>58</sup> For the present discussion, what is most significant is the 2009 Constitution's recognition of *collective* rights, in particular the right to indigenous self-governance.

<sup>59</sup> Plurinationalism, described at length in the following section on citizenship, is a way of conceiving of a unitary country (i.e. not federal) comprised of multiple nations.

dissertation concludes that the incipient AIOCs are scenes of governmentality in which key functions and goals of the central government are being assumed by local indigenous agents, this is not a simple matter of political control from above, which some analysts have critiqued in other Latin American countries that have employed participatory democratic policies (Cameron, Hershberg and Sharpe 2012). Despite significant government intervention in the construction of indigenous self-governance, these processes have retained a strong component of grassroots protagonism, and have not been marked by clientelism, patronage or plebiscitary means of channeling political support to the government.<sup>60</sup> That said, since 2009 we also observe rising tensions as a consequence of the changing disposition of the MAS – as it has settled into its role as elected government, and contends with Bolivia’s correlation of social forces. With respect to the interplay of dimensions of democracy in Bolivia, these tensions have been expressed as limitations to communitarian democratic practices – significant constraints on the practice of communitarian justice, state involvement in the nomination of candidates to fill indigenous circumscriptions, and an ambivalence to the construction of indigenous self-governance – indicating that Santos and Avritzer’s observation of the dominance of representative democracy continues to be true in Bolivia today.

Across Latin America diverse democratic regimes have emerged from the dictatorships and authoritarian regimes of the 1970s and 1980s. However, these democracies – often delegative or populist,<sup>61</sup> underpinned by clientelism and patronage, weakly institutionalized party systems,

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<sup>60</sup> Patron-client relations are discussed in more detail in the subsequent discussion on citizenship. For the present discussion, I will borrow O’Donnell’s (1996b) description of clientelism and particularism, which broadly refer to “nonuniversalistic relationships, ranging from hierarchical particularistic exchanges, patronage, nepotism, and favors to actions that, under the formal rules of the institutional package of polyarchy, would be considered corrupt.”

<sup>61</sup> “Delegative democracy” is a term coined by O’Donnell (1994) to describe situations, common in Latin America, in which presidents win elections and are subsequently able to govern paternalistically as they see fit, unconstrained by other organs of government and limited only by the “hard facts of existing power relations and by a constitutionally limited term of office” (1994: 59).

and subject to periodic coups d'états – do not neatly conform to the prescriptions or expectations of Western models of liberal democracy (e.g. Huntington 1991; Diamond and Morlino 2004), and are not easily captured by Eurocentric theories of democracy that assume such things as the separation of powers, strong bureaucratic agencies, civilian control of the military, and a privileging of the individual vote over collectivist or corporatist processes. As O'Donnell argues, the assumption that there is a “clear and consistent *corpus* of democratic theory” and that these theories can be easily transposed from established to emerging democracies is unjustified (2007: 2).

In Bolivia, representative democracy was restored and has been maintained since 1982; however, elections for the presidency and Congress remained an elite affair of pacted agreements between party leaders that brokered systems of patronage and clientelism until 2005. Throughout that time, Bolivia's “weakly institutionalized” and inchoate party system (Mainwaring and Scully 1995: 19) stood out as “an extreme case of [an] essentially patrimonial political dynamic” (Gamarra and Malloy 1995: 399). However, outside of Bolivia's official channels of power, praetorian mobilization from below punctuated the exclusionary politics (Huntington 1968) through repeated “cycles of contention” (Tarrow 1998) that increasingly challenged neoliberalism's incapacity to respond to or incorporate excluded sectors on the marginalized side of ethnic and class cleavages (Drake and Hershberg 2006).

With the ascent of the MAS, a self-described “political instrument” of diverse and sometimes incongruous social movements, a new political era was born, marked by both disjuncture and continuity. Moving from oppositional party to elected government, the MAS has sought to centralize power and corral social forces within the party (Anria 2010; Postero 2103b),<sup>62</sup> while

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<sup>62</sup> As Anria (2013) observes, the MAS behaves less like a conventional political party in rural areas where MAS-aligned grassroots movements are strong (see Chapter III).

responding to the demands of the *sociedad abigarrada* with a project of resource nationalism aimed at economic growth and poverty reduction (Kohl and Farthing 2012) – a programmatic orientation often at odds with indigenous demands over control of land and resources. As a consequence, the MAS’s leadership and much of its peasant and *cocalero* base has developed a contradictory disposition with respect to indigenous self-governance – first supporting it; then, subsequently, limiting its reach. As such, the MAS’s policies on indigenous self-governance have become progressively more ambivalent toward communitarian democracy, turning, on some occasions, to hostility, as with the struggle over the TIPNIS. In this context, where it has succeeded in practice, communitarian democracy – a contested notion that is continually renegotiated in the Andes, as elsewhere – exists at the local level, while the system of representation – by means of elected executives and legislators – continues to account for most national, regional, and even local economic and social policies.

Attentive to such complexities of democratic practice, a new generation of scholarship on democracy has placed greater attention on the quality and diversity of democratic regimes based on multiple standards of assessment (O’Donnell, Vargas Cullell and Iazzetta 2004; Diamond and Morlino 2004; O’Donnell 2007; Cameron and Luna 2010). Leading this trend, O’Donnell, Vargas Cullell and Iazzetta (2004) propose a shift toward thinking about the “quality of democracy” or “democraticness” as a multidimensional concept that incorporates not just the political regime – the patterns by which one accesses principal political offices – but also criteria such as institutional performance, the character of political life, and the aspirations of a country’s agents (citizens).<sup>63</sup> In tandem with that proposition, many observers of Latin American

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<sup>63</sup> Diamond and Morlino have developed a framework for assessing the quality of democracy, based on eight criteria: the rule of law, competition, participation, vertical accountability, horizontal accountability, political equality, respect for civil and political freedoms, and responsiveness; however, due to their admittedly narrow focus on the “institutions and mechanisms of representative democracy” to the exclusion of participatory forms of

democracy have conceptualizing democracy as having multiple dimensions, conceiving of representative, participatory and communitarian forms of democracy that coexist – amicably, contradictorily or both (Santos and Avritzer 2005; Santos 2010; Seele and Peruzzotti 2009; Cameron, Hershberg and Sharpe 2012; Exeni 2012; Pateman 2012). The case of Bolivia provides important leverage into the puzzle of the relationship of diverse democracies to indigenous rights, as it is the scene of vibrant social movements – and more specifically indigenous movements – that have demanded participatory and communitarian innovations in democratic practices that cannot be ignored due to the high degree of symbolic power these movements generated. In Bolivia, debates over liberalism and capitalism are commonplace, while the spectrum of conservative political parties that introduced and supported neoliberalism is debilitated. With a majority of the population self-identifying as indigenous, President Evo Morales, of Aymaran descent, has adopted an indigenist discourse centered on plurinationalism and Mother Earth, *pachamama*.<sup>64</sup> Also prominent in the state’s discourse, the Andean-derived principle of “living well” (*suma qamaña* in Aymara, or *vivir bien* in Spanish) is posited by the government as “shared satisfaction of human needs beyond the realm of the material and economic,” specifically contrasted with the Western concept of “well-being,” *bienestar*, which is characterized as the mere “access to and accumulation of material goods” (National Development Plan 2006, author’s translation).<sup>65</sup> Yet far from such colorful discourse and symbols, this dissertation concludes that the MAS’s centralization of power has, in many ways,

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democracy (2004: 6), their schema is not very useful for the present analysis.

<sup>64</sup> As Canessa emphasizes, “the Morales government has placed indigeneity at the very center of the way in which it presents itself to its citizens” (2012a: 8).

<sup>65</sup> In an detailed analysis of the meanings of the Spanish term *vivir bien* and the Aymaran concept *suma qamaña*, Albó (2009) notes the imprecision of the translation, suggesting that meaning is lost as *suma qamaña* is translated into *vivir bien* (“to live well” in English). Albó (2009) explains *suma* can be translated as “beautiful,” “good,” “finished” or “perfect,” inflected with a sense of fullness, and that *qamaña* means “to dwell,” but also indicates a coexistence with broader social and ecological relations. Thus, he argues that *suma qamaña* would be better translated as *buen convivir* – signifying a good life, lived *together* among broader social and ecological relations.

constrained political space for the practice of communitarian democracy and indigenous rights, confirming that even in Bolivia's relatively favorable context these goals face serious challenges in contemporary nation-states founded on colonization.<sup>66</sup>

Plato's caricature of democracy as "a charming form of government, full of variety and disorder" (*Republic*, Book VIII, 558c) was directed at the practice of democracy, but it speaks also to democracy's myriad conceptualizations. The literature on democracy, among the most debated of concepts in political science, is extensive. I endeavor here only a partial survey of the literature on democracy, with specific attention to how it applies to indigenous rights and political inclusion.<sup>67</sup> My interest lies not in pursuing a precise definition of democracy, nor in assessing which freedoms must be present to enable democracy, *per se*,<sup>68</sup> but to understand what "rule of the many" must mean if it is to include indigenous peoples, who in most nation-states, but not Bolivia, constitute a minority of the population. If indigenous peoples are to be included within our conceptions of democracy, then democracy must exceed not only elections and

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<sup>66</sup> Although this dissertation does not endeavor to analyze the tensions between indigenous rights and the resource nationalism of the MAS, numerous observers of Bolivia have made these connections. Indeed, it is a commonplace observation that communitarian democracy – indigenous norms and procedures of self-governance – and indigenous rights have often been undermined by practices associated with liberal and market relationships in which representative democracy is embedded, as they tend to privilege the central state, the individual and/or private property over many claims of collective identities and control of territory and resources. Postero (2013b), for example, points to the MAS's plans to construct a highway through the Isiboro Sécure Indigenous Territory and National Park (TIPNIS, see Chapter IV below) to highlight how the state's focus on resource extraction and infrastructural development has threatened local communities and their lands, noting also that the MAS's centralization of state authority, especially in the area of natural resource exploitation, exists in tension with the exercise of customary norms and procedures. Hale, meanwhile, admonishes the Morales Administration for "ambivalence about indigenous autonomy... [which] turns to outright refusal in areas where autonomy might interfere with rents from resource extraction" and argues that such autonomy may be "squeezed out by a state-centered concentration of power and resources and by a top-down economic strategy..." (2011: 202-203).

<sup>67</sup> It is beyond this project's scope to weigh in on debates over definitions of democracy; however I note that even the so-called minimalist or Schumpeterian conceptions of democracy indicate that a full definition entails more than just "free competition for a free vote" (Schumpeter 1975 [1942]: 271) "in which some parties lose" (Przeworski 1991: 10). As O'Donnell (2007) has shown, the most influential scholars to theorize democracy (Schumpeter 1975 [1942]; Dahl 1989; Przeworski 1991; Huntington 1991; Sartori 1987; Rueschmeyer, Huber Stephens, and Stephens 1992) have accepted, either implicitly or explicitly, that certain freedoms – of speech and association, to organize and publish – are necessary if elections are to be free and fair.

<sup>68</sup> As O'Donnell posits, scholars and practitioners will probably never agree on "where to trace the external and the internal boundaries of the freedoms that surround, and make likely, fair and institutionalized elections" (2007: 13).

extend to certain rights and freedoms, but those rights and freedoms must apply not only to individuals, but also to groups.

Indigenous peoples, in contrast to indigenous people (see footnote no. 2), are collective political subjects whose right to participate and be represented cannot be contained within liberal strategies of serially aggregating individuals' preferences. Though marked by great variation, the norms and procedures of indigenous peoples, *normas y procedimientos propios*, which are drawn from but are probably rarely identical to pre-colonial processes and structures – generally involve collective decision-making in ways that look quite different than voting. Under a system of communitarian democracy, decisions are often arrived at and authorities are often selected through deliberative assemblies where participation is neither universal nor secret. For example, a common practice in among Andean indigenous peoples is to form a queue behind candidates for leadership roles, each of which has fulfilled a series of positions within the community; the candidate with the longest line behind him or her is chosen for the position of authority. If we are to conceive of democracy as something that includes inhabitants that are indigenous, and does not obligate them to abandon their political and cultural practices in order to be political subjects, then democracy must be able to recognize and accept such group processes. In other words, while O'Donnell may be correct in assessing that the precise combination of rights and freedoms required to ensure democracy are “rigorously undecidable” by theorists of democracy (2007: 13), democracy must be about more than the rights and freedoms that ensure the institutionalized election of public officials. This requires us to think beyond the suppositions of liberal democracy, which assumes *universal* participation of *the individual*, and usually attendant processes and institutions, such as secret balloting and political parties. This “thinking beyond”

does not mean that democracy abandons liberalism, but that liberal politics cannot by itself contain indigenous norms and procedures.

Two bodies of literature – (1) deliberative democracy and (2) direct or participatory democracy – shift conceptions of democracy closer to the communitarian, and while both are useful to understanding Bolivia’s demodiversity, neither is sufficient to capturing communitarian forms of democracy. With the former, Jürgen Habermas famously articulated a discourse theory of democracy that draws from elements of both liberal and republican traditions to develop an ideal procedure for decision making. From republicanism, he grounds opinion- and will-formation in procedures by which citizens engage one another dialogically in the public sphere; however, Habermas institutionalizes a significant component of this will-formation within the liberal structures of a constitutional state. In doing so, he rejects, on the one hand, republicanism conception of a social whole – a goal-oriented society – and, on the other, liberalism’s system of “constitutional norms mechanically regulating the interplay of powers and interests” (1996: 27). Reformulating republicanism and liberalism into his deliberative model, Habermas proposes a decentered society in which popular sovereignty is a matter of procedures and arises through a political system that engages “informal networks of the public sphere” (1996: 27). Habermasian deliberation thus sees intersubjective communication processes as occurring at two levels – through the parliament’s institutionalized deliberations, and via informal networks in the public sphere that make “public use of reason” (1996: 29).

While the informal networks and the deliberative character analyzed by Habermas can be used to describe the range of indigenous norms and procedures of communitarian democracy, it would be an error to conflate the two. For example, communitarian procedures are often based on shared understandings and a goal-oriented social cohesion eschewed by Habermas. With his

sights scaled up to the level of the pluralistic state, Habermas specifically dismisses what he characterizes as a “communitarian reading” of republicanism, arguing that politics cannot be reduced to a “hermeneutical process of self-explication of a shared form of life or collective identity” (1996: 23-24). To be sure, inasmuch as deliberative democracy is concerned with displacing privileged political positions with reasoned communication, and with shifting process of decision making from elite settings into public spaces, it is likely to promote greater participation among marginalized groups, including indigenous people, than a liberal model of democracy. However, following Habermas, most formulations of deliberative processes maintain a strong preference for the autonomous individual. For example, in explaining the deliberative approach, Joshua Cohen (2002) describes it as attempting to move away from bargaining and market-like interactions toward classical notions of the common good and *individual* autonomy. Seyla Benhabib, in turn, posits that: “...it is a necessary condition for attaining legitimacy and rationality with regard to collective decision making processes in a polity, that the institutions of this polity are so arranged that what is considered in the common interest of all results from processes of collective deliberation conducted rationally and fairly among *free and equal individuals*” (1996: 69, emphasis added).

But if Habermas and others neglected communitarian processes, some deliberative theorists have conceived of ways to incorporate groups into pluralistic deliberation. Iris Marion Young argues that the standard approach to deliberative democracy, in which deliberation is narrowly restricted to argument, is problematic in that it assumes a “culturally biased conception of discussion that tends to silence or devalue some people or groups” (1996: 120). Introducing what she sees as a more inclusive notion of “communicative democracy,” Young (1993; 1996) argues that social and economic power often enters into speech itself, leading to the political exclusion

of women, girls, “racial minorities”, and working class and poor people (1996: 124). She suggests broadening deliberative democracy to include other forms of speech that reflect communication styles more prevalent among these non-privileged social groups (1996).<sup>69</sup> Moreover, Young encourages deliberative democracy theorists to rethink the oft-held belief that the goal of deliberation is to achieve unity around an agreed upon common good; instead, she suggests that participants, in the process of reaching understandings of perspectives, meanings and interests different from their own, “gain a wider picture of the social processes in which their own partial experience is embedded” (1996: 128). Through this understanding of difference, Young argues, communities are better able to arrive at fair solutions to their problems. Thus, Young is able to show how a deliberative approach to democracy can address group representation from a within a pluralistic political framework.

Whereas most of these theorists have argued for modifications to the liberal democratic paradigm, a “radical democracy” articulated by scholars like Chantal Mouffe and Ernesto Laclau is premised on anti-capitalism and aims to renew and deepen what they see as a “democratic revolution” that was initiated 200 years ago (Mouffe 1992: 1). Although such a project proposes the “radicalization of social resistance,” they also criticize what they see as more autocratic forms of Marxism, insisting that socialists must accept the rights and freedoms of subjects in liberal democracy (Smith 1998: 6). Mouffe argues against the rational foundation of deliberative

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<sup>69</sup> Young proposes including three additional forms of communication into the deliberative toolbox: (1) greeting – the preliminary forms of speech directed at establishing respect and trust; (2) rhetoric – invoking figurative, passionate or emotional language; and (3) storytelling – the narrative of particular experience. She also argues for the development of “mechanisms for the effective recognition and representation of the distinct voices and perspectives of those of its constituent groups that are oppressed or disadvantaged” (1993: 310). This can be accomplished, Young proposes, through public mechanisms and resources that foster: the self-organization of social groups that “achieve collective empowerment and a reflective understanding” of their interests in the broader social context; the obligation that decision makers show that their deliberations have taken into consideration the analysis and policy proposals generated by these groups; and veto power by these social groups over policies that directly affect them (1993: 310). The aim of these mechanisms is to promote policy outputs that meet the needs of marginalized social groups, and to ensure that they play an active role in setting the public agenda.

approaches of Benhabib and Habermas, which she posits fail to recognize the “link between legitimacy and power” (1999: 753). Instead, she advances in its place an “agonistic pluralism” in which the political system does not attempt to “eliminate passions nor to relegate them to the private sphere in order to render rational consensus possible, but to mobilise those passions towards the promotion of democratic designs” (1999: 755-756). As with most propositions of deliberative democracy, however, radical democratic postulations scarcely contend with how indigenous peoples enter the stage of radical democracy; nor is it clear whether indigenous peoples’ prospects would fare much better than they do in contemporary liberal-pluralist democracies. Laclau and Mouffe would presumably assert that indigenous peoples should join a pan-leftist articulation (against sexism, racism and homophobia, and in defense of the environment), and through a “chain of equivalence” pursue a new anti-capitalist hegemony (1985: xviii).

Still others have elaborated participatory and direct forms of democracy that may or may not occur within state institutions (Selee and Peruzzotti 2009; Cameron, Hershberg and Sharpe 2012). Included within this category are a range of practices, from state-sanctioned referenda, recall, citizens’ initiatives, community councils, participatory budgeting, policy conferences, and constituent assemblies, to those that occur outside of official institutions and perhaps even in open opposition to them, including petitions, demonstrations, strikes, and other forms of mobilization. Among these scholars, Mark Warren asserts that, especially in Latin America, states are entering “a new phase of experimentation with participatory governance, involving a variety of ways of directly engaging citizens with government... If there is a broad explanation for this shift, it is that the more familiar ways in which governments generate legitimacy – elections, ideology, personal charisma, or economic performance – are increasingly inadequate

to governing complex societies” (2012: ix). The organizations and citizens that participate in these new institutions are frequently precisely those that have been historically excluded by patron-client, authoritarian and electoral democratic institutions alike; moreover, the increased prevalence of such institutions may be a partial consequence of the “crisis in representation” that many have noted in Latin America following the “third wave” of democracy (Selee and Peruzzotti 2009; Cameron, Hershberg and Sharpe 2012). While these new spaces often provide avenues by which historically excluded groups may officially participate in manners that enhance democratic goals (i.e. inclusion, representation, accountability), it is also apparent that these seemingly constituent processes can be “perverted” in a variety of ways, including the clientelistic ambitions to build support for the administration implementing these institutions, or the creation of a professionalized class of “active” citizens (Santos and Avritzer 2005). Indeed, participatory gestures may be conceived of by policy makers as means to abdicate state functions, devolving responsibilities and expenditures to “civil society” (Cameron, Hershberg and Sharpe 2012). In their study of participatory democratic institutions in several Latin American countries, including Bolivia, Selee and Peruzzotti (2009) emphasize that while participatory institutions are generally designed by political leaders in response to civil society demands for new channels of participation, they are unlike Latin America’s conventional response – populism – which seeks to bypass representation through a direct link of the leader to “the people”; rather, participatory democratic institutions complement and can enhance representative ones. Exeni eloquently posits: “on the foundations, limits, and lessons of liberal-representative democracy, without giving it up but with some disdain, the institutionalized practice of direct and participatory democracy is also moving forward” (2012: 208).

Although Bolivia's new institutions of indigenous self-governance can be fairly characterized as deliberative, participatory and direct, they also entail distinct structures and processes that cannot be wholly contained within those notions of democracy. Particular practices of communitarian democracy vary from one nation to another, and even sometimes from one territorial unit (e.g. one Aymara *marka*, one Guaraní *capitanía*) to another, adjacent one.<sup>70</sup> However, in the Andean region, numerous communitarian practices are significantly generalized across Quechua and Aymara communities, including norms of gender complementarity, *chachawarmi*, through which positions of authority, *cargos*, are held by the married couple – although in most cases with the man as the primary authority figure; queuing behind a preferred candidate for a *cargo* at community assemblies, often called *cabildos*; and the rotational holding of positions, or *muyu*. Focusing on Northern Potosí, Rivera Cusicanqui describes the structure and processes of “*ayllu* democracy”:

Each territorial and kinship unit is part of a larger ethnic unit, within a framework that culminates in a large dual organisation whose two moieties [unilineal descent groups] relate to one another as complementary opposites... The population is grouped in three tributary categories... Access to the various levels of *ayllu* authority is determined by each family's tributary status... The system of ethnic authorities has its own electoral mechanisms, which bring together and strike a subtle balance between elements of communal consensus and a compulsory rotating system that involves not only the families, but also the corresponding levels of the *ayllu*, depending on the type of authority to be elected... the *cabildo* or *ayllu* whose turn it is only provides candidates for the post in question; the candidates are then evaluated in an endless process of consultation. (1990: 100-101)

The key point worth emphasizing, for now, is that communitarian democracy is distinct from liberal, participatory, and deliberative models of democracy in that it is based on indigenous norms and practices, which do not adhere to the other notions of democracy – be they the

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<sup>70</sup> Many of the most significant elements of both Andean and lowland communitarian democracy are illustrated in the case studies in Chapter II.

centrality of the individual and the universal secret vote of liberal democracy, the symmetrical implantation of participatory democratic processes across a geographical space (e.g. participatory budgeting or the recall of elected officials which follow a single set of guidelines within a given state), or Habermasian norms of deliberation.

The coexistence of representative, participatory and communitarian forms of democracy has been conceived of as demodiversity by Santos and Avritzer (2005), and the term has been taken up by numerous scholars of Latin American democracy (Zegada et. al. 2011; Exeni 2012). Demodiversity, as they have conceived it, is based on two principles: (1) there are multiple forms of democracy, and (2) the “hegemonic” liberal-representative model of democracy does not necessarily ensure more than a “low intensity democracy” (Exeni 2012). Moreover, concomitant with the global ascent of liberal democracy since the 1970s, Santos and Avritzer (2005) argue that demodiversity has been declining. In other words, the coexistence of democratic forms has diminished as a consequence of the rise of a particular model – liberal democracy – the global acceptance of which has diminished the “strength and credibility” of other political practices (Santos and Avritzer 2005: lxiii). The low-intensity liberal democracy they decry as hegemonic in the world today has emerged dominant due to its compatibility with the social inequality of neoliberal globalization. This is because the rise of that particular brand of capitalism maintained the economic realm as beyond democratic considerations – worsened by the political realm’s “contamination” by the economic–, and because political accountability has been limited to voting, which has itself suffered from declining participation as citizens have lost the conviction that voting is relevant (Santos and Avritzer 2005: lxv). Thus, along with deliberative, radical and participatory democratic theorists, these scholars advocate for a deepening of democracy that balances the liberal with other forms.

The question to which these literatures point is whether the varying democratic forms, as illustrated by the Bolivian case, reinforce or undermine one another. The response this study will offer is that while new institutions of communitarian democracy can certainly complement and even enhance the practice of representative democracy, there remains in Bolivia a clear hierarchy of representative *over* communitarian and participatory democracy, to the detriment of the latter forms.

### ***Citizenship: form and content***

O'Donnell posits that democracy implies certain rights of political citizenship beyond the mere right to vote: “expression, association, information, and free movement” (2007: 18). Maria Teresa Zegada and her co-authors perceive that it is not possible to rethink democracy without also addressing questions of citizenship (2011: 27). Deborah Yashar tells us that “Citizenship is at the core of democracy” (2005: 31). And James Holston points out that in the twentieth century, democratization and urbanization have unsettled established “formulas of rule and privilege” worldwide, generating engagements with democracy in which “new kinds of citizens arise to expand democratic citizenship and new forms of violence and exclusion simultaneously erode it” (2008: 3). It is to the question of citizenship – again, as it specifically relates to indigenous rights – that this theoretical exploration now turns. Theories of citizenship – the rights and responsibilities conferred by a state or other political entity to those deemed to be its members – and typologies of what Yashar (2005) calls “citizenship regimes” speak to and are informed by the investigation of indigenous rights in Bolivia. This line of inquiry complements the previous discussion of democracy with a distinct set of questions about social relations: Who is considered a (full) member in a given state? What is the form of interest intermediation by

which the state engages with those who live within it? What are the range of rights and responsibilities experienced by those who live in a given state?

In a country like Bolivia, where political exclusion of indigenous peoples has been accompanied by ethnicity-based socio-economic inequality, questions of citizenship are paramount to a study of indigenous rights. In fact, in Bolivia, and throughout Latin America, diverse social movements have been employing the language of citizenship as a political strategy – as a discursive means to demand new rights – for women, ethnic groups, the queer community, and the environment (Dagnino 2003).<sup>71</sup> Through this step, desired future rights that social movements seek to be codified as law or in a country’s constitution – such as the right to water, food, housing, education or decent health care – are conceived as *already existing* rights, expressed as ontological fact, seemingly grounded in the necessities associated with what it means to be human, or possibly more broadly to survive in the natural world. Citizenship’s significance is illustrated by the 2009 Constitution’s thorough treatment of both individual and collective rights, as well as Bolivia’s renaming, with the insertion of the term “plurinational” – which articulates a new conception of citizenship. For these reasons, citizenship is an important and productive realm to analyze when considering indigenous peoples’ struggles for self-determination. In fact, in the realm of Bolivian citizenship, we witness additional dimensions of the aforementioned hybridization – both in terms of the *content* of citizenship, in the blending of multicultural and plurinational rights paradigms, and the *form* of citizenship, melding a class-based corporatist-communitarianism with a liberal-pluralism.

Among the foremost contemporary scholars to write about citizenship in Latin America,

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<sup>71</sup> Dagnino asserts that the common referent of “citizenship” has provided a broad range of social movements in Latin America with a shared articulatory principle, creating a “language of rights” around their demands in a manner that “helped them escape fragmentation and isolation” (2003: 212).

Yashar describes three dimensions of citizenship – boundaries, form, and content – that together make up a “citizenship regime” (2005). *Boundaries* are a matter of access and who is granted membership as citizens; *form* reflects interest intermediation, asking what units of society (collective and/or individual) are officially sanctioned by the state; and *content* involves political, social and civil rights, reflecting T.H. Marshall’s seminal work on citizenship rights (1950). However, as Yashar (2005) points out, in the “new democracies” of Latin America – unlike those of Asia, Africa and Eastern Europe – contemporary indigenous struggles over citizenship have been less about the boundaries of who counts as a member of society; rather, they signify contestation over the content and form of citizenship. I follow Yashar in this assessment, recognizing that in Bolivia, as in most of Latin America, equal access to citizenship was officially universalized with democratization, at which time indigenous people (although not indigenous *peoples*) secured legal membership as citizens – which, Yashar adds, helps to account for Latin America’s lack of extreme ethnic violence observable in other new democracies. Thus, I focus my attention here on the remaining two dimensions of citizenship: content and form.

In terms of *content*, the rights of citizenship were famously analyzed by T.H. Marshall in his 1950 essay, “Citizenship and Social Class,” in which he discerned in British history a sequential extension of three distinct types of rights: civil, political and social. Civil rights are those related to individual freedoms, including freedom of thought, speech, faith, property ownership, to work, and to have access to a system of justice to secure these rights. The later-arriving political rights involve the right to vote and to run for public office. Finally, social rights entail a wide range of socio-economic provisions to promote society’s well-being, such as the right to education, welfare, basic services (Marshall 1950), which, if fully delivered, we could attribute

to the welfare state or social democracy. The civil and political rights Marshall described are *negative* rights, obligating the state to refrain from acting so that these rights are not violated, while the social rights he named are *positive*, requiring the state to actively intervene in the creation of institutions and programs for the distribution of social goods (Taylor 2004).

Marshall's sequenced evolution of rights did not generally take place in developing countries, including in Latin America. In the region, as Yashar argues, rights have for the most part been granted "sparingly, simultaneously, in a different sequence, or intermittently" (2011: 185; see also Jelin and Hershberg 1996; O'Donnell 2001; Taylor 2004). In Bolivia, social, civil and political rights all arrived together in the middle of the past century (Lucero 2008); however, as O'Donnell (2001) depicts of Latin America in general, the rights regime constituted in Bolivia, at least until 2006, can be characterized as a "low-intensity citizenship." Beyond the basic political rights associated with elections, "only the members of a privileged minority enjoy" full citizenship (O'Donnell 1996b: 45). In a similar vein, Filgueira (2011) describes Latin American social citizenship as ranging from "exclusive" in countries with "lower-middle" levels of human development (such as Bolivia) to highly "stratified" in countries with higher levels of human development (e.g. Brazil); in either case, more powerful economic and political sectors are able to secure better access to social services, especially health care and social security. Moreover, as O'Donnell highlights, the degree of democratic citizenship granted also varies internally within countries: while there may be democracy at the national level, people often encounter a low degree of state presence sub-nationally – both in terms of an effective legal system and a functional bureaucracy – in what he characterizes as "brown areas" (1993: 11). Teresa Caldeira (2000) observes that many Latin American states have responded to ethnic- and class-inflected public fears of violence and crime in cities such as São Paulo and Buenos Aires by employing

extra-legal violence against those perceived as criminal elements, which, in combination with the state's withdrawal from many urban neighborhoods and the proliferation of private security services, delegitimizes citizenship. In general, we observe that political agency in Latin America has taken different forms than it has in Western democracies, and, as a consequence, the character of Latin American citizenship has evolved in a manner quite distinct from that of European and North American states.

What it has meant to be a citizen in a country like Bolivia is so distinct from British citizenship that some have used other conceptual frames to characterize state-society relations. The pervasive presence of patrimonial systems of clientelism and patronage politics in Latin America is a well-documented phenomenon (e.g. Schmidt et. al. 1977; Roniger and Gunes-Ayata 1994; Mainwaring and Scully 1995; O'Donnell 1996b; Taylor 2004; Hilgers 2012), to the extent that Auyero observes that it has been "one of the strongest and recurrent images in the study of the political practices of the poor... in Latin America" (2001: 20). While clientelistic behaviour – the "particularized exchange" of goods, services or favors for votes between electors and elites (Auyero 2001: 19) – is probably present in all political systems to some degree, what marks clientelism (or what O'Donnell calls "particularism") in Bolivia, as in most of Latin America and elsewhere in the world, is that it is a generalized and dependable practice, "taken for granted, and practiced as the main way of gaining and wielding political power" (O'Donnell 1996b: 40). In contrast with citizenship rights that are based on an assumption of equality – although, generally, not an actual equality – between elected and electors, in which public goods are universally provided to the entire population or classes of people (i.e. health care for all, or welfare to those living in poverty), clientelism is founded on an unequal and particularistic relations of the patron and the client, and those that receive social goods are selective groups that

maintain electoral or mobilizational loyalty to the patron (O'Donnell 1996b; Taylor 2004).

The other dimension of citizenship, the *form* of interest intermediation, involves how a given state organizes, sanctions and incentivizes behaviours within society, and whether collective or individual subjects are privileged. Since the middle of the twentieth century, the dominant form of group citizenship in Latin America was corporatism, by which monopolistic peak associations established and recognized by the state provided the key class-based groups of society – namely business, labour, peasants – with exclusive channels for their demands, along with access to state subsidies and resources. In exchange, the peak associations provide support and legitimation for the government project. Until the implementation of the neoliberal model in the 1980s and 1990s, corporatism was predominant throughout much of the region, under both democratic and authoritarian regimes. In Bolivia, corporatism was implemented after the 1952 Revolution, and it was sustained well into the military dictatorships in the late 1970s, albeit in a diminished form, through the Military-Peasant Pact. The implantation of neoliberalism was, in Bolivia and throughout the region, a deliberate drive to dismantle corporatist systems, along with the state-owned enterprises and labour regimes that often accompanied them. At its core, a neoliberal ideology enshrines the individual and her or his property as the central political and economic units, overturning collectivism through a program of deregulation, privatization, free trade, and fiscal austerity. Unitary peak associations representing entire sectors yielded to a liberal-pluralist model of interest intermediation, however one in which only interest groups with ample resources could access policy makers.

In contemporary Bolivia, new forms of interest intermediation are clearly emerging, but these can neither be characterized as a return to the old corporatism, nor a continuation of the anemic liberal-pluralism in place from 1985 to 2005. In 2006, one could justifiably characterize Bolivian

state-society relations by Kenneth Roberts and Steven Levitsky's "movement left" category, in which "autonomous social and political movements enter the electoral arena and create a partisan vehicle of their own to contest state power" (2011: 15). Roberts and Levitsky (2011) also correctly anticipated the strengthening hand of President Morales. However this has not pushed Bolivia, as they predicted, into the "populist left" category they ascribe to Hugo Chávez and Rafael Correa (2011: 15). Less accurate still would it be to characterize Bolivia under Morales according to a Huntingtonian praetorianism, wholly incapable of incorporating social forces (1968). Ruth Berins Collier and Samuel Handlin offer an interesting framing of contemporary state-society relations in Latin America, suggesting that urban community-based and NGO "associational networks" have emerged as the "new interest regime," replacing the intermediation that labour unions and parties had provided into the 1980s, possibly indicating a "new critical juncture" for the region (2009: 4-6). While such a conception of proliferating associational networks does seem to reflect much of the social organization visible in Bolivia, two other, quite distinct formulations of state-society relations better capture contemporary Bolivian state-society relations.

Sidney Tarrow (1998) characterizes *cycles of contention* as "periods of turbulence and realignment," when "sustained collective action... spread to entire societies" (1998: 8). In general, social movements are the principal protagonists of cycles of contention, employing "collective action *frames*" based on shared identities and understandings (Tarrow 1998: 21). James Holston (2008), meanwhile, describes cases of *insurgent citizenship*, in which the "regime of legalized privileges and legitimated inequalities" that finds its origins in colonial relations persists to the present day, yet is challenged by an "insurgent citizenship that destabilizes the entrenched" – especially at urban peripheries (2008: 4). Much like the Brazil Holston studied, in

Bolivia until 2006 the dominant historical form of citizenship existed in tension with, and limited, alternative counterformulations. Both conceptions are insightful in depicting contemporary state-society relations and the nature of citizenship in Bolivia; however, as I will elaborate in the concluding chapter, since the coming to power of Morales, “cycles of contention” is an ever more apt descriptive of the type of interest intermediation we see in Bolivia. Since 2006, the political field has shifted substantially; although tensions between the entrenched and insurgent forms of citizenship Holston speaks of have not been resolved, some insurgent positions have been mollified and in some cases institutionalized. The 2009 Constitution has undermined “legalized privileges” and, perhaps, challenged “legitimated inequalities” (2008:4). Yet, we continue to observe, especially after 2009, Tarrow’s cycles of contention. The most prominent dynamic of Bolivian state-society relations is a dialectical tension of (a) cycles of social movement mobilization – “turbulence and realignment” – based on varying frames of meaning and identity, and (b) the state’s *reaction* to social pressures. With this in mind, I will characterize the form of contemporary interest intermediation in Bolivia as one of “contentious bargaining” – a term used by Anria (2010: 104) to characterize the MAS’s non-electoral dimension – but which also accurately depicts state-society relations in general. Contentious bargaining in Bolivia is characterized by (1) a plurality of social agents, (2) cyclical mobilization by a broad array of social sectors, and (3) official policy making by reaction. That policy making in contemporary Bolivia is reactionary is not to say that the government has no initiatives or program of its own, but that its primary way of relating to social forces and their demands is through official policy responses to the cyclical mobilizational efforts of social movements and other organized groups.

Within a liberal-pluralist citizenship regime type, we can locate the ideology and political

project of multiculturalism, which was implemented in policy and discourse in much of the Latin America since the mid-1980s in the context of neoliberal reforms (Postero 2007). In Bolivia, multiculturalism was a key component of the 1994 constitutional and legal reforms undertaken by the administration of Gonzalo Sánchez de Lozada, which explicitly recognized “indigenous cultural rights, including limited self-government as fundamental to Bolivian citizenship” (Kohl and Farthing 2006: 91).<sup>72</sup> Multiculturalism recognizes, tolerates and even promotes many of the most visible expressions of ethnic difference (i.e. language, dress, ritual, music, art, *cosmovisión*) – some argue constituting a “‘cosmetic’ politics of inclusion” (González 2010: 57) – while still conceiving of society as principally comprised by atomized individuals that serially aggregate in political, economic and social spheres under the liberal logic of *laissez faire*. Culture, indigenous or otherwise, is promoted, but principally in the subject of the person, not the people, *el pueblo*. As such, under Bolivian multiculturalism, the recognition of indigenous rights *in practice* was limited: “indigenous people’s rights to control their resources... [were] largely subsumed to national laws governing hydrocarbons and minerals, which make no allowance for local control, indigenous or otherwise” (Kohl and Farthing 2006: 91). Such observations are consistent with Charles Hale’s famous critique of the alleged benevolence of multiculturalism in Guatemala, in which he argued that multiculturalism’s union with neoliberalism constitutes a “parallel mix of opportunity and peril” in which the state privileges certain indigenous subjects, voices and demands, while marginalizing other, more “radical” ones (2002: 491). For Hale, “neoliberalism’s cultural project” consisted of the “pro-active recognition of a minimal package of cultural rights” alongside an “equally rigorous rejection of the rest”

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<sup>72</sup> These reforms include the constitutional revisions of 1994, and a series of three laws related to indigenous peoples: the Law of Popular Participation (LPP) that guided Bolivia’s political decentralization and enabled local indigenous agents to be involved in municipal-level decision making, the INRA Law of agrarian reform which provided for communal titling of indigenous territories, and the Intercultural Bilingual Education Law which supported teaching of indigenous culture and languages (Postero 2007).

(2002: 485). In a similar vein, Araceli Burguete Cal y Mayor argues that in Latin America multiculturalism is a “counter-paradigm” to the movement for autonomy: “Today, the most significant adversary [to the self-determination of indigenous peoples] is the multicultural paradigm” (2010: 81). A somewhat more robust – but still liberal – notion of multiculturalism argues that the rights of groups, such as indigenous peoples, can be elaborated and protected, based on the rights of the individual (Kymlicka 1995).<sup>73</sup>

Two ideal types or paradigms of citizenship regimes emerge from the combination of content and form: one is a class-based corporatist-communitarianism with a particular focus on social rights, and the other an individual-based liberal-pluralism that emphasizes political and civil rights (see Yahsar 2005: 47-49). These citizenship regime types proliferated in Latin America in the mid-Twentieth Century and after the 1980s, respectively. However, as early as late 1989, the neoliberal program began to be called into question.<sup>74</sup> Beginning in the 1990s, the region underwent a sea change, as neoliberalism was increasingly seen as failing to fulfill the socioeconomic gains it promised while exacerbating inequality, contributing to a wave of elections of left-leaning presidents, beginning with that of Hugo Chávez in Venezuela in 1998. Since that time, characterizations of citizenship in Latin American have been dominated by a series of *posts-*: postmulticultural (Postero 2007), post-neoliberal (MacDonald and Ruckert 2009),<sup>75</sup> post-liberal (Arditi 2010). For example, Nancy Postero argues that many Bolivians – especially indigenous people and those living in poverty – rejected “neoliberal multiculturalism”

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<sup>73</sup> Multiculturalism is quite similar to another term that has come into greater usage since 2006: interculturality. The main distinction is that the latter indicates a “more interactive process of mutual influence” among those of different cultural and linguistic backgrounds (Postero 2007: 13).

<sup>74</sup> As Jon Beasley-Murray argues, the 1989 Caracazo in Venezuela was one of the first major revolts to initiate the constituent moment in Latin America’s “left turns”; indeed, he asserts that “1989 heralds a new moment in Latin America’s political history” (2010: 137).

<sup>75</sup> MacDonald and Ruckert use the term “post-neoliberalism” to characterize the search by “progressive” presidents in contemporary Latin America for “policy alternatives arising out of the many contradictions of neoliberalism” (2009: 6); they clarify that this policy experimentation does not come *after* neoliberalism, but signifies a “discontinuity within continuity” with neoliberalism (2009: 2).

and are pursuing a “new era of citizenship practices and contestation focused on redefining the state and popular access to it,” which she terms “postmulticultural citizenship” (2007: 6-7). Interestingly, one of the few contemporary descriptors of Bolivian citizenship that is not premised on what it is not is plurinationalism (discussed further below).

Has Bolivia’s citizenship framework been modified to such an extent that it is no longer strictly liberal? An argument for “post-liberal” citizenship perceives Bolivian politics as consociational, corporatist or, more likely, communitarian. If this scenario holds, Bolivian citizenship is more participatory and inclusive; the assertion of rights is more robust; and indigenous norms and practices are being incorporated into law. Institutions are being transformed in important ways, despite inevitable tensions. There is a high capacity for strengthened indigenous rights. On the other hand, seeing Bolivian politics as still essentially liberal would mean minimal change in citizenship regime, with pre-existing conventions of a weak form of liberal-pluralism still predominating. Although discourse and official titles have changed, the logic goes, in practice there has at best been a very modest expansion of citizenship rights; institutions have not undergone meaningful transformation, perhaps impeded by weight of institutional inertia or lack of state capacity, which would likely undermine any meaningful expansion of indigenous rights. Although such a scenario may seem unlikely in a country that has drafted a new Constitution and legal framework, the lack of actual political change – including in the realm of indigenous politics – is a sentiment frequently encountered in Bolivia.<sup>76</sup> Were these two possibilities the only ways of characterizing citizenship, this dissertation would probably locate Bolivia much closer to a liberal-pluralist position.

However, there remains a third way of conceiving Bolivian politics: the coexistence,

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<sup>76</sup> For example, a perceived lack of meaningful change in indigenous politics in contemporary Bolivia was expressed by two prominent indigenous intellectuals during interviews in La Paz, on February 27 and May 1, 2012, as well as by a spokesperson for CONAMAQ in La Paz, November 6, 2013. See also Almaraz et. al. (2012).

aggregation, or hybridization of liberal-pluralist and corporatist-communitarian (or “post-liberal”) modes of citizenship, with both strains evident in Bolivian politics. Following this perspective, Bolivia’s citizenship regime has enhanced collective rights of groups, yet these accompany extant liberal individual rights. This would be consistent with Cindy Holder and Jeff Corntassel’s assertion that indigenous peoples “generally recognize that collective and individual rights are *mutually interactive* rather than in competition” (2002: 129).<sup>77</sup> Under this scenario, indigenous rights are being enhanced, yet are also institutionally and ideationally constrained, most significantly by entrenched free market and liberal democratic values that bind autonomous rights-bearing individuals to a centralized and unified national state. In what Calderon characterizes as “indigenous neo-developmentalism” (2008: 66), the realization of decolonization through plurinational processes and institutions would then be limited by liberal conceptions and capitalist structures that are sustained through a combination of international economic pressures and endogenous economic and regional interests, all of which work against communal, participatory, and radically pluralist logics of social and political organization. Escobar suggests this occurs because due to the “historical weight of liberalism, the State is more equipped to control or govern, rather than release, the energies of social movements. Similarly, the sturdy sedimentation of capitalist and modern practices means that these keep on fueling the hegemony of particular ways of organizing the economy (capitalist markets), culture (e.g. the individual), and society” (2010: 46). In other words, the formal and informal institutions

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<sup>77</sup> Holder and Corntassel elaborate: “First, many indigenous peoples view collective and individual rights as interdependent and grounded in dual-standing collective rights. Second, for those groups in which it exists, universal kinship extends to all individual members, species, and homeland claims. Within such a philosophy, the group’s survival is predicated on both individual and collective access to such resources. Finally, material and non-material benefits accorded group members are not mutually-exclusive entities. Intangible benefits members receive as part of the larger collectivity extend far beyond psychological gratification to issues of social development and education. In sum, holistic indigenous world-views go well beyond liberal-individualist and corporatist explanations, which tend to frame the collective/individual rights debate in terms the individual’s ‘psychic health’ as being contingent on group affiliation.” (2002: 149)

born of capitalism and liberalism set limits for the development of structures and processes based on conflicting logics. For yet others, what is emerging is the hybridization of post-liberal forms and sites of political engagement, alongside existing liberal ones (Arditi 2010). Nancy Postero argues, however, that this is less a case of post-liberalism than the vernacularization of liberalism to make it compatible with a more radical version of democracy (2010). These critiques suggest that the transformation of citizenship regimes are at best partial, and more evident at local levels and within social movements than from the heights of the state.

This brings us, finally, to what may be emerging as a new citizenship regime in Bolivia and other countries in the region: plurinationalism. The term emphasizes the plurality of nations within a state, as opposed to multiplicity of cultures, as does multiculturalism. The implication is that the recognition of nations implies acceptance of many of their rights and institutions, which are to exist alongside or within the conventional rights and institutions of the state. Thus, to think of plurinationalism is to accept asymmetrical structures and processes of governance, possibly even signifying plural sovereignties; however, as the case of Bolivia illustrates, it does not necessarily impinge upon the unitary state. Moreover, the asymmetry between sub-national institutional structures and processes suggests that plurinationalism follows a logic distinct from federalism. Bolivia's official state discourse of plurinationalism within a unitary state was explained by Bolivian Vice President Álvaro García Linera in a 2007 interview: "Before, one spoke of a homogenous nation; now we speak of a plural nation. The difference between nation and country did not exist before. They were the same thing. Now there is a difference: it is treated as various nations that are self-affirmed and live together under a common roof." (2007:

163, author's translation).<sup>78</sup> Proposals for plurinationalism have their genesis not in the political project of the MAS, but in decades of indigenous contestation over rights, territory and identity. Luis Tapia traces this foundation of plurinationalism in Bolivia to (1) the organization of lowland indigenous communities, beginning with the 1990 indigenous march and construction of CIDOB, and (2) the rise of the *Kataristas* in the highlands, and their articulation of an Aymara nation (2013: 138). Since the election of President Morales, plurinationalism has become central to the state's official discourse – elevated into the very name of the country; yet it remains uncertain whether that discourse reflects a change in citizenship regime in a manner advocated by its original proponents, or a more symbolic gesture.

As elaborated in the Conclusion, this dissertation finds that Bolivia's contemporary citizenship regime exhibits a modest degree of hybridity, combining a corporatist-communitarian focus on social rights with a liberal-pluralism that emphasizes political and civil rights. However, Bolivian citizenship remains principally in the latter category of liberal-pluralism. While there are indications of shift away from a strictly liberal rights framework toward a citizenship regime that might be described as “post-liberal,” contemporary Bolivia remains, in practice, much more multicultural than plurinational.

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<sup>78</sup> García Linera is a social scientist and still actively publishes articles and books as the country's Vice President. A Marxist and former guerilla fighter against dictatorship, he is generally regarded as the administration's leading theorist.

## Chapter II. Empirical description of indigenous autonomy in Bolivia

The 2009 constitutional recognition and articulation of indigenous autonomy represents a significant gain – some have argued a high-water mark – for indigenous rights to self-determination in Bolivia, signifying a potentially important step toward the country’s compliance with the UN Declaration on the Rights of Indigenous Peoples.<sup>79</sup> Indeed, the advent of *autonomía indígena originaria campesina* (AIOC) in Bolivia has generated interest among scholars internationally as a model for the expansion of indigenous self-determination.<sup>80</sup> This chapter explains in detail the legal and institutional context for indigenous autonomy, and describes the practice of how it has been implemented to date, with the goal of elucidating what indigenous autonomy is and is not in the specifically Bolivian context. Numerous findings that arise from this reading. First, contemporary tensions evident in the construction of indigenous autonomy are largely a legacy of the MNR’s post-Revolution attempts to build a homogenous peasant-*mestizo* identity that elided indigenous subjectivities. Second, the Bolivian state has been significantly modified by the Constitution in numerous ways that are relevant to indigenous peoples; this includes all the branches (“organs”) of the national government, several government ministries, and all levels of government, from the national to the municipal. Third, we begin to observe that many of the secondary laws passed since 2009 have limited the generally pro-indigenous character of the Constitution, which reflects a shifting disposition of the MAS-led executive branch and National Assembly (Congress) on issues of indigenous rights

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<sup>79</sup> This opinion was expressed by various indigenous leaders, politicians and academics over the course of my doctoral research in Bolivia. For example, researcher John Cameron, who has observed and accompanied the processes of constructing indigenous autonomy in several of the AIOCs under construction, argued that the CPE has a “broad vision of indigenous autonomy”; however, that the government has subsequently restricted indigenous autonomy through secondary laws (Seminar at CESU-UMSS, November 24, 2011).

<sup>80</sup> See, for example, Cameron 2010b; Mondor 2011; Garcés 2011; Tockman, Cameron and Plata 2012; Tomaselli 2012a; Morell i Torra 2013.

since 2009. The contradictions evident in the implementation of indigenous autonomy are most significantly a consequence the changing nature of the MAS as it has shifted from an oppositional social force to the elected government. Finally, the pilot municipalities that are presently undergoing conversion to indigenous autonomy reflect a diverse range of cases in terms of demographics, socio-economic factors, location and ecology, and the principal indigenous nation; meanwhile, all 11 are rural, have an agricultural economic base, and have high levels of poverty. Additional findings related to the specific cases are highlighted at the end of this chapter.

I begin this chapter with a brief historical contextualization of indigenous rights since Spanish colonization, but with a focus on Bolivia's particular historical constructions of indigeneity and the durability of the post-1952 Revolution assimilating ideology of *mestizaje*, by which indigenous people were to be converted into peasants, *campesinos*. Next, I undertake a description of the new constitutional and legal framework for indigenous autonomy, and the political correlation of forces that has emerged since 2009. Third, I lay out the actually existing procedural and institutional changes underway in relation to indigenous autonomy. Lastly, I provide a detailed study of five cases of indigenous autonomy, accompanied by a more limited survey of seven others. This chapter essentially provides an empirical survey of the data collected during field research, which will be followed by a close reading of the autonomy statutes completed to date in Chapter III. Both of these empirical chapters contribute to the broader analysis of indigenous rights in Chapter IV.

## Historical context

All the nation's centuries are marked by uprisings and rebellions; it is as if Bolivia were nothing but that which had been built between the walls of defensive barricades erected against a territory populated by the Indian masses (*la indiada*). (Zavaleta 1998, from Lucero 2008: 49)

Indigenous autonomy is the base and foundation of Andean society, pre-dating the existence of the Inka State, which survived the destruction that resulted from Conquest and the Colonial State and was able to overcome the diverse attempts at modernization by the republican State; Totora Marka's Indigenous Autonomy has existed and will continue to exist as an ancestral practical reality, and we share our communitarian democracy and our forms of organization with other peoples and communities of what is today the Jacha Suyu of the Plurinational State of Bolivia. (Preamble of the Autonomy Statute of Totora Marka; author's translation)

Indigenous peoples were consistently subjected to the gravest of abuses and exclusions in what is now called Bolivia, during Spanish colonization (then known as Charcas, Upper Peru, or the Viceroyalty of Peru, commencing around 1540) and by the republican state from 1825 forward (Dunkerley 1984; Rivera Cusicanqui 1986; Albó 2009; Moore 2010; Klein 2011).<sup>81</sup> Until 1952, indigenous peoples suffered systematic and ongoing exploitation, marginalization and forced labour, political and social exclusion, and partial destruction of their cultural practices at the hands of other ethnic groups that assigned to them a lower social rank in what Dunkerley has called an "occupied country" (1984: xii), and later what Tapia describes as "internal colonialism" (2011: 13). Although "cycles of indigenous rebellions" (Tapia 2011: 15) described by René Zavaleta above punctuated both colonial and republican eras (Rivera Cusicanqui 1986; Hylton and Thomson 2007; Klein 2011; Tapia 2011), the rights of indigenous peoples began to change in earnest in Bolivia only in 1952, following the National Revolution. The Revolution of 1952 brought to a close seven decades dominated by undemocratic civilian oligarchic regimes,

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<sup>81</sup> Klein elaborates: "In terms of the Indian peasant masses, there was nothing democratic or participatory about the republican governments that existed after 1880... Nor was there any dispute about this among the elite, who were deeply concerned about keeping the Indian masses out of politics... Only once, in 1899, would Indian peasants be allowed to participate even temporarily in a national political conflict, and this intervention ended in total suppression of the Indian leaders" (2011: 148-149).

most of which governed in the shadow of the decisive economic and political power of the country's three leading tin baron families, commonly known as the *Rosca*, under whose influence Bolivia had earned the moniker *superestado minero*, mining superstate (Dunkerley 1984; Klein 2011).<sup>82</sup> The "State of 1952" provided to indigenous people, indeed all Bolivians, the right to vote for the first time, alongside a series of other significant reforms – nationalization of the mines (October 1952), a major agrarian reform (initiated in August 1953)<sup>83</sup>, and the extension of educational programs into Bolivia's rural areas.

As part of its nation-building project, the Revolution's main protagonist, the populist National Revolutionary Party (MNR)<sup>84</sup> prescribed for all Bolivians a homogenized *mestizo* identity, with *indios* – a "pejorative term for non-citizen indigenous people" (Kohl and Farthing 2006: 47) – officially transformed into *campesinos*, organized anew by a corporatist state in peasant unions, *sindicatos campesinos*.<sup>85</sup> In this act, some political rights were delivered to peoples previously excluded, while cultural identities and communal practices were stripped away. Through the

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<sup>82</sup> Dunkerley describes the *Rosca*'s political influence: "...three family firms controlled eighty per cent of an industry that accounted for eighty per cent of national exports and provided the state with its only secure tax base and input of foreign exchange" (1984: 6-7).

<sup>83</sup> The MNR's agrarian reform, initiated on August 2, 1953, aimed to break up the *latifundio* system, redistributing land "to those that worked it" in the western *altiplano* and central valleys, but not the eastern lowlands (Núñez and Rodríguez 2012); however, the reform was not of socialist design, and much less a communitarian one. As MNR President Victor Paz Estenssoro explained the agrarian reform was of a "liberal" character with the aim of agricultural modernization: "The subdivision of land is the classic proposition of the liberal type of agrarian reform" (quoted in Ticona and Albó 1997: 169, author's translation). However the question of agrarian reform in the Bolivian highlands and valleys has not been fully resolved; despite a second phase of land reform that commenced in 1996 (Law 1715, the *Ley del Instituto Nacional de Reforma Agraria*, INRA) and a third in 2006 (Law 3545, *Ley de Reconducción Comunitaria de la Reforma Agraria*), as of 2012, CIPCA still reported: "the problem of land tenure and of land and territory continues today, principally because the resolution of land titling [*saneamiento*] has not been completed and there are still peasants, indigenous peoples and First Nations without land or with insufficient land" (Núñez and Rodríguez 2012: 1, author's translation).

<sup>84</sup> Though the MNR had won the May 1951 elections, the reigning oligarchic regime instead turned power over to the military; this provoked the Revolution of 1952 (launched on April 9, and lasting only three days), led by the MNR, which sought to implement a national-popular program that drew inspiration from the Mexican Revolution of 1917, although Bolivia's National Revolution was "more rapid and peaceful" (Albó 2009: 28; Klein 2011).

<sup>85</sup> Bolivia's efforts to erase indigenous identities and to "integrate" indigenous peoples into a putative national mainstream were common of the region-wide Indianist policies of the mid-twentieth century; these *indigenismo* programs of assimilation, characterized by Stavenhagen as "well-intentioned" but "ethnocidal," had been endorsed by many Latin American government delegations in attendance at the 1940 Inter-American Indianist Congress in Pátzcuaro, Mexico (2000: 73).

*sindicatos*, indigenous peoples qua peasants attained the means by which to make official demands and grievances of the government, which, combined with basic systems of education and control of the land they worked, constituted their incipient yet still highly limited social and political inclusion as citizens of Bolivia. On the other hand, the MNR's ideological project of *mestizaje*, transmitted through the *sindicatos* and the education system, refused to recognize indigenous identities, languages, cultural practices, and norms or procedures, producing a "profound deterioration" of many communal forms of governance (Colque and Cameron 2010: 183; Ticona and Albó 1997). Numerous scholars have noted that *sindicalismo* penetrated much more deeply in those regions previously dominated by *haciendas*, namely in the valleys of Cochabamba, where the *ayllu* system had already been dismantled according to an individualist-capitalist logic; where the *ayllus* survived into the 1950s, implantation of the union structure was "slower and more superficial" (Ticona and Albó 1997: 173; Colque and Cameron 2010).

However, as Deborah Yashar emphasizes, state-sanctioned identities "do not necessarily equal private identities and preferences"; where the reach of the state is limited or uneven, "local enclaves provide an arena for 'private' identities to find public expression" (2005: 7). Although many indigenous people accepted the MNR's modernizing discourse, perceiving the official reification of the peasantry as a mark of progress rather than political exclusion, in many rural areas, indigenous identities and forms of organization continued to exist and be practiced, beyond the limited reach of the state. These identities and associated norms and procedures were sustained for over two decades in indigenous enclaves in the face of numerous regimes' nationalizing projects, and would only become politicized with the rise of the indigenous-peasant movement of *Kataristas* that surged in the late 1960s (Yashar 2005; Albó 2009; Tapia 2011). The mostly Aymara *Kataristas* organized themselves "at the intersection of ethnic and

class lines” until the movement waned in the 1980s (Yashar 2005: 170), waging a struggle to which one can aptly apply Fanon’s notion of “disalienation” (1952) and Coulthard’s “desubjectification” (2007). In what Yashar (2005) describes as the first generation of two major contemporary indigenous mobilizations, the *Kataristas* challenged the government’s prescribed identities, developed coalitions with other social sectors, and ultimately gained control of the state-controlled peasant unions, transforming them into the United Confederation of Peasant Workers’ Unions of Bolivia (CSUTCB) in 1979 under what Xavier Albó calls “*katarista* hegemony” (2009: 38).<sup>86</sup> Through highly symbolic acts and discourse – i.e. erecting a massive monument to Tupaq Katari in Ayo-Ayo in 1970 (Rivera Cusicanqui 1986),<sup>87</sup> and declaring, “We are no longer the peasants of 1952” – the *Kataristas* challenged the MNR’s claim of a homogenous Bolivian peasantry (Albó 2009: 38). In so doing, they effectively transformed what had been a “cultural” or ethno-cultural” cleavage of “conquered First Nations cultures” as distinct from the MNR-constructed peasantry, into a “political cleavage” of an independent political-cultural movement of indigenous peoples *and* peasants with the capacity to articulate an autonomous agenda vis-à-vis the state (Tapia 2011: 22, author’s translation).

In hindsight, we can observe – the gains of the *Kataristas* notwithstanding – that the central significance of the State of 1952 and the attendant creation of peasant unions is that they formed a critical juncture that birthed Bolivia’s historic division of the indigenous peoples of western Bolivia, between those organized according to a liberal union structure (incorporating *some* pre-colonial practices) and those that have more closely practiced pre-colonial norms and procedures

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<sup>86</sup> Yashar characterizes as “second-generation indigenous movements” those like Bolivia’s *coca* growers, which, as the beneficiaries of their predecessors’ political successes, have “*followed, learned from and replicated* the language adopted by the first round” and have “strategically decided to use ethnic identities as the marker for mobilization... to gain a toehold in national and international debates” (2005: 80).

<sup>87</sup> Along with his wife, Bartolina Sisa, Tupaq Katari (born Julián Apaza) led a massive Aymara rebellion against the Spanish in 1781, which laid siege on the city of La Paz for more than six months, until the rebellion was defeated and Katari executed (Rivera Cusicanqui 2012).

– a bifurcation among peoples that both, to varying degrees, self-identify with an indigenous nation or culture. Despite moments of convergence around common causes, such as unified opposition to neoliberal policies from 2000 to 2005, and collaboration in favor of constitutional reforms (2006-2007), this significant social cleavage continues to the present day, as has been well documented (Kohl and Farthing 2006; Lucero 2008; Colque and Cameron 2010; Tapia 2011). Colque and Cameron, for example, observe: “From the decade of the 1950s to the beginning of the decade of the 1990s, unionism developed amidst an uncomfortable and at times violent tension with the organizational forms of the communities, the pre-existing *ayllus* and *markas*” (2010: 184, author’s translation). Kohl and Farthing emphasize the tensions that exist in many communities where more than a single type of indigenous organization is present, specifying that many *ayllus* “strongly oppose” the CSUTCB because they perceive the latter’s union structure – which significantly displaced the *ayllus* after 1952 – as foreign to indigenous norms, and object to its close collaboration with political parties (2006: 159). And Lucero (2008) describes the breakdown between highland peasants and lowland indigenous groups during a 1996 march in protest of the government’s agrarian reform policies; when those from the lowlands (CIDOB) began to negotiate directly with the government, they were accused of betrayal by the CSUTCB. Subsequently, the CSUTCB rejected the agrarian reform, including titling of indigenous Ancestral Community Lands (*Tierras Comunitarias de Origen*, TCOs), and the Confederation instructed their affiliates to reject site visits by the National Agrarian Reform Institute (INRA) or diffusion of information about the 1996 Agrarian Reform Law, *Ley INRA* (Colque 2009). In a 1999 interview, former CIDOB president Nicolas Montero told Lucero: “We have never had a sincere relationship with the CSUTCB... It has a particular situation that is different from ours, their systems of government are very different from our own and for that

reason they have reached the point of becoming a political party” (2008: 94). All of these accounts support the observation by the leader of one NGO, who described the CSUTCB as actively opposing the construction of indigenous territories.<sup>88</sup>

The aforementioned indigenous-peasant alliance that developed a common position on constitutional reform, the *Pacto de Unidad Indígena, Originario y Campesino*, or Unity Pact, was an important protagonist force that demanded and maintained critical support for the Constituent Assembly shepherded by the MAS, and the Pact significantly influenced the eventual content of the new constitutional framework (Zegada et. al. 2011). The Unity Pact, founded in September 2004 at the National Meeting of Peasant, Indigenous and First Peoples Organizations in Santa Cruz, attended by more than 300 representatives of indigenous and peasant groups (Garcés 2011), brought together all of the most significant groups that aggregated indigenous and peasants peoples in Bolivia (Zegada et. al. 2011). This included from the peasant sector the aforementioned CSUTCB, the “Bartolina Sisa” National Federation of Peasant Women Workers of Bolivia (FNMCB-BS, commonly referred to as the “Bartolinas”), the Confederation of Unionized Colonists of Bolivia (CSCB), and the Landless Workers Movement (MST); and the indigenous and First Peoples organizations National Council of Ayllus and Markas of Qullasuyu (CONAMAQ), the Confederation of Indigenous Peoples of Bolivia (CIDOB), the Coordinator of Ethnic Peoples of Santa Cruz (CPESC), the Central of Ethnic Moxeño Peoples of Beni (CPEMB) and the Assembly of Guaraní Peoples (APG) (Garcés 2011). The Unity Pact is important not only for the effects of its collaboration on the design of the refounded Bolivian state, but because, as Garcés (2011) points out, it was constitutive of the new collective subject that would be named in the 2009 Constitution – *indígena originario*

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<sup>88</sup> From interview in Cochabamba; February 3, 2012.

*campesino* – and was the principal articulator of plurinationalism prior to its formal acceptance by the state.

Among these groups, in national Bolivian politics the CSUTCB and CIDOB are the most significant political forces, in the west and east respectively, although the Bartolinas and CONAMAQ – both in Western Bolivia – also maintain significant political influence. While CSUTCB and the Bartolinas have been the primary organizations to mobilize peasants and indigenous peoples in the western highlands and central valleys (and presently constitute a significant portion of the political base of the MAS), the principal organization to organize indigenous peoples in Bolivia’s eastern lowlands has been CIDOB, which has its headquarters in Santa Cruz. CIDOB, Bolivia’s most important *indígena* organization, was founded in 1982, and is perhaps most noted for its coordination of the historic 1990 March for Territory and Dignity, which pressured President Jaime Paz Zamora to issue a series of decrees that granted territorial control to indigenous peoples (Lucero 2008). As Lucero emphasizes, CIDOB was built with significant support from international development organizations and NGOs,<sup>89</sup> and participated in many international meetings, from which CIDOB leaders adopted a transnational language of indigenous rights – including bringing the “discourse of territory to Bolivia,” which invigorated indigenous movements in the highlands (2008: 92-93). The later-arriving CONAMAQ, which has often collaborated with CIDOB, has worked since its founding in 1997 to reconstruct the pre-colonial system of *ayllus* and *markas* in Bolivia’s Andean region, has advocated for the recovery of land and territory, and played an important role in anti-neoliberal protests from 2000 to 2005 (Kohl and Farthing 2006).

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<sup>89</sup> CIDOB’s receipt of significant international support was confirmed to me during an interview with a member of CIDOB’s directorate on March 5, 2012, in Santa Cruz.

Collaboration between peasant and indigenous organizations in Bolivia has always been “short-lived” (Lucero 2008: 95), and the socio-political division between indigenous peoples and peasants of Bolivia that was never surmounted is now expanding once more. This can be observed in the CSUTCB’s 2011 proposal to modify the *Ley INRA* so as to audit and redistribute at least some of Bolivia’s collectively held TCOs (Tapia 2011; Fundación Tierra 2012b; Pedraza 2012). During the August 2011 National Summit on Land and Territory held in the *cocalero* epicenter of Villa Tunari, Cochabamba, the CSUTCB put forth that the process of titling collective lands should be reviewed, arguing that the lands being granted through the titling process (*saneamiento*) “have been and are being awarded illegally and in a biased manner that benefits only a few, that is, only the TCO and supposed landless movements and the only thing that is being achieved is the consolidation of the new estates [*latifundios*]” (Fundación Tierra 2012a: 5). The MAS and their peasant base have also acted contrary to indigenous territorial self-determination in the cases of the highly contentious plans to construct a highway through the Isiboro Sécore Indigenous Territory and National Park (*Territorio Indígena y Parque Nacional Isiboro Sécore*, TIPNIS), and in the processes of municipal conversion to indigenous autonomy analyzed at length in this dissertation. One spokeswoman for the Bartolinas criticized those pursuing indigenous autonomy and the marchers protesting the highway that would bisect the TIPNIS in the same breath, accusing them of confusing the issue of self-determination.<sup>90</sup> Emphasizing that “there is no legitimate protest,” she explained that the march and initiatives for indigenous autonomy are problematically marked by an externally imposed divide between indigenous peoples and peasants that should be resolved by “joining together into a single mass, which is how we are going to achieve self-determination.”<sup>91</sup> Indeed, one of this study’s

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<sup>90</sup> From interview in La Paz, May 3, 2012.

<sup>91</sup> *Ibid.*

important findings is that the contradictions of indigenous autonomy are to a significant degree the legacy of the MNR's post-Revolution attempts to erase indigenous identities – identities that never went away. Today, the strongest criticisms of indigenous autonomy in Bolivia come not from right-wing elites – although many of them certainly do oppose it – but from the *sindicatos* that themselves identify as Aymara or Quechua – and who, not incidentally, constitute the base of support for Morales and the MAS.

Bolivia's highly complex configuration of organizations that represent indigenous people reflects the varied and overlapping identities that Bolivians have, as illustrated by the most recent census results. Recalling the discussion of modes of identification from Chapter I, those who self-identified as belonging to an indigenous nation decreased from 62.2% in 2001 to 40.6% in 2012 – a decline of more than one-third in just 11 years (INE 2012). Some interpretations have suggested that fewer people appear to identify as indigenous because some indigenous nations were omitted from the census list, as alleged by Yampara peoples in Chuquisaca,<sup>92</sup> or because the census failed to reach remote communities, as observed by Guaraní leader Filemón Suárez (Shahriari 2013). Others perceive that there has been a decline in indigenous identification due to dramatic urbanization to cities like El Alto, or as a consequence of generational differences, with younger people less likely to identify as indigenous (Shahriari 2013). Still others contend that the census results reflect a widespread rejection of policies of the current government, which itself claims an indigenous mantle (*Pukara* 2013).

A more convincing account is offered by Albó (2013c), who argues that it is the formulation of census questions that most influenced the surprising results. He contrasts the two censuses. In 2001, Bolivians were asked: *¿Se considera perteneciente a algunos de los siguientes pueblos originarios o indígenas?* (roughly, “Do you consider yourself as belonging to one of the

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<sup>92</sup> From meeting with a member of the Yampara Nation in Sucre, October 29, 2013.

following first nations or indigenous peoples?"; author's translation), followed by a list of five indigenous nations and the option, *Otro nativo*, "Other native" (Albó 2013c). However, in 2012, based on the Constitution's new formulation of a collective political subject, the question read: *Como boliviana o boliviano ¿pertenece a alguna nación o pueblo indígena originario campesino o afro boliviano?* ("As a Bolivian woman or man, do you belong to an indigenous first peoples peasant or Afro-Bolivian nation or people?"; author's translation); and only those who answered "yes" were subsequently allowed to select an indigenous nation (Albó 2013c). Albó argues that, in the latter census, the low results (40.6%) occurred because those responding to the census did not have the option of selecting a particular nation to which they could belong *unless* they answered in the affirmative to the filtering question with a problematically complex constitutional phrasing. While the term of the *indígena originario campesino* inclusively aggregates the three major modes of identification by which a person in Bolivia may associate themselves as belonging to an indigenous nation, the composite also carries within it words to which almost any indigenous person could object.<sup>93</sup> Moreover, Albó (2013c) points to polling data by Vanderbilt University's Latin American Public Opinion Project (LAPOP), which, in 2012, asked the same question that the Bolivia census had asked in 2001. The LAPOP poll found that in 2012, 71.9% of Bolivians identified with an indigenous nation – an 9.7% increase from the census results from 2001 (LAPOP 2012: 241). Interestingly, in the LAPOP poll, 76.7% also self-identified as *una persona mestiza*, "a person of mixed race" (LAPOP 2012: 242), indicating that a significant percentage of Bolivians self-identify both with the cultural category of an indigenous nation and the racialized category *mestizo*. Following these readings, I join Albó in

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<sup>93</sup> As discussed in Chapter I, with the singular term *indígena originaria campesina*, the drafters of the 2009 Constitution deliberately fused together the three differently inflected modes of identification used by indigenous peoples in Bolivia. Although the union of the three into a single term has generally been accepted by many national-level indigenous leaders, at the local level it has often proven contentious among those who object to one of its component parts (Cameron 2012).

concluding that the Bolivian population that self-identifies as indigenous did not decline between 2001 and 2012.

### **The post-2009 legal framework for indigenous autonomy**

The 2009 Political Constitution of the State ushered in a new legal and political framework in Bolivia, with significant effects on indigenous self-governance, the major events of which are outlined on Table 2 below. The Constitution significantly redesigned Bolivia's territorial organization and institutions of government, structuring them anew around a series of "territorial entities." In descending order of geographical extension, Bolivia was re-constituted with (1) a *central government* based in La Paz,<sup>94</sup> (2) nine *departments*,<sup>95</sup> (3) 112 sub-departmental *provinces*, and (4) 327 *municipalities*, which generally encompass urban centers and adjacent rural expanses.<sup>96</sup> *Indigenous autonomies*, which may be formed through the conversion of other territories, represent a fifth type of territorial entity. Each of these territorial entities (with the exception of provinces) is constituted as an "autonomous" zone of governance (Albó and Romero 2009) with constitutionally defined "competencies" within a non-hierarchical rubric: "The autonomous territorial entities shall not be subordinate to each other and shall have equal constitutional rank" (CPE 2009, Article 276).<sup>97</sup> Though not territorial entities, *regions* and *municipal districts* also factor into the state's new political architecture, although, like provinces, these administrative and planning units are granted lesser powers – for example, they lack

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<sup>94</sup> The constitutional capital, Sucre, remains the country's judicial and constitutional centre.

<sup>95</sup> Bolivian departments are roughly equivalent to Canadian provinces or U.S. states.

<sup>96</sup> As of August 2014, the number of municipalities has increased to 339.

<sup>97</sup> According to the CPE (2009), "autonomy" is automatically granted to municipalities and AIOCs, while at the departmental level, it must be approved by means of a referendum. All nine departments have voted in favor of autonomy. Regions, which are conglomerations of contiguous municipalities and provinces but cannot cross departmental boundaries, represent an intermediary political unit within departments. By referendum of their constituent municipalities, they also may become autonomous and may convert into AIOCs; however, the Constitution specifies that regions do not enjoy legislative powers. See Albó and Romero 2009: 71-76; and De La Fuente 2011.

legislative capacities. The non-hierarchical distribution of competencies among territorial entities does not apply to the central government, which is constitutionally ranked superior to the other territorially-based units.<sup>98</sup>

**Table 2. Timeline of key events related to indigenous autonomy**

|                           |   |
|---------------------------|---|
| January 25, 2009          | Political Constitution of the State (CPE) approved  |
| April 14, 2009            | Transitional Electoral Law (#4021) sets December 6, 2009 as date of referenda on indigenous autonomy  |
| August 2, 2009            | Supreme Decree #231 promulgated in Camiri, Santa Cruz; outlines temporary framework for municipal referenda on indigenous autonomy; in effect until July 19, 2010       |
| August 24, 2009           | Deadline by which municipalities were required to solicit from the Ministry of Autonomies certification to hold a referendum on autonomy, according to Supreme Law #231 |
| December 6, 2009          | Referendum in which 11 AIOCs were approved, and one was voted down (Curahuara de Carangas)  |
| April 4, 2010             | Elections of municipal authorities to lead transition to indigenous autonomy (as well as departmental elections)  |
| May 24, 2010              | Transitory Law for the Functioning of Territorial Autonomous Entities (#017)  |
| June – July 2010          | VII Indigenous March challenges draft of Framework Law of Autonomies and Decentralization (LMAD)  |
| July 19, 2010             | Framework Law for Autonomies and Decentralization approved (Law #031)   |
| December 6, 2010          | Supreme Decree #727 transitions all Tierras Comunitarias de Origen (TCOs) into Territorios Indígenas Originarios Campesinos (TIOCs)                                     |
| December 29, 2010         | Law of Jurisdictional Demarcation (Law #073) approved   |
| June – August 2011        | Opposition to plans for a highway through the TIPNIS escalate into a national issue, leading to the VIII Indigenous March   |
| September 25, 2011        | Police repress and disperse VIII Indigenous March in Chaparina  |
| December 2011 – June 2012 | First five AIOCs complete and approve their autonomy statutes   |
| May 10, 2012              | Supreme Electoral Court Resolution #0075/21012 creates regulations for overseeing the conversion of municipalities, TIOCs and regions to AIOCs                          |
| October 15, 2012          | Law of Mother Earth and Integral Development for Living Well approved (Law #300)  |
| August, 2013              | Draft Law of Prior, Free and Informed Consultation presented for public review  |
| September, 2013           | Plurinational Constitutional Court (TCP) completed review of first autonomy statute (Totora Marka)  |

<sup>98</sup> From 2013 interview with Diego Cuadros Anaya, who, in his capacity as advisor to the Bolivian government, was one of the primary actors involved in designing the country's system of autonomies.

Indigenous autonomies are the most significant innovation to arise in this new framework of territorial organization, illustrating that the 2006-2007 Constituent Assembly – which had significant representation by indigenous and peasant social movements – seriously endeavored to incorporate long-excluded indigenous peoples into the state structure. The Constitution specifies that an AIOC consists of “the self-government as an exercise of self-determination [*libre determinación*] of the indigenous first peoples peasant nations, the population of which shares territory, culture, history, languages, and their own juridical, political, social and economic organization or institutions” (CPE 2009, Article 289, author’s translation). Article 290 clarifies that self-governance is exercised according to indigenous norms, institutions, authorities and procedures – albeit in harmony with the Constitution and law. AIOCs should thus be understood as both (a) important, novel spaces for indigenous self-governance, and (b) as sanctioned political units internal to the state structure – indeed, as entities that fulfill and reproduce the goals of the unitary Bolivian state, in what can be read as a form of Foucauldian governmentality. In no sense do Bolivia’s indigenous autonomies signify a form of separatism or independent states within the Bolivian state, either in terms of constitutional design or as they have been constructed in practice, reinforcing Maivân Clech Lâm’s claim that the “overwhelming majority” of the world’s indigenous peoples “seek not independent statehood, but appropriate forms of association with surrounding states that would safeguard their distinctive identities and special relationships to their territories” (2000: 135).<sup>99</sup>

The path to AIOC constitution can be initiated by three routes: through the conversion of (1) a *municipality* or (2) a *region*, either of which can hold a popular referendum to become an indigenous autonomy (a simple majority is required for these first two paths); or (3) by the

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<sup>99</sup> Noting indigenous peoples’ promotion of the UN Declaration, which largely accepts continued association with states, Lâm argues that had indigenous peoples “simply envisaged independent statehood, they would have lobbied for the Draft Declaration to contain nothing more than the wording of self-determination” (2000: 60).

decision to become an autonomous entity by a “consolidated” Indigenous First Peoples Peasant Territory (Territorio Indígena Originario Campesino, TIOC),<sup>100</sup> which arises not by popular referendum but an unspecified process of consultation, *consulta*, by the indigenous community according to its own norms and procedures (Albó and Romero 2009). Although the majority of Bolivians that self-identify as indigenous live in urban areas, due to the particular competencies ascribed to AIOCs, there is a strong bias toward their construction in the country’s rural municipalities (Colque 2009; Mondor 2011). As of August 2014, 13 municipalities (all rural) have begun the process of converting into AIOCs, as have nine TIOCs, of which two – Raqaypampa and Lomerío – have advanced the farthest in the process.<sup>101</sup> In the case of the TIOCs, processes of conversion are at an earlier stage because the guidelines for conversion were made available by the Ministry of Autonomies considerably later.

Municipal conversion is more likely to be undertaken in the western highlands (*altiplano*) and central valleys, where 215 of the 252 municipalities (85 percent) have a majority indigenous population – mostly Aymara and Quechua, but also Uru (Albó and Romero 2009; Colque 2009: 43). In fact, according to one study, in 73 of the 252 *altiplano* and valley municipalities, the indigenous population exceeds 90 percent (Albó and Romero 2009: 22). Meanwhile, in the lowlands, the TIOC route better serves indigenous peoples who, with few exceptions, constitute minorities within municipalities (Albó and Romero 2009; Salgado 2011; Mondor 2011). Of the 11 pilot municipalities, only two are located in the lowlands: Charagua in Santa Cruz and

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<sup>100</sup> Under the 2009 Constitution, *Tierras Comunitarias de Origen* (TCOs) – the collective land ownership units created the Law of the National Institute of Agrarian Reform (Ley INRA) of 1996 – were renamed TIOCs (CPE 2009, Transitory Disposition #7). This was subsequently implemented through Supreme Decree #727, signed on December 6, 2010. Across Bolivia, there are approximately 200 TCOs-turned-TIOCs. “Consolidation” essentially signifies that the TCO has successfully traversed the process of land titling.

<sup>101</sup> From interview with Ministry of Autonomies officials responsible for overseeing these processes in municipalities and TIOCs, conducted on November 4 and 7, 2013, respectively.

Huacaya in Chuquisaca; both are a majority Guaraní. Meanwhile, of the nine TIOCs that have initiated conversion, five are in the lowlands.<sup>102</sup>

Subsequent to the approval of the 2009 Constitution, the reconstituted Congress, the Plurinational Legislative Assembly, *Asamblea Legislativa Plurinacional*, began the significant task of debating and approving a series of laws required to implement the new constitutional order, many of which apply directly to the construction of indigenous autonomy. Foremost among these is the Framework Law for Autonomies and Decentralization (*Ley Marco* or LMAD), approved on July 19, 2010, which oversees the territorial organization of the Bolivian state by establishing regulations for the Constitution's autonomy regime, including specification of the various types of autonomy, their procedures for drafting internal rules (including the autonomy statutes that AIOCs are empowered to draft), and their relationship with the central state (LMAD 2010). The Law of Jurisdictional Demarcation (*Ley Deslinde*), approved on December 29, 2010, establishes the relationship between the “ordinary” (“*jurisdicción ordinaria*”) and indigenous (“*jurisdicción indígena originaria campesina*”) systems of justice, and outlines the areas of judicial authority permitted by each, allocating the adjudication of most categories of criminal activity to the former (*Ley Deslinde* 2010). The October 15, 2012 Law of Mother Earth and Integral Development for Living Well (*Ley de la Madre Tierra*) outlines a general framework for economic development and innovatively provides rights to nature as a collective legal subject, seeking to establish an equilibrium between goals of development and environmental protection (*Ley de Madre Tierra* 2012).<sup>103</sup> A contentious draft Law of Prior, Free

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<sup>102</sup> According to the Ministry of Autonomies (2013), the five TIOCs in the lowlands converting to AIOC are: Chiquitano de Monte Verde and Chiquitano de Lomerío (in the Department of Santa Cruz), Machareti (in Chuquisaca), and the Territorio Indígena Multiétnico (TIM) and Yuracaré (both in Beni); the other four converting TIOCs are in the central valleys: Jatun Ayllu Yura (Potosí), Marka Camata (La Paz), and Jatun Ayllu Kirkiawa and Raqaypampa (both in Cochabamba).

<sup>103</sup> As discussed below, the *Ley de la Madre Tierra* has been criticized by indigenous groups for prioritizing “neo-extractivist” economic development over the rights of nature (Achtenberg 2012).

and Informed Consultation (*Anteproyecto de Ley de Consulta Previa, Libre e Informada*), which would regulate consultation with indigenous peoples when proposed projects would affect them, was released for public review in August of 2013.

As analyzed in Chapter IV, many of these laws have had the effect of limiting the generally pro-indigenous character of the Constitution, reflecting a shifting disposition of the MAS leadership in both the legislative and executive branches with regard to indigenous rights since 2009. The contradictions that have emerge in the implementation of indigenous autonomy are principally a consequence of the changing nature of the MAS as it has moved from the opposition to an elected government. When in the opposition, Evo Morales and the MAS were part of a landscape of social movement mobilizations against the country's neoliberal program. The party effectively assembled a broad coalition of progressive sectors, supported by many in the middle class, and secured the Presidency in 2005 on platform that criticized the country's neoliberal program and railed against imperialism. Among the campaign promises, the MAS proposed to deepen Bolivia's recognition of indigenous rights and include indigenous peoples politically. Once in office, Morales and the MAS have contended with different pressures: governing amidst Bolivia's complex landscape of social and political forces. On the one hand, the MAS has encountered the electoral imperatives of being an elected government that wants to retain power in a diverse and conflictual political terrain. On the other hand, the party has attempted to respond to the very pressing need for poverty reduction and economic growth, which it has accomplished through a program of resource nationalism whereby the government has exercised greater control of natural resource sectors so as to collect greater rents for the enhancement of public resources and social programs (Kohl and Farthing 2012). As elaborated in the following chapters, these priorities have sometimes conflicted with indigenous peoples'

demands for greater territorial control, which has meant, since 2009, a growing official ambivalence toward a program of indigenous autonomy. Yet while Morales and the party have sought to contain some of the political dimensions of indigenous self-determination, they have maintained a prominent indigenist discourse adapted from pre-colonial indigenous vocabularies. In fact, Morales and the MAS “summon up the spirits of the past” (Marx 2002: 19) both in their borrowing of indigenous cultural tropes, but also in a national-popular program that is in many ways reminiscent of the MNR’s program after the 1952 Revolution.

Since 2010, mobilizations have proliferated across Bolivia, frequently in relation to the government’s natural resource policies. These marches, protests, blockades, and strikes have often included but are not limited to indigenous peoples. Numerous social sectors united during the 2011 *Gasolinazo* protests to force the government to abandon policies that increased gas and diesel prices. Indigenous peoples have mobilized to demand greater territorial control, not only in the case of the TIPNIS, but also in relation to mining concessions granted to the Canada-based firm South American Silver Corporation near the community of Mallku Khota in northern Potosí.<sup>104</sup> A series of regional mobilizations have given voice to specific demands: residents of El Alto demanding expedition of the census, those of Potosí demanding a range of development projects, and numerous communities insisting on resolution of municipal boundary disputes. In response to the government’s draft Mining Law, *Ley #535* (eventually promulgated on May 28, 2014), confrontations erupted when cooperativist miners blocked roads in March and April of 2014, resulting in at least two deaths, more than 100 wounded, and the reported taking of 43

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<sup>104</sup> The mining concession, principally for the extraction of indium and silver, was authorized in 2003, before Morales came to power (Andean Information Network 2012). In 2012, months of tension erupted into violence between neighboring communities in relation to the mine, and, subsequently, clashes between police protesters, resulting in the death of one protester, José Mamani Mamani, and multiple injuries (Andean Information Network 2012). Thousands of mine opponents, mostly indigenous, staged a march on La Paz; when they arrived at the Plaza Murillo, where the country’s executive and legislative headquarters are located, a confrontation ensued between mine opponents and police, who exchanged volleys of tear gas and dynamite, resulting in the reported arrest of 15 marchers (*Los Tiempos* 2012; *Opinión* 2012b).

police officers as hostages (Achtenberg 2014; Dangl 2014). Meanwhile, just as negotiations with the cooperativist miners were wrapping up, hundreds of Bolivian soldiers went on strike and marched through La Paz, demanding “decolonization” of the armed forces, which they criticized for the lack of career advancement, especially for low-ranking soldiers of poor and indigenous backgrounds (*Página Siete* 2014). And numerous sectors of workers, from medical professionals to teachers, have organized protests, marches and strikes demanding policy changes or better wages. This pattern of political protest is the dominant feature of interest intermediation in contemporary Bolivia, described in Chapter I as contentious bargaining.

### **Institutional-procedural changes underway in relation to indigenous autonomy**

Every part of the Bolivian state has been modified by the Constitution in ways relevant to indigenous peoples, including all the organs of the national government, many ministries and agencies, and all levels of government, from the national to departmental to municipal. At the national level, the CPE significantly reorganized the principal institutions of government, recasting them as “organs” that are conceived as functioning together holistically within the unitary body of the state. There are four official organs of the new “Plurinational State”: legislative, executive, judicial, and electoral, the latter of which was transformed from an independent although lesser status entity, the National Electoral Court, into the Plurinational Electoral Organ, *Órgano Electoral Plurinacional* (OEP). The OEP’s Supreme Tribunal Court, *Tribunal Supremo Electoral*, and its nine associated Departmental Electoral Courts are responsible for coordinating Bolivian elections, including supervising the elections of indigenous authorities, which are selected according to *normas y procedimientos propios* (CPE 2009, Article 211(II)).

The Plurinational Legislative Assembly is the country's bicameral legislative body, replacing the former Congress; it is comprised of 130 Deputies and 36 Senators (CPE 2009, Articles 145-164). Of the 130 in the Chamber of Deputies, the Constitution spells out that an unspecified number of Deputies will be “special indigenous first peoples peasant circumscriptions” established in rural areas where they constitute a minority of the population (Article 146(VII)). The controversial Electoral Regime Law, *Ley de Régimen Electoral*, approved on June 30, 2010, implements that provision of the CPE, enumerating that seven Deputies are to be “selected” by indigenous peoples from among their communities – one from each of the nine departments except Potosí and Chuquisaca (*Ley de Régimen Electoral* 2010, Article 57(I)).<sup>105</sup> Each of the seven indigenous circumscriptions aggregates those indigenous nations that fall within a specific department; for example, that of Santa Cruz includes Chiquitano, Guaraní, Guarayo, Ayoreo and Yuracaré-Mojeño peoples (*Ley de Régimen Electoral* 2010, Article 57(II)). However, the process of choosing those who will fill the indigenous circumscriptions has not occurred according to *normas y procedimientos propios*, which would have been complicated considering the respective nations in each department have varying norms and procedures. Instead, candidates for indigenous circumscriptions can be put forward by indigenous nations or political organizations, and are elected by simple majority (*Ley de Régimen Electoral* 2010, Article 61(V-VI)). In practice, the selection of candidates has occurred through negotiation, which has enabled political parties, namely the governing MAS, to play a significant role in their selection, which one representative of CIDOB characterized as deceitful, *un engaño*, because it is inconsistent

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<sup>105</sup> The law specified that indigenous circumscriptions will be established only where indigenous peoples constitute a *minority* within a given department; all indigenous people in such a department are merged into a single voting unit.

with indigenous procedures.<sup>106</sup> Moreover, the low number of indigenous circumscriptions (seven out of 130) in a country most Bolivians perceive as having a majority indigenous population generated considerable protest, especially by CIDOB and CONAMAQ. On numerous occasions, the indigenous organizations have demanded that the number of circumscriptions be increased – principally to 36 seats, reflecting the number of indigenous nations in the country, although they eventually reduced their demand to 16-19 circumscriptions; however, the MAS-led National Assembly rejected that proposal (CIDOB 2009; AINI 2013b; *Página Siete* 2013). The Electoral Regime Law also specifies that Bolivia’s nine departments will include *minority* indigenous representation in their legislative assemblies. Unlike the national indigenous circumscriptions, these are selected according to *normas y procedimientos propios* (*Ley de Régimen Electoral* 2010, Article 66(II)).

The judicial organ is comprised of four distinct national courts or councils: (1) Supreme Court of Justice, *Tribunal Supremo de Justicia* (TSJ), (2) Agro-Environmental Court, *Tribunal Agroambiental*, (3) Council of Ministers of Justice, *Consejo de la Magistratura*, and (4) the Plurinational Constitutional Court, the *Tribunal Constitucional Plurinacional* (TCP). Of these, the TCP is particularly significant for the construction of indigenous autonomy, as it is responsible for verifying the constitutionality of autonomy statutes. Significantly, the CPE creates an Indigenous First Peoples Peasant Jurisdiction, *Jurisdicción Indígena Originario Campesino*, by which indigenous nations are empowered to handle matters of justice (Articles 190-192), in accordance with the Law of Jurisdictional Demarcation (Law #073).

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<sup>106</sup> That the arrangement is deceitful was expressed by a spokesperson for CIDOB on March 5, 2012. The CIDOB representative emphasized the role of the MAS in selecting those elected to indigenous circumscriptions, as did a Bolivian scholar, a former Bolivian government consultant, and a spokesperson for CONAMAQ, during interviews held on October 23, November 4, and November 6, 2013, respectively.

Within the executive organ, numerous vice ministries with indigenous profiles have been created since 2009, such as the Vice Ministry of Indigenous First Peoples Peasant (in the Ministry of Justice) and Vice Ministry of Decolonization (in the Ministry of Culture). The most important new administrative office in relation to indigenous rights and autonomy is the Ministry of Autonomies, created by Supreme Decree 29894 on February 9, 2009, which was created to “consolidate the country’s autonomous design,” strengthening each of Bolivia’s autonomous territorial entities, including indigenous autonomies, assisting those entities’ gradual assumption of self-governance (Ministry of Autonomies 2012a). Most relevant to this research project is the territorial unit known as the AIOC, the process of transition to which is overseen by the Ministry of Autonomies’ *Dirección General AIOC*, AIOC General Directorate. That office has had three directors since its inception.<sup>107</sup> Within the Ministry, there also exists the Concurrent Regional Development Project (*Proyecto de Desarrollo Concurrente Regional*, PDCR), an administrative unit which, among its many activities, contracts with NGO and business consultants to work with municipalities as they undertake conversion to AIOCs.<sup>108</sup> Of the various agencies that relate in one manner or another to indigenous autonomy, the Intercultural Service for Strengthening Democracy, *Servicio Intercultural de Fortalecimiento Democrático* (SIFDE) is significant for the role it plays in providing technical support to those involved in constructing the new institutions of indigenous autonomy. However, although the SIFDE was officially created by the Plurinational Electoral Organ Law, *Ley del Órgano*

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<sup>107</sup> Between 2009 and 2014, the Ministry of Autonomies’ AIOC General Directorate has been led by Magaly Espinoza, Patricia Costas, and Alejandro Vargas; in the course of my research, I conducted interviews with the latter two, as well as Gregorio Aro, Vice Minister of Autonomy and Territorial Organization, and four other Ministry of Autonomies officials.

<sup>108</sup> The role of the PDCR and its consultants in the AIOC processes was outlined during a April 23, 2012 meeting (in Sucre) with NGO staff people accompanying conversion processes in Mojocoya and Tarabuco; their NGO had been approached by the Ministry of Autonomies and encouraged to apply for PDCR contracts, but the NGO declined so as to maintain its independence from the government. An employee of the Ministry of Autonomies explained that consultants work “under the umbrella of the PDCR” in support of the AIOC processes, thus the consultants’ relation to the Ministry is indirect; interview in Tarabuco, April 21, 2012.

*Electoral Plurinacional* (Law #018) in June 2010, the agency did not establish the legal regulations for reviewing autonomy statutes until June 2012, considerably after the processes of drafting indigenous autonomy statutes was underway (Tockman and Cameron 2014).

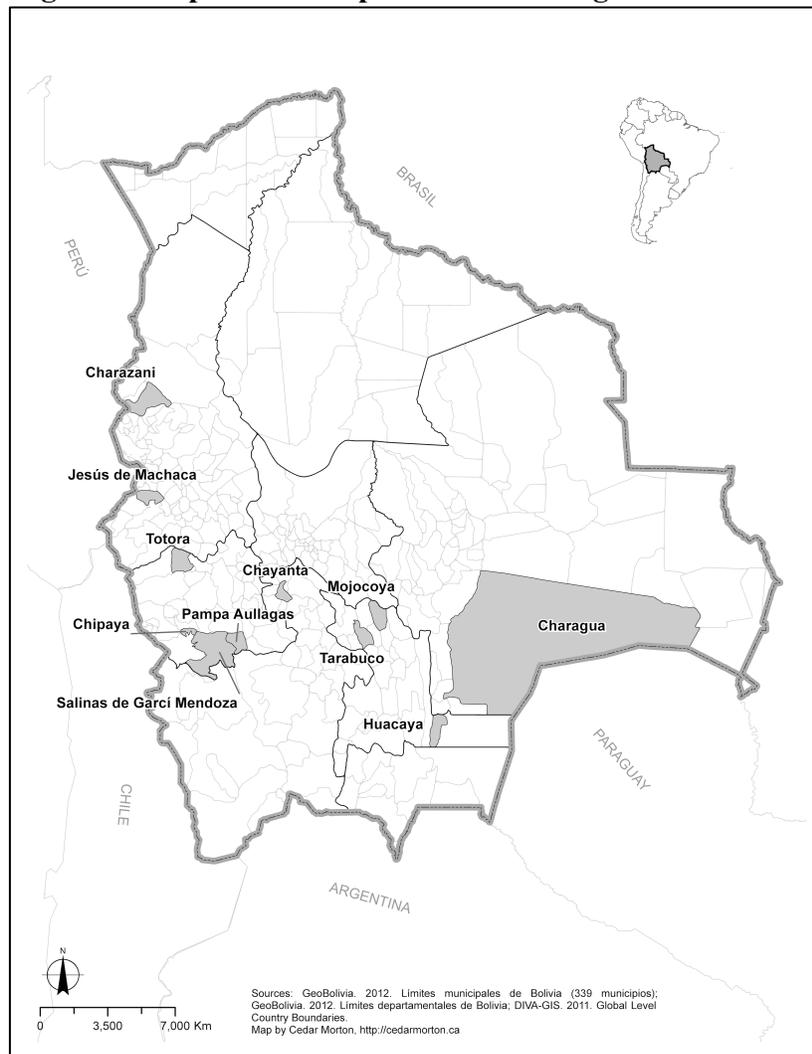
But it is at the local level that the most significant institutional-procedural changes are occurring in relation to indigenous peoples. The novel indigenous autonomies (AIOCs) are provided with a wide range of authority, including the administration of taxes, elaboration of strategies for economic and social development, management of renewable natural resources (but not non-renewable resources), the exercise of communitarian justice, the elaboration of land management plans, road maintenance, and the development of policies and programs related to tourism, housing, irrigation, infrastructure, and sports. While this is occurring through the dual routes of municipal and TIOC conversion, the former has advanced much more substantially, providing a better understanding of what indigenous autonomy signifies in Bolivia. The remainder of this chapter will focus on four specific cases of municipal conversion to indigenous autonomy, as well as the negative case of Curahuara de Carangas, with additional references to secondary cases.

### **Indigenous autonomies – case studies**

Eleven municipalities, located on Figure 1 below, are at some stage of elaborating autonomy statutes, which can be conceived of as a sort of *magna carta* for the new indigenous autonomy. As of the time of writing, the municipalities that have advanced the farthest are Chipaya, Totora and Pampa Aullagas in the department of Oruro, Mojocoya in Chuquisaca, Charagua in Santa Cruz, and Jesús de Machaca in La Paz, all of which have approved their statutes. As will be discussed shortly, in the case of Jesús de Machaca, the approved autonomy statute has stalled

due to staunch opposition from the *alcalde* (mayor), municipal council, and key indigenous leaders. Charazani in La Paz, and Tarabuco and Huacaya in Chuquisaca are intermediate cases that are at varying stages of elaboration.<sup>109</sup> The processes in Salinas de Garcí Mendoza in Oruro and Chayanta in Potosí are both completely stalled (CONAIOC 2012 and 2013).

**Figure 1. Map: 11 municipalities converting to AIOCs**



<sup>109</sup> Huacaya approved their autonomy statute and submitted it to the Departmental Electoral Court (of Chuquisaca) on June 13, 2013 (SIFDE 2013). The timing of approval occurred as this dissertation was already considerably developed, precluding its inclusion in the present analysis.

In this section, I survey the 11 cases in which indigenous autonomy is being implemented, as well as the one municipality that rejected it. Table 3 (below) outlines the 11 converting municipalities and several important characteristics related to AIOC conversion: the primary indigenous group in the municipality, the percentage of the population that identifies as indigenous, the geographical region where the municipality is located, the percentage of the population that voted to convert to AIOC, and the status of statute elaboration, as of July 2014.

**Table 3. Bolivian municipalities converting to indigenous autonomy (AIOC)**

| Municipality                    | Dominant indigenous group   | Department, zone     | Indigenous population | AIOC vote | Status of statute             |
|---------------------------------|-----------------------------|----------------------|-----------------------|-----------|-------------------------------|
| 1. Chipaya                      | Uru                         | Oruro, highlands     | 97.08%                | 91.7%     | approved                      |
| 2. Totora Marka                 | Aymara                      | Oruro, highlands     | 97.15                 | 74.5      | approved                      |
| 3. Pampa Aullagas               | Aymara                      | Oruro, highlands     | 98.39                 | 83.7      | approved                      |
| 4. Mojocoya                     | Quechua                     | Chuquisaca, valleys  | 94.58                 | 88.3      | approved                      |
| 5. Charagua                     | Guaraní                     | Santa Cruz, lowlands | 67.02                 | 55.7      | approved                      |
| 6. Huacaya                      | Guaraní                     | Chuquisaca, lowlands | 63.77                 | 53.7      | approved                      |
| 7. Jesús de Machaca             | Aymara                      | La Paz, highlands    | 95.73                 | 56.1      | approved/impeded <sup>1</sup> |
| 8. Tarabuco                     | Quechua<br>(Yampara Nation) | Chuquisaca, valleys  | 93.4                  | 90.8      | approved <sup>2</sup>         |
| 9. Charazani                    | Quechua                     | La Paz, valleys      | 96.62                 | 86.6      | elaborating                   |
| 10. Salinas de Garcí<br>Mendoza | Aymara                      | Oruro, highlands     | 95.59                 | 75.1      | stalled                       |
| 11. Chayanta                    | Quechua                     | Potosí, valleys      | 97.85                 | 59.9      | stalled                       |

<sup>1</sup> Subsequent to the full elaboration of Jesús de Machaca's two autonomy statutes, the highest deliberative authority, the *cabildo*, suspended the process for two years; details are elaborated in the case study of Jesús de Machaca below.

<sup>2</sup> The approval of Tarabuco's statute is uncertain because approval occurred after the Autonomous Assembly drafting the statute lost quorum.

Sources: Colque 2009; Ministry of Autonomies 2010. Statute statuses based on field research.

The five central case studies, those sites where I undertook field research from 2011 to 2013 – Jesús de Machaca, Tarabuco, Mojocoya, Charagua, and Curahuara de Carangas –, appear first. Those are followed by more cursory descriptions of the seven indigenous autonomy initiatives in which I did not conduct field research.

### Primary cases

The principal municipalities subjected to a close analysis, in which in-depth field research was conducted from 2011-2013, are Jesús de Machaca, Tarabuco, Mojocoya, Charagua, and Curahuara de Carangas.<sup>110</sup> The selection of these five cases was based on two criteria. First, I chose municipalities in which recent political events and/or historical circumstances indicated a likelihood of offering salient insights into the construction of indigenous autonomy. Mojocoya was of great interest due to its rapid approval of its autonomy statute, and because it, like Tarabuco, has initiated conversion by the initiative of the municipality's peasant union, rather than *ayllu* organizations (Albó 2012a). Jesús de Machaca had also rapidly approved their autonomy statute, yet it became disputed and the process was suspended for two years. Moreover, that municipality has long been regarded as a locus of indigenous rebellion, and thus was widely expected to be a forerunner among those opting for greater autonomy; however, Jesús de Machaca voters approved the autonomy referendum by a comparatively low 56.1%. Residents of Tarabuco, meanwhile, voted by over 90% in favor of converting to indigenous autonomy, second only to Chipaya. Charagua is Bolivia's largest municipality and the most populated municipality to convert to indigenous autonomy. Located in Santa Cruz, the most conservative and market-friendly department of Bolivia,<sup>111</sup> only 55.7% of those casting ballots voted to become an AIOC. Curahuara de Carangas was the only municipality to consider converting to autonomy and then reject it by referendum.

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<sup>110</sup> In this project's research design, I had also planned to do primary research in the municipalities of Chipaya and Chayanta, but these were removed as primary cases, as explained in the Appendix. To summarize that discussion here, I had difficulties in gaining access to the remote municipality of Chipaya, and I chose to replace my study of Chayanta with one of Mojocoya, which, for reasons that will be explored in the Appendix, presented itself as a more useful case.

<sup>111</sup> Santa Cruz, generally regarded as the Bolivian department with the most entrenched values of free enterprise and the protection of private property – not to mention its own departmental-level ambitions for autonomy –, is among the country's least fertile ground for the construction of indigenous autonomy, as the latter generally implies collective land ownership and greater community control of renewable resources.

A second criterion for case selection was that I sought to ensure a range of cases across ethnic and geographic difference. The cases thus include municipalities in which the majority of residents are varyingly Aymara, Quechua and Guaraní, and I strove to include representative municipalities from each of Bolivia's major regions – the Andean highlands (Jesús de Machaca and Curahuara de Carangas), the central valleys (Tarabuco and Mojocoya), and the eastern lowlands/Chaco region (Charagua). Tertiary factors in case selection include the availability of data (for example, the municipality of Jesús de Machaca has been extensively studied by scholars) and access to particular municipalities and local authorities (for example, after I developed a working relationship with an NGO that worked in Mojocoya – the Fundación TIERRA – I subsequently decided to add that municipality as a case study).

Table 4 provides a brief summary of some of the main socio-economic and geographic indicators for each of the five municipalities, previewing the case studies that follow. One issue that this chapter explores is what factor or factors are most explanatory in the relative rate of statute elaboration; rival hypothesis include cultural-demographic, geographic, or socio-economic variation, and the correlation of local forces. Table 4 begins to provide some preliminary comparisons. For example, we observe significant socio-economic and geographic variation in two of the municipalities that have completed their statutes most rapidly: Mojocoya and Charagua. Mojocoya has a low population, sits in the central valleys, and the dominant indigenous group is Quechua (94.58%). Charagua has a significant population, lies in the eastern lowlands, and is mostly Guaraní (67.02%). Agriculture is the primary economic activity in both municipalities; however, Charagua also has a significant ranching sector. Mojocoya is considerably poorer and experiences greater social vulnerability than Charagua. These distinctions suggest that other factors are more likely to account for rapid statute elaboration.

**Table 4. Socio-economic indicators of primary cases**

| <i>Municipality</i>          | <i>Population</i> | <i>Percent indigenous, dominant group</i> | <i>Region</i> | <i>Principal economic activity(ies)</i> | <i>Poverty by need / by consumer costs<sup>1</sup></i> | <i>Social Vulnerability Index<sup>2</sup> / ranking</i> |
|------------------------------|-------------------|---|---------------|---|--|---|
| <b>Jesús de Machaca</b>      | 14,950            | 95.73<br>Aymara                           | highlands     | agriculture                             | 97.7% /<br>60.8%                                       | 0.476<br>(125)  |
| <b>Mojocoya</b>              | 7919              | 94.58<br>Quechua                          | valleys       | agriculture                             | 92.3% /<br>87.6%                                       | 0.560<br>(221)  |
| <b>Tarabuco</b>              | 16,466            | 93.4<br>Quechua (Yampara)                 | valleys       | agriculture /<br>manufacturing          | 93.7% /<br>88.8%                                       | 0.594<br>(263)  |
| <b>Charagua</b>              | 32,164            | 67.02<br>Guaraní                          | lowlands      | agriculture /<br>ranching               | 82.9% /<br>69.4%                                       | 0.494<br>(148)  |
| <b>Curahuara de Carangas</b> | 4183              | 92.73<br>Aymara                           | highlands     | agriculture /<br>military base          | 93.7% /<br>81.7%                                       | 0.495<br>(150)  |

<sup>1</sup> Calculations are for poverty by unsatisfied basic needs, and poverty by local consumer costs in 2009.

<sup>2</sup> SVI is a multidimensional calculation of individual and community risk levels, based on 23 economic, educational, health, housing and demographic indicators, collected by the Ministry of Autonomies (2010), drawn from data elaborated by other Bolivian ministries; ranking is out of 327 municipalities (in 2009).

Sources: Ministry of Autonomies 2009; Ministry of Autonomies 2010; Ministry of Autonomies n.d.; INE 2012.

### *Jesús de Machaca*

Jesús de Machaca,<sup>112</sup> which became a distinct municipality on May 7, 2002 when the Bolivian Congress passed Law #2351, separating it from the municipality of Viacha (Galindo Soza 2008; Colque and Cameron 2010), has historically been a vanguard in struggles for indigenous rights and self-determination in Bolivia. That legacy made it an unsurprising forerunner in the new legal framework for indigenous autonomy when it voted in December 2009 to become one of the first 11 AIOCs. Jesús de Machaca is located in the Western *altiplano*, in the Ingavi Province, 2.5 to 3 hours west of El Alto by bus (approximately 100km), near Lake Titicaca along the Peruvian border. According to the 2012 census, it has a population of 14,950, with 95.73% of the population self-identifying as *originario*, most of which are Aymara, along with a small Uru

<sup>112</sup> In many texts, “Machaca” appears as *Machaqa*, which Choque Canqui (2003) translates into Spanish as *nuevo* – “new” in English. Ticona and Albó explain that this name was applied to the novel location established by local Aymara peoples when Incan invaders conquered the previous *ayllu* centres in the middle of the 15<sup>th</sup> century (1997: 31).

Iruitu community.<sup>113</sup> The municipality is largely rural with an agricultural economic base, although it has two small populated centres, *centros poblados*: Corpa (Qurpa), population 1380, and Jesús de Machaca, population 993 (Albó 2012a). As I will discuss below, the two have become political rivals, especially after the municipality was established.

The municipality of Jesús de Machaca, closely coincides with the *marka* of Jesús de Machaca and its 24 *ayllus*,<sup>114</sup> which is somewhat rare in Bolivia, where many indigenous territorial boundaries are divided by those established by the republican state, including by the 1994 Law of Popular Participation (Colque and Cameron 2010). The *marka* of Jesús de Machaca has long been at the center of resistance to invasions by external forces, from the Incan incursions to Spanish colonization to the land usurpation by *hacendados* under the republican state (see Ticona and Albó 1997 and Choque Canqui 2003). In the course of my interviews with Machaqueños (people from Jesús de Machaca), several definitive formative moments were emphasized by interview subjects, the narratives of which are consistent with academic accounts (Ticona and Albó 1997; Choque Canqui 2003; Colque and Cameron 2010; Albó 2012a). The first of these, which has had significant political and social consequences for Jesús de Machaca up to the present day, occurred when in 1585 and 1645, the *caciques* representing the “three Machaqa brothers” – Machaqa la Grande, which today consists of San Andrés and Santiago de Machaca, and Machaqa la Chica, now Jesús de Machaca (Ticona and Albó 1997: 32) – legalized their land through the payment of gold and llamas to the Spanish crown (Choque Canqui

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<sup>113</sup> This and other municipal-level population figures are based on 2012 census data, from the website of Bolivia’s National Statistics Institute, *Instituto Nacional de Estadística* (INE 2012); however, calculations of the percent of the population that self-identifies as belonging to one or more indigenous nations comes from Colque (2009) and are based on the 2001 census (the most recent available at the time of this writing).

<sup>114</sup> A *marka* is an Aymara socio-political and geographical unit composed of between two and 20 smaller patrilineal jurisdictions, called *ayllus* or *jathas*, which are organized around a ceremonial and administrative centre; in the Aymara worldview, the *marka* constitutes a single, human body, of which each composite unit is a specific part (Ticona and Albó 1997; Colque and Cameron 2012). Choque Canqui (2003) translates *marka* into Spanish as *pueblo*, meaning “people,” “nation” or “town” in English.

2003).<sup>115</sup> This *compra composición*, as it was called by the crown (roughly translatable as “purchase settlement”) was not so much an acquisition or buying of land as the legalization of indigenous communities, *ayllus*, on lands that they had long occupied (Ticona and Albó 1997: 32). This strategy, which distinguishes the three Machaqas from most other regions of the *altiplano*, would prove to be significant in preserving the “traditional organization and culture” from “deformation by the *hacienda* system” (Albó 2012a: 27).

A second occurrence of major consequence – the *sublevación y masacre*, uprising and massacre – took place in Jesús de Machaca on March 12, 1921. Machaqueños, outraged when an imprisoned community member starved to death, revolted by lynching the *corregidor* (the local governor appointed by the government in La Paz), killing his family and other *mestizos* living in the area, and burning down their houses; the government of President Bautista Saavedra responded by ordering the army’s Avaroa Regiment into Jesús de Machaca, where they indiscriminately burned down hundreds of houses and killed dozens of people suspected of the *sublevación*, as well as hundreds of domestic animals (Colque and Cameron 2010: 173).<sup>116</sup> To this day, the *sublevación y masacre* is symbolically significant in Machaqueños’ historical memory and self-awareness as a distinct Aymara community; indeed, it has been commemorated each March 12 since 1981, with Machaqueños wearing traditional clothes, waving the multi-color checkered indigenous flag, the *whipala*, and retracing the historic march, as they commit anew to the restitution of their traditions and continued struggle (Colque and Cameron 2010).

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<sup>115</sup> The title *cacique*, a term of Caribbean origins, was bestowed by the Spanish crown on the highest authority of local indigenous peoples over whom they exerted control; largely a hereditary dynasty, the position of the *cacique* was named and mediated by the colonial regime, although it was also recognized, to varying degrees, by the indigenous communities themselves (Albó 2012a: 36, fn. 8). The first *compra composición* was negotiated in 1585 by Sebastián and Carlos Llanqui, and the second by the “celebrated” *cacique* Gabriel Fernández Guarachi in 1645 (Choque Canqui 2003: 59).

<sup>116</sup> Though the death of the imprisoned community member sparked the uprising, the *sublevación* came in the context of a broader indigenous struggle throughout Bolivia’s *altiplano* for local self-governance and access to education, and against abuses by public authorities and landowners, and the takeover of communally held lands by *haciendas* (Colque and Cameron 2010: 173)

Because the *comunarios* of Jesús de Machaca effectively prevented the widespread invasion of *haciendas*,<sup>117</sup> the municipality today maintains more cohesive communal government, socio-political organization and cultural practices than many other parts of the *altiplano* (Colque and Cameron 2010). This cohesion has been sustained despite a high degree of migration to and partial residence in the urban conglomeration of El Alto-La Paz, often referred to by Machaqueños simply as *la ciudad*, the city. In addition to the continued use of the Aymara language (alongside Spanish), the survival of three Aymara practices has been central in the presence of the high degree cultural reproduction observable in Jesús de Machaca. Firstly, the communal ownership of land is the predominant territorial structure in the municipality, covering 70 percent of the *ayllus* of Jesús de Machaca (Albó 2012a), proscribing the buying, selling or leasing of land. This has obligated those who migrate to *la ciudad* to also maintain some presence and fulfill community positions, *cargos*, in Jesús de Machaca if they are to continue to maintain their hold on plots of communal land. Thus, while there has been a high degree of country-city migration as part of an “elemental strategy of subsistence” (Colque and Cameron 2010: 178), Machaqueños are also compelled to return regularly to the municipality. In fact, many of those who have taken on important leadership roles in Jesús de Machaca, including the drafting of its autonomy statute, are what is known as *residentes* – those who were born in the community and maintain a residence there, but who spend the majority of their time in an urban centre.

Secondly, the system of leadership and leadership selection continues to be based on the *muyu*, the rotation of *cargos* among *comunarios* from different zones within the *marka*, generally for one year. Their selection occurs publicly in local assemblies, in which community

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<sup>117</sup> Only four *haciendas* were established in Jesús de Machaca; together they constitute a small portion of the municipality (Colque and Cameron 2010).

members form lines behind their preferred candidate (which is perceived as more transparent than a secret individual ballot); the candidate with the most supporters is chosen for that *cargo* (Colque 2009). Finally, this rotation is paired with a system of obligatory, sequential and pre-determined community responsibilities called *thakhi* (*camino* in Spanish, “road” or “life path” in English), which “explains how each adult advances in responsibility and recognition within the community through the progressive completion of positions of authority and service” (Ticona and Albó 1997: 66, author’s translation), with latter and more demanding and prestigious positions necessarily following upon earlier and, generally, less onerous ones. These obligatory *cargos*, are not remunerated; in fact, they are often a significant financial burden on the holder, who must suspend their normal work responsibilities to fulfill a *cargo* (Colque and Cameron 2010). Among the most important *cargos* are the positions of *mallku* and *mallku tayka*, the primary authority of a single community and his wife (Ticona and Albó 1997), who, together with the other *mallkus* and *mallku taykas* of the *marka*, comprise the *cabildo*. After serving as *mallku*, one can then advance to be *jiliri mallku*, the leading authority of an *ayllu*, and then *jach’a mallku*, the authority of the entire *marka* (Colque and Cameron 2010).

*Thakhi* is a central component of Aymara cosmology, which is based on a series of opposed but complementary dualities (male-female, high-low, strong-weak, hill-plain, mature-youth), the most important of which is a gendered explanation and organization of social life. This is expressed by the term *chachawarmi*, the gender complementarity of *chacha*, man, and *warmi*, woman (Harris 1978; Choque Quispe 2012).<sup>118</sup> Accordingly, each community *cargo* assumed is understood as being undertaken by *la pareja*, the couple, as part of the *thakhi* that commences after one is married (Colque and Cameron 2010; Choque Quispe 2012). In practice, Aymara

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<sup>118</sup> In her research on the gender relations among the Laymis peoples of Northern Potosí, Harris (1978) explains that it is in the unit of the conjugal pair that the well-being of the Aymara community is located, and that this is continuously reproduced through ritual.

gender relations are asymmetrical, with women generally absent or underrepresented in collective spaces, including those where political authority is exercised (Harris 1978; Choque Quispe 2012).<sup>119</sup> Although in most Aymara communities, men carry out the majority of the responsibilities associated with community governance (Colque and Cameron 2010), this tendency is not rigid and some women have risen to various positions of leadership, including in Jesús de Machaca.<sup>120</sup>

In terms of geography and climate, Jesús de Machaca is isolated from neighboring regions by a mountain range, and it is located in an inhospitable zone of high altitude (3800 meters above sea level at its lowest point), harsh weather conditions, and poor soils that are shallow, rocky and sandy (Colque and Cameron 2010). Though the municipality's primary sector and main source of income is agriculture and ranching (mostly cattle and llamas), few crops can be cultivated, namely potatoes, broad beans (*habas*), and quinoa (Albó 2012a; Colque and Cameron 2010).<sup>121</sup> These characteristics were immediately observable when I visited Jesús de Machaca in February 2012, as our car traversed a dirt road in such poor conditions that the driver, an Aymara man from Jesús de Machaca, queried a passenger, who would later turn out to be the President of the Municipal Council, as to when the municipality would get around to improving the road. On the same trip, one leader of the Autonomous Assembly pointed out the car window to dying crops –

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<sup>119</sup> Harris argues that despite women's subordinate role in collective spaces of decision-making, wives have "a controlling capacity within the household, within the *chachawarmi* pair" (1978: 31), as evidenced by the Aymara saying, *warmi kamachi* – "the woman gives the orders" (1978: 39).

<sup>120</sup> Choque Quispe (2012) writes that in Jesús de Machaca, one can observe young unmarried women occupying local, representative spaces. For example, Machaqueña Doña Teodora Tapia de Viadez was elected to the Constituent Assembly to draft Bolivia's new Constitution (Albó 2012a). The Autonomous Assembly, tasked with drafting the AIOC's autonomy statute, includes 11 women, although they represent only 23 percent of the 48 seats; moreover, all four of the Assembly's *directiva*, directorship, are men (Consejo Autnómico Indígena Originario Jesús de Machaca 2011: 24-25).

<sup>121</sup> Colque and Cameron (2010) argue that the poor productivity of land in Jesús de Machaca contributed to the historical lack of *hacienda* establishment, as well as Machaqueños tenacious resistance to usurpation of their land.

potatoes, quinoa, wheat and broad beans – on either side of the road and explained that they had been damaged by a hailstorm earlier in the week.<sup>122</sup>

According to social and economic indicators, most families in Jesús de Machaca face significant hardships; however, the municipality does excel by some measures. For example, although the poverty rate is very high – 97.7 percent – as measured by unsatisfied basic needs (inadequate housing, and access to health and education), which is typical of the Bolivian *altiplano*, when measured by consumer costs, the poverty rate is only 60.8 percent, notably lower than other highland municipalities (Ministry of Autonomies 2010). According to Bolivia's Social Vulnerability Index (SVI) in which 0 is least vulnerable and 1 is most vulnerable, Jesús de Machaca's scoring is 0.476 – ranking the municipality 125 out of 327 – signifying a “medium-low” level of social vulnerability, significantly below the national median (Ministry of Autonomies 2010).<sup>123</sup> Land and income distribution in Jesús de Machaca is highly equal; in a study of one *ayllu*, Titikani Takaka, the Gini coefficient of land distribution was calculated at 0.16, while income distribution was 0.20 – as compared to a national rural average of 0.65 (Colque 2005). On the other hand, as of the last census (2001) electricity was available in only 9.6 percent of Jesús de Machaca households, 21.6 percent of which had access to potable water and around 90 percent of which used animal dung as their principle cooking fuel (Colque and Cameron 2010: 176). Estimates of illiteracy range from 3.3 percent (Ministry of Autonomies 2010), to 8.4 for men and 29.7 for women (Colque and Cameron 2010), and the average number

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<sup>122</sup> From my field notes, based on a discussion with one of the leaders of the Autonomous Assembly constituted to draft Jesús de Machaca's autonomy statute; February 22, 2012.

<sup>123</sup> The Social Vulnerability Index (SVI) measures Bolivia's municipalities according to a range of indicators, including four indicators of health, 10 for education, three for housing, four for demography (i.e. infant mortality, life expectancy), and two measures of poverty rate. The SVI for 2005-2009 was evaluated and published by Democratic Observatory Bolivia (*Observatorio Bolivia Democrática*, OBD), part of the Ministry of Autonomies, in *Estado de Situación Sociodemográfica de los Municipios en Bolivia (Periodo 2005-2009)*. Therein, social vulnerability is defined as “the sum of factors that influence or affect certain population groups by limiting their opportunities and capacities to fend for themselves, which results in a poor quality of life” (2010: 12, author's translation).

of years of schooling is 5.1 (Ministry of Autonomies 2010). The typical Machaqueño annual income was calculated to be US\$397 in 2004 (Colque 2005), an extremely low figure in comparison to the national average annual income of \$3690 in 2004 (World Bank 2014). Nonetheless, the relatively high rate of local purchasing power and low SVI ranking suggest that communities of Jesús de Machaca have maintained or developed autochthonous practices that compensate for lack of financial resources and available services.

The economic difficulties faced by residents of Jesús de Machaca were illustrated by an encounter I had on a frigid February morning, as I was walking through the Plaza Infantil, a small green patch of land adjacent to the town's dominant architectural feature, the 300-year-old Temple of Jesús de Machaca. I was hailed by a man with whom I had previously been introduced, who, like many others, was waiting patiently in the plaza. He invited me to sit next to him and another man on a bench. Their gaze was fixed on a row of faded yellow canisters (*jarafas*), the kind that contain liquefied natural gas used for cooking, a common sight in Bolivia. Gesturing toward the several dozen *jarafas* at the edge of the plaza, my acquaintance explained that the residents of Jesús de Machaca were hopefully anticipating the delivery of natural gas, which normally is scheduled to arrive once per month, although none had been delivered in December or January. Thus, families had had to get by without a stable source of cooking fuel for approximately two months. He noted that a single *jarafa* is not sufficient for a family with children for a full month, but that is all that most families receive; subsequently, they have to use a less preferable fuel source – namely manure. The *Machaqueños* gathered in the plaza appeared relieved when, after they had waited for several hours, a truck lumbered into the plaza, filled with gas canisters; they quickly queued to exchange their empty *jarafas* for full ones.

As noted above, considering Jesús de Machaca’s history of resistance and its recent separation as a distinct indigenous municipality, few were surprised when it advanced as one of the first 11 municipalities to undertake conversion to indigenous autonomy. In fact, shortly after the 2009 Constitution was approved, Jesús de Machaca was the first to initiate the process of constituting a deliberative body, which it did on May 7, 2009, in the presence of the Minister of Autonomies, Carlos Romero (Albó 2012a). The Autonomous Assembly (three people from each *ayllu*, as decided by the *cabildo*) then commenced to organize 10 commissions, hold a series of workshops, and write Jesús de Machaca’s autonomy statute, the first draft of which was completed in July 2009 – all prior to the referendum on the question of conversion to indigenous autonomy (Albó 2012a). Although the establishment of the Autonomous Assembly was the initiative of municipal authorities, they received some support from the Ministry of Autonomies, which facilitated an intense three-day workshop in July 2009, during which several consultants were present (Albó 2012a). One member of the Autonomous Assembly’s directorate explained that the advanced and sometimes contentious deliberations that took place in the municipality in the middle of 2009, which generated “tremendous” debates around specific articles of the statute’s draft language, accounted, in large part, for the surprisingly low vote in favor of conversion to indigenous autonomy (56%) in the December 2009 referendum.<sup>124</sup> That early draft was also completed by the Assembly before the law written specifically to govern that process, the *Ley Marco*, had been approved, which necessitated some minor modifications to the autonomy statute to bring it in line with the new law, which was approved on July 19, 2010.

Throughout the process, government and NGO *técnicos* participated in the Assembly’s sessions;

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<sup>124</sup> From an interview with a leader of the Autonomous Assembly of Jesús de Machaca, February 22, 2012. Albó (2012a) notes that many local residents were surprised that the “yes” vote did not receive more support, including himself, having once lived and voted in the electoral district of Corpa.

however, as Marie-Michèle Mondor (2011) notes, many *técnicos* did not speak Aymara, which complicated *socialización* of the statute.<sup>125</sup>

The Assembly continued to work on the statute through November 4, 2011 and, as per local custom, it then had to be presented to the *cabildo* of the *mallkus* of Jesús de Machaca, which participants in the assembly understood would either deem the statute acceptable or in need of modification.<sup>126</sup> However, the *cabildo* chose another course entirely: during a meeting on November 5, 2011, it voted to suspend the AIOC process, including consideration of the autonomy statute, for two years (Fundación TIERRA 2011b; *La Razón* 2011). The suspension came as a surprise to at least some involved in the statute's elaboration. One Assembly member questioned the decision, claiming that the *cabildo* was poorly informed; characterizing the *mallkus*, he claimed, "Many say, 'Look, we are not informed. Explain this to us. Inform us.' Some of the *mallkus* say, 'we don't know anything.'"<sup>127</sup>

The lack of information available to the *mallkus* had been reported at a September 2012 meeting of the representatives of the 11 converting municipalities (CONAIOC 2012) and in the popular press (*La Razón* 2011). It was also confirmed during an unexpected interaction I had with one *mallku* on February 24, 2012, as I took refuge below a narrow overhanging roof during a heavy downpour in the village of Jesús de Machaca. The *mallku*, dressed the traditional red poncho with black stripes (*wayruru*) worn by indigenous authorities in the region (Muruchi Poma et. al. 2008), ascertained that I had come to Jesús de Machaca to study AIOC construction, curiously inquired what I thought about indigenous autonomy, and proceeded to explain that he

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<sup>125</sup> *Socialización* refers to the process of diffusion of a draft proposal among the general community so as to solicit feedback, respond to questions, and/or generate new ideas.

<sup>126</sup> The *cabildo* would also be needed to perform the important role of *socializando* the statute; from an interview with a leader of the Autonomous Assembly of Jesús de Machaca in Jesús de Machaca, February 22, 2012.

<sup>127</sup> *Ibid.*

and many of the *mallkus* of Jesús de Machaca were not very well informed about what indigenous autonomy signified.

Many participants and observers of the process underway in Jesús de Machaca explain the November 2011 action of the *cabildo* as a consequence of the interventions of the *alcalde* and the municipal council, whose opposition to indigenous autonomy is purportedly motivated principally by their personal interest in maintaining their positions for five years, rather than the approximately two or three years they would likely serve if the statute was expedited.<sup>128</sup> The *Alcalde*, Moisés Quizo Asistiri, and three of the five municipal councilors are affiliates of the MAS. These officials and other Machaqueños opposed to indigenous autonomy principally objected on two grounds: (1) elaboration of the draft statute was poorly executed by the Autonomous Assembly with insufficient community participation, and (2) continuing as a municipality would enable young people to be active in municipal politics, while indigenous autonomy would impede their participation until they had passed through the many *thakhi cargos*.<sup>129</sup>

Two principal factors shape the political cleavages observable in Jesús de Machaca, both of which are distinct from the class, sectoral, regional (i.e. highlands versus lowlands), and ethnic divisions that typically shape Bolivian politics. The first is a product of geography and demographic changes. Reflecting the Aymara ontological duality, the *marka* has historically

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<sup>128</sup> The frequently expressed view that the *alcalde's* and municipal councilors' opposition to indigenous autonomy is due to their personal interest in holding power for an additional three years was articulated by five different members of Jesús de Machaca's Autonomous Assembly during interviews that took place in February, April and May of 2012, as well as by a NGO staff member familiar with the process in Jesús de Machaca (interview in La Paz, January 6, 2012), and by Xavier Albó (2012a: 77).

<sup>129</sup> Some also objected to indigenous autonomy on the grounds that it would require municipal leadership to be based on the principles of *muyu* and *thakhi*, which would essentially prohibit political parties from participating in local politics, as *cargos* would be distributed rotationally at community assemblies (Albó 2012a). Despite several efforts, I was not able to confirm these views by interviewing those in Jesús de Machaca that opposed construction of indigenous autonomy. It is indicative that the only time I was declined an interview in the course of my doctoral research occurred when I asked to speak with a MAS-affiliated member of Jesús de Machaca's municipal council who reportedly opposed AIOC conversion.

been divided into an Upper Division (*Parcialidad Arriba* in Spanish, *Arax Suxta* in Aymara) and Lower Division (*Parcialidad Abajo* in Spanish, *Manqha Suxta* in Aymara), which, up until the agrarian reform of the 1950s had for centuries maintained a geographic and demographic balance, each with a *cabildo* of six *ayllus* (see Ticona and Albó 1997: 35-37). However, since 1950 successive geographic subdivisions and population migrations have resulted in a greater proportion of land and people in the Lower Division, which today includes 79.5 percent of the population of Jesús de Machaca and 74 percent of the municipal territory, and represents 19 *ayllus* as opposed to seven in the Upper Division (Albó 2012a). This shift has generated a significant disagreement over representation, disrupting the prior understanding of the *muyu* rotational distribution of *cargos*, which emerged as one of the most prominent debates in the elaboration of Jesús de Machaca's autonomy statute, resulting in the Upper Division separating from the statute-drafting process (accounts vary as to whether they were forced out or walked out) and drafting their own autonomy statute. Thus, there are now two draft statutes for indigenous autonomy in the AIOC of Jesús de Machaca, and neither statute has advanced. In the words of one leader of the Autonomous Assembly, the process there is *medio estancado*, half-stuck.<sup>130</sup>

Secondly, since the 2002 creation of Jesús de Machaca as a distinct municipality, a significant political division has existed in the Lower Division between the (a) Marka de Ayllus y Comunidades Originarias de Jesús de Machaca (MACOJMA) and (b) local affiliates of the national ruling MAS party. This cleavage defies the standard rules of Bolivian political divisions, in that there appears to be a significant degree of homogeneity among the key political actors in Jesús de Machaca. Almost all self-identify as Aymara and speak of reclaiming indigenous rights, are of rural origin, are of modest economic resources, support the MAS party

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<sup>130</sup> From interview with a leader of the Autonomous Assembly of Jesús de Machaca, February 22, 2012.

at the departmental and national level, and come from communities organized as *ayllus*, not *sindicatos campesinos*, peasant unions.<sup>131</sup> Why has such a pronounced political split emerged? Some indications suggest an ideological bifurcation between the local MAS affiliates' partisan logic of liberal electoral competition, and MACOJMA's use of conventional community assemblies, *muyu* rotation and queuing in lines (*filas*) behind preferred candidates, in other words, more consistent with the ancestral norms and procedures (Colque and Cameron 2010). However, the organizations' discourse and behaviour defy a simple modern-traditional categorization, as the MAS partisans based their separation from MACOJMA on the argument that municipal candidates must have advanced through *thakhi*, and then put forward candidates that held the higher *cargo* of *jiliri mallku* (Albó 2012a).

While divergent ideologies may have contributed to the creation of this cleavage, it was probably not a sufficient cause, for several reasons. One, the emergence of this division within Jesús de Machaca arises only after two important political moments: the 2002 creation of the distinct municipality of Jesús de Machaca, which initiated local elections, where there had been none before, and the national ascent of MAS party. With respect to the latter, in the early 2000s, there was not yet a national-level organization that discursively or practically took up the cause of indigenous rights in a manner that was deemed genuine by indigenous peoples, to which local proponents could hitch their political campaigns. The arrival of the MAS presented this possibility. Equally significant is the creation of the free-standing municipality of Jesús de

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<sup>131</sup> Although Jesús de Machaca communities are today organized as *ayllus*, it is important to note that since the 1970s (later than much of the communities of the *altiplano*), peasant unions became firmly established in Jesús de Machaca, displacing the influence of the *cabildo* with a rural peasant union, *Central Campesina Agraria*, led by the union's Secretary General (Colque and Cameron 2010). However, in the 1990s, inspired by international indigenous rights protests against 500 years of colonization, many communities of Jesús de Machaca began to reconfigure themselves as *originario*, reconstitute the *ayllus* and *marka*, and reestablish the *cabildo* as the highest authority of the *marka* (Colque and Cameron 2010). Nonetheless, the *ayllus* of Jesús de Machaca remain affiliated not with CONAMAQ – whose goal is to recuperate the systems of *ayllus* and *markas* – but with peasant union organization CSUCTB (from interviews with a spokesperson for CONAMAQ in La Paz, November 6, 2013; and member of Jesús de Machaca's Autonomous Assembly in El Alto, November 8, 2013).

Machaca. When the seat of municipal power had been in Viacha and there was no local *alcalde* position to contest, there was only a local *cabildo* that aggregated the *ayllus* of Jesús de Machaca – MACOJMA. However, having led the successful campaign to create the new indigenous municipality of Jesús de Machaca, MACOJMA quickly transitioned into a role as a more directly political agent and stood in the local elections of 2004 (Colque and Cameron 2010).

Secondly, the political behaviour of MACOJMA and the MAS has not always been consistent with their alleged ideological orientations. This was evident in the April 2010 election, when the MAS candidate for *alcalde*, Moisés Quizo Asistiri, had fulfilled more of the *cargos* of *thakhi*, completing his life path up to the level of *jiliri mallku* in his *ayllu* (although he had never served as *jach'a mallku* of his *marka*), than had Fidel Mamani, representing MACOJMA, the latter of whom had not served as *mallku* and spent less of his life in Jesús de Machaca, having worked for around two decades for the NGO Centro de Investigación y Promoción del Campesinado (CIPCA) (Albó 2012a). MACOJMA also parted with the preferences of the *cabildo* in their contracting of administrative staff, determination of public employees salary levels, and the purchasing of municipal goods and services. When MACOJMA *Alcalde* Adrian Aspi Cosme (2005-2009) needed to hire 10 municipal officials to oversee the administration of the newly established municipality, he withstood pressure from the *cabildo* to employ local Machaqueños fluent in Aymara and opted instead to hire mostly Spanish speaking professionals (seven of 10) from outside the municipality – El Alto (Colque and Cameron 2010).<sup>132</sup>

My interviews and scholarly accounts point instead to another explanation: a more basic competition for power between groupings of individuals vying for power in a new political environment, which is novel in three respects: (1) the formation of a new municipality, (2) the presence of a discursively pro-indigenous party of a national scope, and, (3) as Colque and

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<sup>132</sup> For a more extensive elaboration of the vicissitudes of the partisan battles of Jesús de Machaca, see Albó 2012a.

Cameron (2010) argue, the reconfiguration in the 1990s of the *cabildo*, after decades of *sindicato* hegemony, with the addition of a dozen new *ayllus*, generating pitched conflicts over rotational representation. This political explanation is supported by the conjuncture of events during the genesis of the cleavage. In the lead-up to the 2004 municipal election, the *magno cabildo*, which brings together the *cabildos* of both the Upper and Lower Divisions, structured anew the municipality around five electoral districts and through their own norms and procedures, pre-selected the candidates for the new municipality's first *alcalde*, the aforementioned Adrian Aspi, and five council members (Colque and Cameron 2010; Albó 2012a).<sup>133</sup> A group comprised primarily of local leaders who had previously served as the maximum authority of their Division – *jach'a mallkus*, known and self-proclaimed as *pasados* during this period – felt they were marginalized in the process of MACOJMA's leadership selection, and criticized the choice of Aspi, who had only served as *mallku*, but not *jach'a mallku*, and had thus not yet completed his *thakhi* (Colque and Cameron 2010; Albó 2012a).<sup>134</sup> The *cabildo*, however, stood by its decision, responding that the *pasados* had excluded themselves by not attending the meetings in which candidates were selected; the *pasados* responded by forming their own political party, strategically creating a local affiliate of the ascendant and pro-indigenous national party, the MAS, to run its own slate in 2004 (Albó 2012a). One Machaqueño who criticized the *cabildo's*

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<sup>133</sup> The *magno cabildo's* controversial August 13, 2004 restructuring of the Jesús de Machaca's two partialities into five electoral districts (four of which represent the Lower Division) was undertaken in response to the gradual demographic changes that had occurred over the course of several decades, which resulted in a much higher portion of the population of Jesús de Machaca in the Lower Division – 79.5 percent (Albó 2012a). The logic of the *magno cabildo* was that “each of the five future council members would represent a geographic area, in accordance with the traditional rotational system of authorities” (Albó 2012a: 44, author's translation). Yet it also solidified the Lower Division's greater proportion of political representation and *de facto* control over the municipality. Leaders of the Upper Division have strenuously objected, arguing that indigenous autonomy must respect conventional norms and procedures, that is to say Jesús de Machaca's historical reality of two divisions that comprise a single *marka*, consistent with the Aymara view of the world as comprised of complementary dualities (interview with member of Jesús de Machaca's Autonomous Assembly from the Upper Division in La Paz, April 16, 2012).

<sup>134</sup> From interview with a member of the Autonomous Assembly of Jesús de Machaca in Jesús de Machaca, February 22, 2012.

decision to run a single slate and was involved with the subsequent process of constituting the local affiliate of the MAS explained the perspectives of the *pasados*:

Many leaders, many ex-authorities said, ‘They have not taken me into account, so we will form another group... This *cabildo* is no good; they have elected people that don’t have anything to do with this municipality, people that have nothing to do with Jesús de Machaca. They’ve never said anything. We will form another group. Now, what do we do? Which party will we go with? We cannot go with the MNR. This MSM is newly emerging. So, the party that is growing the most is the MAS; we will go and speak with people of the MAS.’... That’s the way it was. I was part of that group, too... And the *cabildo* said, ‘We don’t want to see any parties; *aquí con chicote*.’<sup>135</sup>

In this series of events, as Albó observes, the prior consensus had been broken and “an unnecessary division within the *marka* emerged” (2012a: 45).

Meanwhile, there exists a political battle for dominance between the municipality’s two *centros poblados*, Jesús de Machaca and Corpa, the latter of which has come to rival its neighbor since the 1970s (Albó 2012a). In addition to its greater population, Corpa claims the region’s main hospital and several rural educational services, including the Centro de Educación Técnica Humanística Agropecuaria (CETHA) and Centro Avelino Siñani, which some Corpa residents feared could be moved to Jesús de Machaca when it became the municipal seat (Albó 2012a). That contest, played out particularly in each electoral bout, increasingly became inflected with the question of indigenous autonomy, as indicated by Corpa’s emergence as the locus of opposition in the 2009 referendum, with the municipalities highest proportion of “no” votes; it is not incidental that Corpa is also one of the municipality’s strongest centres of MAS support (Albó 2012a).

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<sup>135</sup> A *chicote* is the traditional whip carried by Aymara leaders. *Aquí con chicote* signifies the threat of a ritual public whipping for violation of the community’s norms and procedures. From interview with a leader of the Autonomous Assembly of Jesús de Machaca, February 22, 2012; author’s translation.

Each of these cleavages contributed to the lack of consensus on the issue of indigenous autonomy, accounting for the political fault lines in Jesús de Machaca, and the low “yes” vote (56%) for indigenous autonomy in December of 2009. Thus, we see that the correlation of political forces among agents vying for local power has been politically consequential in the inability of the Autonomous Assembly to complete the task of statute approval. Interestingly, these groups competing for municipal leadership would generally appear to the outside observer as homogenous, as they are all rural *originario* Aymara people of a common socio-economic strata, with a discourse of *ayllu* recuperation. This correlation of forces also accounts for the other, more proximate factor that generated the low level of votes in favor of AIOC conversion: the spreading of rumors and misinformation, such as that AIOCs would no longer have access to state resources (Albó 2012a: 58-59). Such is the acrimonious context for the construction for indigenous autonomy, which, despite early momentum, has been impeded. As noted above, two autonomy statutes have been drafted: that of MAJOJMA, regarded by many as having greater legitimacy, and that of MACOAS. Although the two texts contain some notable differences, they are not irreconcilable. The details of each statute are laid out and compared in the following chapter.

### *Tarabuco*

One hour by minibus east of the capital, Sucre, in Bolivia’s central valleys (Department of Chuquisaca, Yamparáez Province), lies Tarabuco, a rural municipality with a population variably calculated to be 16,466 (INE 2012) and 19,544 (CEDERTA 2002).<sup>136</sup> Of the total population, 93.4% of Tarabuqueños (people from Tarabuco) self-identify as Quechua

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<sup>136</sup> Albó (2012a) criticizes Bolivia’s census calculations, arguing that they do not account for the common reality of double residence, due to migration between urban and rural areas; he argues that the population estimates for Tarabuco and other municipalities should be considerably higher.

*campesinos*, including members of the Quechua-speaking Yampara Nation (Colque 2009).

Tarabuco has an agricultural economic base; however, small-scale manufacturing is also significant, especially the high-quality artisanal textiles for which Tarabuco is widely known.

Although Tarabuco is principally organized by the regional peasant union, Centralía Provincial de Tarabuco (henceforth, the Centralía), there are seven *ayllus* located in the southern part of the municipality. Tarabuco's decision to convert from a municipality to an AIOC is of particular interest both because it is not the municipality's few *ayllus* that are seeking to recover *normas y procedimientos propios* that initiated the process, but the Centralía (which has subsequently lost interest in the project); because the case highlights the tensions between the *ayllus* and the peasant unions; and because when the indigenous autonomy was put to referendum, it was approved by more than 90% of Tarabuqueños.

The pre-colonial territorial occupation of Chuquisaca's central valleys was more mobile across a broader geography of "diverse ecological steps" than the boundaries imposed by the Spanish (Albó 2012a: 191). From 1570 onward, the Spanish forced inhabitants of a particular area to occupy a diminished and determined area; whereas in the *altiplano* the new territorial boundaries established by the Spanish affirmed, to varying degrees, the territorial extensions of the pre-colonial *markas*, in the central valleys the territorial reconfiguration involved the creation of new "*markas-reducciones*" separated from their highland roots (Albó 2012a: 91).

Prior to Spanish invasion, the population of what is now called Tarabuco was diverse and multiethnic, including migrants of numerous origins from many parts of the Inka Empire, called Tawantinsuyu (Langer 1989; Platt 1999; Yapu 2007; Albó 2012a). Tristan Platt asserts that it is difficult to speak of the present-day residents of the village of Tarabuco as the "'original' ethnic inhabitants of Chuquisaca," arguing that the contemporary ethnic group known as Tarabuqueños

are a “Yampara-Inka-European construction” (1999: 104). Erick Langer speculates that by the 19<sup>th</sup> century, the *ayllus* of Tarabuco had “lost their connections to their places of origin” (1989: 62). However, with the passage of time a Quechua-speaking indigenous Tarabuqueño identity surged, emerging in contrast with the Spanish and *mestizo* inhabitants of the nearby “aristocratic and discriminatory city of La Plata,” which would later be renamed Sucre (Albó 2012a: 209). This identity congealed further during the battles for independence, a more notable event of which was the March 12, 1816 battle in Jumbate, where Tarabuqueños outwitted and defeated a squadron of Spanish troops, and as legend has it, triumphantly ripped out and ate their hearts (Albó 2012a). The celebrated event is commemorated through costumed dancing every March 12 in the festival of Pujllay (Albó 2012a), and is graphically depicted by a large statue in Tarabuco’s central plaza, where a Tarabuqueño warrior stands atop a fallen Spanish soldier with the deceased’s heart in his hand. The battle is also emphasized in the preamble of Tarabuco’s autonomy statute as a “important moment for the Yampara and Tarabuqueño peoples” (Indigenous First Peoples Autonomy Statute of Tarabuco 2012, author’s translation).

Limited ethnographic information is available about the functioning of the *ayllus* of the Yamparáez region after independence; however, scholars have outlined some details, such as the position of the *kuraka* acting as an *ayllu*’s highest authority (Langer 1989).<sup>137</sup> *Ayllu* land was held communally, with each household possessing usufruct rights to a parcel of land, which was distributed by the *kuraka*, while grazing land was mostly held in common (Langer 1989).

After independence, and in particular in the mid- to late 19<sup>th</sup> century, “enlightened” liberal ideas propelled Bolivian governments to pursue the “modernization” of agriculture, which included the liberalization of land markets (Kohl and Farthing 2006; Hylton and Thomson

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<sup>137</sup> Prior to independence, the *kurakas*, or “ethnic lords,” assimilated into Spanish society and served as the link between the indigenous community and the Crown, which included collecting tribute and handling disputes within their respective *ayllus* (Langer 1989: 61-62).

2007). One of the principal laws to implement the modernist plan was the 1874 Disentailment Law, *Ley de Exvinculación*, which sought to convert communal territory and natural resources into individually owned private property (Hylton and Thomson 2007). Although the law sparked fierce resistance by indigenous communities and subsequent legislation reversed some of the dispossession (Hylton and Thomson 2007), collectively held indigenous lands were reduced by 40 percent nationally between 1880 and 1930 (Kohl and Farthing 2006). Research by Langer (1989) found that over the course of those 50 years, in what is now called Tarabuco an extensive seizure and sale of 242 parcels of *ayllu* territory took place – enabling the proliferation of *haciendas*; however, despite this loss of land, the *ayllus* of Tarabuco “survived in a weakened state” (Langer 1989: 71). However, by the dawn of the 1952 Revolution, 49% of the land of Tarabuco was in the hands of *hacendados* (the owners of haciendas), while only 11% of the land was occupied by communities – and they “no longer spoke of *ayllus*” (Albó 2012a: 214). As I noted earlier, it is in those areas that came to be dominated by *haciendas* – where the *ayllu* system had been significantly or completely dismantled – that *sindicalismo* penetrated more deeply (Ticona and Albó 1997; Colque and Cameron 2010). This is largely the case in much of the central valleys, including most of Tarabuco, and as will be discussed subsequently, all of Mojocoya.

In Tarabuco, as throughout much of Bolivia, *sindicalismo* became entrenched after the 1952 Revolution (Yapu 2007). Agrarian reform in the Yamparáez Province began in the late 1950s, redistributing 250 *haciendas* covering 114,357 hectares to 3,972 *campesino* beneficiaries (Albó 2012a). The recipients’ characterization as peasants is significant; although many simultaneously maintained indigenous identities, many of Tarabuco accepted the interpellation, militantly promoted by the MNR government as a symbol of their liberation from peonage (Albó 2012a).

With little presence of communities organized as *ayllus*, the MNR's land distribution and a discursive glorification of the peasantry lent credibility to the government-backed peasant unions, which, as in much of the country, were consolidated as the primary form of local organization in Tarabuco after the 1952 Revolution (Albó 2012a). While several communities comprising 466 families in the Pisilí and Paredón Subcentralías have since 2002 sought to recover *ayllu* forms of local governance – promoting indigenous culture and collective land ownership, and naming their authorities *kurakas* and *mallkus* – by and large, *sindicato* hegemony prevails to the present day (Yapu 2007; Albó 2012a). Following Andean indigenous practices, within *sindicato* communities peasants are obligated to participate in community work and attend peasant union assemblies in exchange for local community rights, including access to land (Albó 2012a). The highest community authority is the general secretary, who, along with other authorities are elected in a *sindicato* assembly; *sindicato* elections occur by acclamation or public vote (in conflictual circumstances, secret ballots may be used), and authorities serve rotationally for one year at the community level and for two years at the level of *subcentralía* (Albó 2012a).

In Bolivia's central valleys, the climate is more temperate than the *altiplano* (see descriptions of Jesús de Machaca and Curahuara de Carangas); larger areas of land are more arable, yielding a greater diversity of crops. In pre-colonial, colonial and republican periods, what is now Tarabuco was agricultural, with significant production of subsistence crops, notably corn and wheat, as well as *coca* and barley, the latter of which boomed in the early 20<sup>th</sup> century, bringing many Tarabuqueños into the market economy (Langer 1989). Farming and grazing remains Tarabuco's economic base, with the most significant production in potatoes, broad beans, quinoa, wheat, corn, barley and peas (Langer 1989; CEDERTA 2002; Albó 2012a).

Tarabuqueños have also developed a unique and highly detailed style of artisanal weavings, which make an important contribution to the local economy.<sup>138</sup> However, prosperity in these sectors has not reached most Tarabuqueños, and poverty and hardship is prevalent in the municipality. The level of poverty in Tarabuco as calculated by unsatisfied basic needs is 93.7%, although it drops to 88.8% when taking into consideration local consumer costs (Ministry of Autonomies 2010). Tarabuco's Social Vulnerability Index score of 0.594 indicates a relatively high level of individual and community risk, ranking 263 of Bolivia's 327 municipalities (Ministry of Autonomies 2010). Calculations of illiteracy were 64.8% in 2002 (CEDERTA 2002), but dropped to 32.5% by 2010 (Ministry of Autonomies 2010). Overall, Tarabuco's socio-economic indicators are consistently among the lowest scores of the 11 municipalities in transition; in fact, its education index is the eighth worst in the country – of the 314 evaluated (UNDP 2004).

Following the 1994 Law of Popular Participation (LPP), Tarabuco was constituted as a municipality, which included both the urban residents of the Village of Tarabuco and a rural expanse, totaling almost 20 thousand people (CEDERTA 2002). The new municipality was and remains constituted by two *markas*, the larger of which is Tarabuco Marka, where the Village of Tarabuco is located; the smaller of the two, located in the northwest part of the municipality, is Pajcha Marka. Although the LPP initiated municipal elections for the *alcalde* and five municipal council members, the most significant political actor in Tarabuco's politics remained the peasant unions, which were grouped within nine *subcentralías*, brought together by the Centralia, based in Tarabuco, which is affiliated with the CSUTCB (CEDERTA 2002). In the first two municipal elections (in 1995 and 1999), seats were divided between the MNR and Free Bolivia Movement,

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<sup>138</sup> According to Shan Kai Thè (2010), 15,094 tourists, mostly from western European, visited Tarabuco in 2007, generating an estimated 1,267,171 Bolivianos (approximately US\$184,700) in annual textile sales.

*Movimiento Bolivia Libre* (MBL), although the former maintained greater control over the municipality (Albó 2012a). Whether a MNR or MBL *alcalde* was running the municipality, from 1996-2004 municipal governance was marked by corruption, ineffective governance, lack of coordination between the *alcalde* and municipal council, and the resignation of two *alcaldes* (Albó 2012a). By the time of the 2004 municipal elections, the MAS had risen as a national party. In Tarabuco, the MAS's slate of candidates – led by *alcalde* candidate Eliseo Sesgo Mostacedo, former Executive Secretary of the Centralía – swept all municipal offices except a single council position, which went to the MBL (Albó 2012a). Albó argues that although the peasant unions had played a role in local politics since the establishment of the municipality (e.g. Guido Mendieta of the MNR, a peasant from the Subcentralía Pampa Lupiara, served as Tarabuco *alcalde* from 1997-1999), with the 2004 elections, “the peasant organization arrived in local municipal power” (Albó 2012a: 229). The MAS also won the *alcaldía* in the April 2010 elections; however, it captured only three of the five council member seats, as opposed to four in 2004. The Movement without Fear, *Movimiento Sin Miedo* (MSM) secured two council seats, one of which was won by *ayllu*-aligned Inocente Vargas of the village Puka Puka in Pisilí (Albó 2012a).

At the time of my research, the political organizational landscape of Tarabuco included 66 *sindicato* communities organized within 10 subcentralías and affiliated with CSUTCB; seven *ayllu* communities affiliated with CONAMAQ; and one urban centre, *centro poblado*, comprised of five neighborhood groups, *juntas vecinales*, in the Village of Tarabuco (Mapeo de Actores AIOC Municipio de Tarabuco 2011). Of these three sectors, in 2011 the population of Tarabuco was comprised by: 75% families affiliated with the *sindicato*, 18% with the *centro poblado*, and 7% with the *ayllus* (Mapeo de Actores AIOC Municipio de Tarabuco 2011). Although the

demand for greater indigenous autonomy aligns more closely with the pre-colonial recuperation agenda of the *ayllus*, it was the Centralía that initiated the process of converting the Municipality of Tarabuco into one of the country's pilot AIOCs. According to multiple accounts, including an interview with one local leader of Tarabuco's Centralía, the peasant union began the process because it perceived that it was a priority of President Morales and the MAS.<sup>139</sup> However, reflecting the MAS's growing lack of enthusiasm for indigenous autonomy nationally (see Chapter IV), the pro-MAS Centralía appears to merely be going through the motions of a process that it cannot legally suspend.

The aforementioned sectoral division of *sindicatos*, *ayllus*, and *centro poblado* shaped the creation of the autonomous assembly tasked with drafting the autonomy statute for the new AIOC of Tarabuco. On April 18, 2011, the Asamblea Autonomica Deliberativa de Tarabuco was constituted by agreement of these three sectors, apportioning 95 seats as follows: 66 representatives to the *sindicatos* (one per community), 14 to the *ayllus* (two per *ayllu*), and 15 to the *centro poblado* (Reglamento Interno 2011; Gonzales and Cordero 2011). Six commissions were created to oversee different areas of the statute drafting,<sup>140</sup> and a Directorate, *Directorio*, of six members was appointed, including a president, two vice presidents, and three secretaries (Reglamento Interno 2011). The *Directorio* was composed of a mix of the three sectors, with *sindicato* representative Francisco Sesgo Apaza as President, and Juan Guarayo of the *ayllus*

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<sup>139</sup> From interview with a peasant union leader of Tarabuco; in Sucre, April 23, 2012. The claim that Tarabuco's conversion was significantly a consequence of local leaders' perception that it was preferred by the MAS and Morales was also expressed in a November 4, 2013, interview with a former government consultant, who explained that during a 2009 speech in Camiri, as Morales was speaking about indigenous autonomy, the President specifically singled out Tarabuco as an exemplary municipality that would likely be the first to convert to indigenous autonomy; the interviewee emphasized that the comment was interpreted by Tarabuqueños as practically "an order" to convert.

<sup>140</sup> The six commissions' areas of focus were: (1) fundamental base and vision, (2) territorial organization and structure of government, (3) system of indigenous justice, (4) competencies, financial affairs and administration, (5) productive economic development, and (6) human, social and cultural development (Reglamento Interno 2011).

serving as First Vice President.<sup>141</sup> Although participants in the Autonomous Assembly were overwhelmingly men (approximately 80% at each of the December 2011 and April 2012 sessions I attended), women were appointed to some significant positions, including Florentina Medina (representing the *sindicatos*) as Assembly Secretary, and Julia Llucre Flores of the *centro poblado* as President of the important Commission 2, which dealt with key questions of territorial organization and structure of government.<sup>142</sup>

In the course of four research visits to Tarabuco from 2011 to 2013, I obtained consent to attend two multi-day meetings of Tarabuco's Autonomous Assembly, which serve as the basis for the following observations. In general terms, I characterize the elaboration of Tarabuco's autonomy statute as protracted and conflictual, marked by differing visions between the *sindicato* and *ayllu* sectors, consistent disorganization and difficulty in reaching quorum, and significant intervention by both the government's consultants and the NGOs that accompanied the process, each of which are detailed in the proceeding paragraphs. Furthermore, the August 25, 2012, "approval" of Tarabuco's autonomy statute remains the subject of debate because the Assembly no longer had the necessary quorum of two-thirds at the time that the final text was voted upon, possibly contravening the Assembly's internal regulations (CONAIOC 2012).<sup>143</sup>

The greatest issues of contention were related to the new structure and processes of government, most significantly how many legislative seats, *escaños*, would be allocated to each

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<sup>141</sup> The December meeting was convened by President Sesgo, who quickly departed, turning the meeting over to Vice President Guarayo, while the April meeting was chaired by Sesgo. On multiple occasions, interviewees commented that President Sesgo was insufficiently involved with or distancing himself from the process of statute elaboration (from interviews with two NGO staff persons on January 26, 2012; and a February 29, 2012 interview with a Ministry of Autonomies official).

<sup>142</sup> Although some important positions were assumed by women, they tended to speak minimally; for example, in Commission 2, the male secretary seemed to assume Commission President Llucre Flores's role of facilitator. From my field notes of the Tarabuco Autonomous Assembly's Extraordinary Sessions, December 8-10, 2011, and April 20-21, 2012, and field notes of John Cameron, September 22-23, 2011.

<sup>143</sup> The lack of quorum at the time of "approval" of Tarabuco's autonomy statute on August 25, 2012 was affirmed by a member of the Tarabuco's Autonomous Assembly in Sucre, October 25, 2013, as well as in interviews with a leader of Tarabuco's Centralía in Tarabuco, October 28, 2013, and a Ministry of Autonomies official in La Paz, November 4, 2013.

sector, and how they and the highest executive authority's position would be selected.<sup>144</sup> The *ayllus* proposed a territory-based governance structure comprised of eight *kurakas*, dually represented by a *pareja* under the Quechua principle of *qhari warmi*,<sup>145</sup> that together form a council; within that council of eight, seven *kurakas* would have been legislators, one of which would have primary responsibility for indigenous justice, and the eighth would serve as the highest executive authority (Estatuto Autonómico Indígena de la Marka Tarabuco, Nación Yampara 2011). The Centralía rejected such a framework and took a population-based approach (considering the total populations organized within each three sectors), dividing seven *escaños* among the three sectors, and insisted that due to the *ayllus* smallest proportion of the population of Tarabuco, they should have fewer *escaños* (one of the seven).<sup>146</sup> According to one participant, Commission 2, which was tasked with designing this part of the statute, “nearly collapsed” over the question of legislative seats.<sup>147</sup> However, on April 14, 2012, the *ayllus* agreed to accept fewer seats, which, according to one *ayllu* participant, achieved a balance of the three sectors.<sup>148</sup> During the April 2012 meeting of Commission 2, the Commission's leadership (which included *ayllu*, *sindicato*, and *centro poblado* representatives) proposed that seven legislative *escaños* be distributed as such: four to the Centralía, two to the *centro poblado* of Tarabuco, and one to the *ayllus*.<sup>149</sup> In the course of the Assembly's deliberation, one of the Centralía's seats was shifted to the *Marka* of Pajcha, netting three to the Centralía, one to the *Marka* of Pajcha, two to the *centro poblado*, and one to the *ayllus*, which is the distribution maintained in the final version of the statute (Indigenous First Peoples Autonomy Statute of Tarabuco 2012). In terms of the selection

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<sup>144</sup> From my field notes of the Tarabuco Autonomous Assembly's Extraordinary Sessions, December 8-10, 2011, and April 20-21, 2012.

<sup>145</sup> *Qhari warmi* is the Quechua equivalent of the Aymara concept *chachawarmi*.

<sup>146</sup> From an interview with a peasant union leader from Tarabuco; interview took place in Sucre on April 23, 2012.

<sup>147</sup> From an interview with an *ayllu* representative on Tarabuco's Autonomous Assembly in Tarabuco, April 20, 2012.

<sup>148</sup> *Ibid.*

<sup>149</sup> From my field notes of the Tarabuco Autonomous Assembly's Extraordinary Session, April 20-21, 2012.

of the highest Executive Authority, *Autoridad Ejecutiva*, the statute specifies that the position will rotate between the three sectors, according to the *usos y costumbres* of each one (Indigenous First Peoples Autonomy Statute of Tarabuco 2012).

Not all issues the Autonomous Assembly debated were so contentious. Among the less controversial questions, Tarabuco's statute confirms the Village of Tarabuco as the seat of local government; it adopts Quechua and Spanish as the AIOC's official languages; and it does not provide for the participation of political parties in the selection of authorities (Indigenous First Peoples Autonomy Statute of Tarabuco 2012). One interesting discussion, which took place most centrally in Commission 2, involved the name of the new territorial entity. In December 2011, the Commission debated several options and settled on the Indigenous Territory of the Original Peoples of Tarabuco, *Territorio Indígena de Pueblos Originarios de Tarabuco*,<sup>150</sup> however, the question was revisited in March 2012, and the Commission voted to name the territory the Indigenous First Peoples Autonomous Government of Tarabuco, *Gobierno Autónomo Indígena Originario de Tarabuco*,<sup>151</sup> which is how the territory is identified in the final version of the statute (Indigenous First Peoples Autonomy Statute of Tarabuco 2012). Note that even though Tarabuco is organized principally by the peasant union – the Centralía – and despite the fact that it is converting into an AIOC (with the “C” signifying *Campesino*), the word *campesino* never appears as the new territorial entity's name; rather, the name of the new territorial entity is closer to that that proposed by the *ayllus* (Estatuto Autonómico Indígena de la Marka Tarabuco, Nación Yampara 2011).

Tarabuco's Autonomous Assembly had significant difficulties convening meetings and retaining quorum. The Assembly's December 2011 and April 2012 meetings were both delayed

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<sup>150</sup> From my field notes of the Tarabuco Autonomous Assembly's Extraordinary Session, December 8-10, 2011.

<sup>151</sup> From field notes by Tonianne Mynen (March 22-24, 2012).

by two hours due to lack of quorum and debates over quorum,<sup>152</sup> and field notes by colleagues indicate that the Assembly's September 2011 and March 2012 meetings began seven and 11 hours after their appointed start times, respectively, also due to lack of quorum.<sup>153</sup> The September 2011 meeting was particularly problematic, marred by "almost total disorganization" due to lack of coordination between the *Directorio*, the Ministry of Autonomies, the consultants and NGOs, and the absence of a work plan; moreover, the meeting location, Tarabuco's Municipal Coliseum, lacked chairs and tables, and there were insufficient computers and other necessary equipment.<sup>154</sup> While difficulty in reaching quorum has been encountered in parallel processes in other municipalities, the delays were particularly pronounced in Tarabuco, most likely a consequence of only modest interest in conversion to AIOC by the *sindicato* sector, from which 69% of the Assembly Members were drawn. As noted above, the matter of quorum was also an issue in the final "approval" of the statute, leaving its status in question.

A notable aspect of Tarabuco's Autonomous Assembly meetings was the prominent role of government contracted consultants, *técnicos* or *consultoras*, and representatives of NGOs that were accompanying the process, which is consistent with reports from other municipalities.<sup>155</sup> The presence of government and NGO representatives was significant, sometimes comprising almost half of those present in commission meetings, and certainly influenced the outcomes in terms of the text of the statutes, in several respects.<sup>156</sup> First, although most of the Tarabuqueños that were participating appeared to be more comfortable speaking in Quechua or Spanish-

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<sup>152</sup> From my field notes of the Tarabuco Autonomous Assembly's Extraordinary Sessions, December 8-10, 2011, and April 20-21, 2012.

<sup>153</sup> From field notes by John Cameron (September 22-23, 2011) and Tonia Mynen (March 22-24, 2012).

<sup>154</sup> From field notes by John Cameron (September 22-23, 2011).

<sup>155</sup> Unless noted otherwise, all of this and the following two paragraphs' observations are based on my field notes of the Tarabuco Autonomous Assembly's Extraordinary Sessions, December 8-10, 2011, and April 20-21, 2012.

<sup>156</sup> The 12-15 *técnicos* present during these meetings represented a roughly equal distribution (one-third each) of officials from the Ministry of Autonomies, consultants contracted by the Ministry's Concurrent Regional Development Project (PDCR), and staff members of the non-governmental organization Fundación TIERRA.

inflected Quechua, *quechuañol*, the *técnicos* spoke principally in Spanish, often shifting discussions from Quechua to Spanish. Most participants seemed to adapt to the latter; however, it was clearly not their preferred tongue, and participation was more difficult for those that had less command of Spanish.

Secondly, most *técnicos* brought into the meetings highly legalistic and bureaucratic assumptions and materials, which influenced the course of discussions and, ultimately, the form and content of the autonomy statutes. Presentations by outside agents frequently began meetings with explanations of what the CPE and secondary laws allowed the Autonomous Assembly to do, and what was off limits. Thus, Assembly deliberations were much less an organic process by which local agents chart their visions and priorities for autonomy than an procedure of generating content for predetermined categories, derived from the CPE and national law. At the December 2011 meeting of Commission 2, a government consultant distributed a document that outlined a series of seven sections (*títulos*) and 25 articles for the autonomy statute, as well as copies of the *Ley Marco*.<sup>157</sup> The consultant, who left and returned to the meeting several times, distributed booklets and spoke to the Commission without being recognized by the chair. On one occasion, he explained that Commission 2 should think of representation in terms of people being individually represented by this or that council member, *consejal*, as opposed to the general population represented by all of the *consejales* collectively. Commission Members used and referenced the documents they received from the consultants; several had passages highlighted in the received booklets and were writing in them during the meeting. External influence was also evidenced by an observation by a colleague, who noted that during the September 2011 meeting of Assembly Commission 2, a *técnico* from the Ministry of

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<sup>157</sup> The document in question was entitled, “Esquema Modelico de Contenidos para Estatuto Indígena Originaria Campesina de Tierras Altas,” Model Scheme of the Content of Indigenous First Peoples Peasant Statute of the Highlands, n.d.

Autonomies presented “a pre-prepared agenda for the discussion” that included legislative and executive categories for which Commission 2 was to develop details.<sup>158</sup> Although the assignment of competencies to independent and separated executive and legislative organs are prescribed by the *Ley Marco* (Articles 12 and 62), the establishment of such roles – independent of communal deliberative assemblies – are inconsistent with many Andean *normas y procedimientos propios*, arguably including those of the Quechua peoples of Tarabuco and the Yampara Nation.

Finally, government-funded and NGO *técnicos* played a significant role in polishing the draft statute’s text on April 21, 2012, in ways that could subtly change the meaning or intent of the Autonomous Assembly. For the most part, alterations made by the *técnicos* were minor, dealing with spelling corrections, such as substituting the place name Zudáñez for Sudáñez; adding the word “Historically...” (*Historicamente*) to the beginning of sentence; or including the Spanish translation where the draft statute text was in Quechua, such as where the Assembly had listed the principles under which the AIOC would operate (interestingly, the Spanish translations were later stricken by the Assembly and did not make it into the final approved text). During a meeting of the *técnicos*, two representatives of the Fundación TIERRA emphasized that they needed to take caution to not change the Assembly’s meaning. However, there were at least two instances in which the Assembly’s intended meaning may have been changed by the *técnicos*’ tinkering. One such change was the *técnicos* plans to add the phrase “in the following order,” *del siguiente orden*, where the Assembly had spelled out the rotation of the three organizations’ possession of the highest Executive Authority. Absent those words, the *técnicos* felt that the Assembly was not clear about the progression and sought to specify that the order would be first

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<sup>158</sup> After several Commission 2 participants expressed objections to the imposition of the Ministry’s framework, another *técnico* clarified that the agenda presented was “only an orientation, a guide.” From field notes by John Cameron (September 22-23, 2011).

the *sindicato*'s representative, then that of *centro poblado*, and finally one from the *ayllus*. However, I pointed out to the *técnicos* that this may constitute a change in the intent of the Assembly and signify a consequential intervention by the *técnicos*. Elsewhere, the *técnicos* decided to change the statute's reference to the rights of people with disabilities, which the Assembly had described as *personas con capacidad diferente*, to *personas con capacidad especial* – from “people with different abilities” to “people with special abilities.” I again interjected that such a change may alter the meaning of the phrase, in fact, to disempowering language with somewhat paternalistic connotations.<sup>159</sup>

In summary, the Autonomous Assembly's August 25, 2012 approval of their autonomy statute, questions over quorum notwithstanding, was not a foregone conclusion, and many participants and observers of the process during 2011 and 2012 were highly skeptical that the discordant sectors would be able to converge on a common text. The protracted disagreements between the *ayllus* and *sindicato* over of the structure and process of the new institutions of indigenous autonomy, and the apparent lack of enthusiasm by the Centralía or the *alcalde*'s office, extended the process for many uncertain months. In these tensions, we observe the differing priorities and conceptions of indigenous self-governance between groups that identify as First Peoples (*originario*) and peasants. The statute, which will be reviewed for constitutionality by the Plurinational Constitutional Court, will still need to be voted upon by Tarabuqueños in a referendum. If the Centralía does not actively support the statute in the referendum, its chances of failure are high.

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<sup>159</sup> On both occasions of my interventions during the April 21, 2012 meeting of the *técnicos*, the group concurred with the suggestions I had made, and struck the changes that they had inserted, reverting to the language of the Assembly. In the Appendix, I explore the ethical implications of the researcher's active involvement in processes under investigation.

## *Mojocoya*

The Municipality of Mojocoya, in the Province of Zudáñez,<sup>160</sup> Department of Chuquisaca, shares a considerable history and contemporary political composition with Tarabuco,<sup>161</sup> with the notable exception of the absence of indigenous peoples organized by *ayllus*.<sup>162</sup> Since 2007, the *sindicato* has been hegemonic in the organization of the municipality, although the nearby Village of Mojocoya (5 km in distance), the base of the former *hacendados*, rivals the *sindicato* center of Redención Pampa in terms of population. Both *centros poblados* also maintain neighborhood groups, *juntas vecinales*, represented by the Civic Committee, *Comité Cívico*, of each locality (PDM Mojocoya 2000). Whereas in Tarabuco, the *sindicato* was aggregated in the Centralía, in Mojocoya, peasants are organized within the United Sub-central Union of Peasant Workers of the Municipality of Mojocoya, *Sub Centralía Sindical Única de Trabajadores Campesinos del Municipio de Mojocoya*, henceforth Sub Centralía. Mojocoya's population is relatively small and sparse, 7919 people over 1240 km<sup>2</sup> – less than half the population of Tarabuco over a greater spatial extension than Tarabuco's 1023 km<sup>2</sup> – aggregated in 30 communities and the two aforementioned *centros poblados* (INE 2012; Ministry of Autonomies n.d.).<sup>163</sup> Of that population, 94.58% self-identify as indigenous, mostly Quechua (Colque 2009). Mojocoya is principally agricultural, with arable ground surrounded by a mountainous landscape. Mojocoya was one of the first AIOCs to complete its autonomy statute, approving

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<sup>160</sup> The Province of Zudáñez was created by law in 1917; of its four sections, the third was called Mojocoya, which corresponds with the contemporary geographic boundaries of the Municipality of Mojocoya (PDM Mojocoya 2000).

<sup>161</sup> Mojocoya is approximately 3.5 hours by vehicle from Tarabuco, and 4.5 to 5 hours from Sucre, situated north and east of both. It is accessible only by road, the first half of which is paved, but turning to dirt east of Zudáñez.

<sup>162</sup> Mojocoya *Alcalde* Alejandro Padilla (elected in 2010, but unable to serve since 2012 due to criminal accusations) emphasized this point during a 2010 seminar organized by the Fundación TIERRA in La Paz: “From what I have heard in this seminar, there are *ayllus* that cannot come to agreement [*no pueden entenderse*]. Among us [in Mojocoya] this problem does not exist... In Mojocoya there are no indigenous people [*indígenas*]; there are only purely peasant communities.” (Padilla 2011: 228, 236, author's translation).

<sup>163</sup> Mojocoya's Municipal Development Plan estimated the municipal population to be 9591 people (PDM Mojocoya 2000).

theirs on April 22, 2012 (Autonomía Indígena Originaria Campesina de Mojocoya 2012). It is of particular interest for this reason, and because, like Tarabuco, its construction of indigenous autonomy was initiated not by those identifying as *indigenas*, but by *campesinos*.

The first recorded information pertaining to the peoples of Mojocoya comes from archeologist Leonardo Branisa (1957), who described the ceramics near the Village of Mojocoya as “Mojocoya Tricolor,” which he perceived as having combined Tiwanaku and Amazonian features, indicating a “fusion of two cultural currents” into a distinct cultural expression (Tapia 2009: 143).<sup>164</sup> The significance of observations by Branisa and other anthropologists is less in that they establish some ontological claim that a specifically Mojocoyan culture existed in what is now Zudáñez Province (as part of a much larger expanse of that culture), although they suggest as much. More interesting is that early archeological accounts have been employed by those contemporarily involved in constructing indigenous autonomy in Mojocoya. As John Cameron observes, although pre-colonial Mojocoya culture has little significance for those who live in Mojocoya today, it was used “to satisfy a legal requirement necessary for the conversion of the municipality to indigenous autonomy” and is referenced in Mojocoya’s autonomy statute (2012: 11). Of the little that is known of that Mojocoya culture, it is believed that their agricultural practices were at least partially sedentary (PDM Mojocoya 2000). Their territory was taken over by the Incas and incorporated into Qullasuyu region around 1100-1200 CE, and was later conquered by the Spanish, superimposing foreign political and cultural practices on pre-colonial ones (PDM Mojocoya 2000). The languages they and the other Chuquisaqueña peoples spoke were displaced by Quechua, Aymara or Chiriguano (Guaraní), and subsequently by Spanish (PDM Mojocoya 2000).

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<sup>164</sup> Tapia (2009) outlines that “Mojocoya Tricolor” ceramics were produced from around 600-900 CE; its name is derived from its reddish, black and sometimes white tones.

Following the Spanish invasion, the town of “San Pedro y San Pablo de los Sauces de Mojocoya” was established by Spanish Captain Melchor de Rodas in 1584 (Cordero 2011; Autonomía Indígena Originaria Campesina de Mojocoya 2012).<sup>165</sup> The arable land around the Village of Mojocoya was subdivided and distributed by the Crown, and indigenous people in the area were forced into a form of servitude called *pongueaje*, working as *pongos* (Cordero 2011). Wheat was among the principal crops grown under Spanish control (Ministry of Autonomies 2012b), and wheat production continued to be important during the republican era (PDM Mojocoya 2000). The indigenous peoples of Mojocoya continued to be subjugated by *criollo* landowners<sup>166</sup> after independence, with the only notable change being the landowners they served (Ministry of Autonomies 2012b). It was not until 1936 that the town of Redención Pampa was founded – originally as the site of a *campesino* school for youth, around which residences were gradually built (Ministry of Autonomies 2012b). This creation of a urban peasant centre, seemingly accidental at its inception, would prove important in the eventual establishment of a base of peasant control of the municipality. Another significant event, as in the case of Tarabuco, was the 1952 Revolution, which brought major changes to Mojocoya, with agrarian reform redistributing land to those that had formerly worked as *pongos* (Cordero 2011). The years following the Revolution also saw the *sindicato* expand its influence to Mojocoya’s communities, aggregated together by the Sub Centralía (Ministry of Autonomies 2012b). A final substantial moment in Mojocoya’s history was the presence in Ernesto “Che” Guevara, who – local narrative tells – had passed through the area during his ill-fated guerrilla campaign in the mid-1960s. *Campesino* admiration for the revolutionary is reflected in the large statute of Che,

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<sup>165</sup> The name Mojocoya was derived from the Quechua words *musuq* and *qhuya*, “new” and “mine,” respectively (Autonomía Indígena Originaria Campesina de Mojocoya 2012). According to Mojocoya’s Municipal Development Plan, the name is a reference to a small lead mine that was located in the Mojocoya’s Titina foothills (PDM Mojocoya 2000).

<sup>166</sup> *Criollo* describes Spanish descendents.

which dominates Redención Pampa's central plaza, a few steps from the *alcaldía*. Indeed, as John Cameron observes, when the *campesinos* of Mojocoya “invoke history,” they are most likely to explain their own struggle against *hacendados* with “imagined connections to Che [which] also play an important role in promoting the collective imaginary of a proud, united and combative people” (Cameron 2012: 12).

Mojocoya is usually described as being comprised of three ecological zones, although the precise boundaries of the three zones are inconsistently applied, depending upon the factors considered (PDM Mojocoya 2000; Cordero 2011). In general terms, these zones can be conceived of as: (1) hotter “semi-arid” mountainous valleys in the north, east and west of the municipality, sitting at an altitude of at 1000-1500 meters above sea level; (2) a broad more temperate “sub-humid” headwater area located at 2000-2700 meters, which makes up most of the municipality's geography and includes both *centros poblados*; and (3) a few expanses of “dry sub-humid” areas that approach highland (*altiplano* or *puna*) elevations in the north and southwest, at 2700-3000 meters (PDM Mojocoya 2000). Some of the more remote communities, such as Río Grande in the north, are accessible only by poorly maintained dirt roads that climb precariously over jagged mountain ranges.<sup>167</sup> In each of these zones, agriculture is the dominant form of labour and social organization, although some residents of the *centros poblados* are employed in construction and manufacturing (Ministry of Autonomies n.d.). Land in Mojocoya is owned by individual families, and is not collectively held (Albó 2011: 221). The principal crops grown in Mojocoya are potatoes, corn, wheat, and barley, and in the north there is also notable cultivation of rice, sugar cane and peanuts; many families also maintain farm animals, namely cattle, sheep, goats and birds (PDM Mojocoya 2000). Much of this food is for domestic

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<sup>167</sup> From Redención Pampa, it takes approximately four hours to drive to Río Grande by personal vehicle, passing through Quivale; there is no bus service to either community (from field notes, December 5, 2011).

or local consumption, although some is commercialized and sold in markets in Tarabuco, Zudáñez and Sucre (PDM Mojocoya 2000).

In socioeconomic terms, Mojocoya's residents experience significant poverty and hardship, although the municipality's indicators are generally more favorable than those of Tarabuco. The poverty level in Mojocoya is 92.3% according to basic needs, and 87.6% in relation to consumer costs, both figures quite close to those of Tarabuco. The municipality's SVI index of 0.56 places it at 221 out of 327 municipalities – significantly below the national median of risk level, yet considerably higher than that of Tarabuco (Ministry of Autonomies 2010). In Mojocoya, estimates of the illiteracy rate were 41% for men and 51% for women in 2000 (PDM Mojocoya 2000), but dropped to an aggregate 13.9% by 2010 (Ministry of Autonomies 2010). The life expectancy is 52 years – among the lowest in Chuquisaca; and the Human Development Index, as ranked by the United Nations Development Program, is a low 0.30 (PDM Mojocoya 2000). Most rural homes consist of one or two rooms; construction is often of poor quality; and walls are generally made of adobe without plaster, which makes them vulnerable to dangerous insect and parasite infestations (PDM Mojocoya 2000).

An incident in the community of Quivale provided me with several unanticipated observations of aspects of life in the remote parts of the municipality. While returning from the community of Río Grande, where I had accompanied members of Mojocoya's Autonomous Assembly, a government-funded *técnico*, and NGO representatives in the *socialización* of the draft autonomy statute (which will be described shortly), the new pick-up truck in which we were travelling, which was the property of the municipality, hit a sharp rock and got a flat tire near Quivale.<sup>168</sup> Our driver informed us, “*Estamos jodidos*,” which in its most polite sense translates to “We're screwed,” and explained that there was no spare tire because municipal

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<sup>168</sup> From field notes, December 5, 2011.

officials had not prioritized the expenditure. Unexpectedly, our group of six found ourselves stranded for most of the night in the village, which, in 2000 had registered 73 families (PDM Mojocoya 2000). When we attempted to phone Redención Pampa, two hours away by dirt road, to request help, we found that our cell phones had no service, which was also the case at the community's solitary health clinic, staffed by a single doctor. A single resident of Quivale had a landline, which only worked by phone card; however, the required card was among the less common ones in Bolivia, and none were available for sale in Quivale. By sheer coincidence, I had recently purchased that type of phone card, and it contained enough credit for us to call a contact in Redención Pampa to request a pick-up. Meanwhile, hunger set in as night began to fall, so a few of us went to the two private homes that sold food and household supplies (Quivale has no restaurants). We found that the available foodstuffs were limited to soda, beer, candy, and canned sardines. After some negotiation, we convinced a storeowner to sell us two eggs from her household food supply, which, when combined with the sardines and some potatoes that one of the Assembly Members had, made for an adequate meal.

Since Mojocoya became a municipality following the 1994 LPP, the primary political dynamic has been a pronounced tension between the peasant population, organized by the Sub Centralía and its base in Redención Pampa, and the *ex-hacendados* centred in the Village of Mojocoya. Although Redención Pampa was the municipality's principal *centro poblado*, the location of the municipality's principal health and educational services, a series of NGOs, some municipal offices, and the residence of most of the municipal council members, the Village of Mojocoya was the site of the municipality's principal administrative offices to which the council members were obligated to travel on a weekly basis, even though its population had substantially declined in recent decades (PDM Mojocoya 2000). Throughout the 1990s and into the 2000s,

according to former Mojocoya *Alcalde* Ángel Ballejos Ramos, *campesinos* continued to encounter “much hatred, humiliation, racism” from residents of the Village of Mojocoya (*Memoria, Decima Cuarta Sesión Ordinaria* 2011, author’s translation). Mojocoya’s Municipal Development Plan similarly speaks of “the political class and external agents’ permanent deception of peasant organizations” (PDM Mojocoya 2000, author’s translation). These tensions escalated in 2007, when, after municipal authorities approved Resolution #123 authorizing the use of the municipality’s tractor for the construction of a series of impoundments in the communities of Thaço Pujyo, Yacambe y Churicana (in the southern zone of the municipality), municipal administrators in the Village of Mojocoya refused to allow the tractor to be used (Cordero 2011).<sup>169</sup> On September 25, 2007, members of Mojocoya’s Civic Committee and former council members that represented the Village of Mojocoya took several municipal administrators and members of the Sub Centralía-controlled Monitoring Committee, *Comité de Vigilancia*<sup>170</sup> “hostage” for four hours in the office of the *alcaldía*, in an attempt to get them to sign papers related to the location of the tractor (Cordero 2011). Over the following week, a series of violent encounters ensued, including the use of dynamite and death threats (Cordero 2011).<sup>171</sup> The conflict culminated on October 4 when *campesinos* from Redención Pampa staged an “uprising,” *sublevación*, entered the *Alcaldía* in the Village of Mojocoya, seized all of the property (computers, furniture, files, etc.) that was stored there, and transported it to Redención

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<sup>169</sup> From interview with a former municipal council president of Mojocoya who also served as a member of the Autonomous Assembly, in Redención Pampa, April 26, 2012.

<sup>170</sup> *Comités de Vigilancia* were created by the 1994 Law of Popular Participation to monitor municipal officials, activities and budgets, hypothetically to guard against corruption (Oxhorn 2011). The *Comités de Vigilancia*, widely maligned as clientelistic, ineffective and corrupt (as expressed in interviews with Autonomous Assembly Members from Charagua and Jesús de Machaca, respectively in Charagua on March 6, 2012, and in La Paz on May 4, 2012), were eliminated by the 2013 Participation and Social Control Law, *Ley de Participación y Control Social* (Law #341), which replaces the committees with a variety of new mechanisms of social control and transparency (*La Razón* 2012; *Ley de Participación y Control Social* 2013).

<sup>171</sup> From interview with a former municipal council president of Mojocoya who also served as a member of the Autonomous Assembly, in Redención Pampa, April 26, 2012.

Pampa, relocating the municipal administration from the village of *ex-hacendados* to the *sindicato* centre (*Memoria, Decima Cuarta Sesión Ordinaria* 2011).<sup>172</sup> Although residents of the Village of Mojocoya have initiated a legal effort to challenge the movement of the seat of government, by the time that the elaboration of Mojocoya's statute was underway, a new hegemonic order had been established, with wide acceptance of the Sub Centralía as the solitary articulator of municipal affairs.<sup>173</sup> By all accounts, the Sub Centralía's pursuit of indigenous autonomy was principally undertaken to ensure that the transfer of the municipal seat from the Village of Mojocoya to Redención Pampa was irrevocable.<sup>174</sup> A secondary reason for conversion, explained a former municipal council president of Mojocoya who also served as a member of the Autonomous Assembly, was because the Sub Centralía perceived at the time that becoming an AIOC would give them better access to public resources.<sup>175</sup>

Considering the significant weight of the Sub Centralía and its protagonistic role in both initiating Mojocoya's transition to indigenous autonomy and in drafting the new autonomy statute, it is important to understand the peasant union's structures and processes of local governance. Reflecting the general *sindicato* structure organized by the CSUTCB, the base

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<sup>172</sup> Ibid.

<sup>173</sup> *Sindicato* hegemony does not appear to be blunted, despite the dramatic municipal crisis that occurred shortly after the seat of municipal government was moved. MAS-affiliated *Alcalde* Alejandro Padilla (who had served as the Secretary of Coordination for Mojocoya's Autonomous Assembly) was accused of corruption, mismanagement of municipal funds, and failure to coordinate with social organizations; after a year and a half of pressure from local *sindicato* groups – which included the front entrance to the *Alcaldía* being blocked with a wall of bricks and mortar – Padilla resigned (*Erbol* 2013; *El Deber* 2013; from field notes, October 26, 2013; from interview with a leader of Mojocoya's Autonomous Assembly, October 26, 2013).

<sup>174</sup> This motivation for conversion to AIOC was confirmed by three sitting members of Mojocoya's Municipal Council, all of whom were also members of the Autonomous Assembly, in Redención Pampa, April 26, 2012; a former Municipal Council President of Mojocoya who also served as a member of the Autonomous Assembly, in Redención Pampa, April 26, 2012; a NGO staff person accompanying the process in Sucre, December 6, 2011; and by former *Alcalde* Alejandro Padilla in an October 2010 speech he gave in La Paz (2011). At the October 2011 meeting of Mojocoya's Autonomous Assembly in which the second draft of their autonomy statute was approved in full, *en grande*, the Assembly Members and local residents of Redención Pampa staged a "massive march" to commemorate the "historic move of the Seat of municipal government from the Village of Mojocoya to the locality of Redención Pampa" (*Memoria, Decima Cuarta Sesión Ordinaria* 2011: 1). In a similar vein, Cameron emphasizes that the most important factor in the establishment of indigenous autonomy in Mojocoya is the *campesinos'* post-1952 battles with former *hacendados* (2012: 12).

<sup>175</sup> From interview in Redención Pampa, April 26, 2012

communities of Mojocoya employ a set of processes for meeting, decision making and leadership selection. The highest authority of the Sub Centralía is the Secretario General, General Secretary, who, along with the other leadership, is elected every year or two in a Congress, *Congreso*, comprised of representatives from all of the municipality's peasant community unions (PDM Mojocoya 2000: 195). Municipality-wide Sub Centralía meetings occur every two weeks or every month (PDM Mojocoya 2000). At the level of the community:

Union meetings are held weekly, biweekly or monthly, depending on the needs and customs of each community. All affiliates are entitled to voice and vote in each of the meetings that take place. When a call goes out for communal work, a family that does not participate must pay a fine, either in work or in money. Generally, it the man that represents the family, and a woman votes only in the man's absence. (PDM Mojocoya 2000: 194, author's translation).

Another established practice in Mojocoya has been that members of Monitoring Committee for the municipality are "representatives of the Sub Centralía," working from the Sub Centralía's office (PDM Mojocoya 2000: 192).

In terms of process of constructing new institutions of indigenous autonomy in Mojocoya, four aspects stand out. First, *sindicato* hegemony shaped the entire process.<sup>176</sup> Of the 106 Members of the Autonomous Assembly – the highest number of any of the 11 municipalities converting – 60 were elected by the *sindicato*-affiliated communities (30 rural communities, with one man and one woman from each), and many more were chosen by *sindicato*-based organizations, such as the Sub Centralía itself and the teachers union (Reglamento Interno Asamblea AIOC de Mojocoya 2011). Other organizations in the municipality were permitted to have two representatives (again, one woman and one man) on the Assembly, such as groups that

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<sup>176</sup> This can be seen, for example, in the Autonomous Assembly of Mojocoya's booklet that outlines the internal regulations. The document's title page begins, "Gobierno Municipal de Mojocoya: Subcentral Única de Trabajadores Campesinos y Originarios de Mojocoya," illustrating the assumption, perhaps deliberately asserted, that this is a process driven by and for the *sindicato* (Reglamento Interno Asamblea AIOC de Mojocoya 2011).

represented reporters, health care providers, sports, and transportation (Reglamento Interno 2011). Those from the Village of Mojocoya were allotted seats for their Civic Committee and other local leaders, although these only totaled six, leaving the previously dominant *centro poblado* with minimal representation and influence (Reglamento Interno 2011). *Sindicato* hegemony enabled the process to advance rapidly, making Mojocoya one of the first municipalities to conclude statute elaboration and approval.

Reflecting on the cases reviewed thus far, we can begin to make some tentative observations as to the conditions most propitious for the timely and effective approval of autonomy statutes. It appears that the relatively quick elaboration of Mojocoya's autonomy statute, as compared to the delays in Tarabuco and the gridlock in Jesús de Machaca, can be attributed not to the homogeneity of actors in the municipality, but to the local correlation of political forces, and whether the key political actors are unified or divided. Whereas the principal divisions in Tarabuco were sectoral (*ayllus* versus *sindicato*), in Jesús de Machaca, all relevant parties have embraced a politics of *ayllu* restoration. The lack of local division among key actors in Mojocoya enabled the Autonomous Assembly to rapidly elaborate and approve an autonomy statute that nearly the entire community can support. Moreover, the process in Mojocoya was relatively free of conflict, suggesting likely approval when the statute is presented to residents in the ensuing referendum.

Second, as was seen in the case of Tarabuco, *técnicos* played a significant role in the process. One indication of excessive *técnico* presence at the meetings of the Autonomous Assembly was illustrated by a remark by an Assembly Member who critically asked aloud whether the Assembly's February 11, 2012, session was a meeting of the *técnicos* or of the Assembly Members, which compelled one *técnico* to assert that they had spoken too much during that

day.<sup>177</sup> The *técnicos* were also heavily involved in the *socialización* of Mojocoya's statute once it was approved. *Socialización* involved physically taking copies of the approved statute to all of the municipality's 30 rural communities to share with community members the content of the statute, answer their questions, and receive feedback for possible further revisions. Mojocoya's period of *socialización* ran from December 5, 2011, to February 10, 2012 (Fundación TIERRA 2012d). I attended one of the *socialización* sessions in Río Grande, and joined another in which four *técnicos* attempted to hold such a meeting in Yacambe.<sup>178</sup> In the case of Yacambe, no local community members showed up to attend the meeting, which one woman in the town plaza told us was due to the previous day's grade school graduation, *promoción*, and associated festivities.<sup>179</sup> Río Grande was much more productive; there two *técnicos* joined three Assembly Members in a presentation of the process of drafting the statute and the statute itself. During the four-hour drive to Río Grande, I overheard the senior Assembly Member in the group ask a *técnico* what the agenda would be upon our arrival, suggesting that the process was being coordinated, at least in part, by the *técnicos*.

Once in Río Grande, while waiting for community members to convene, the delegation was warmly received with lunch and a presentation of some of the built and natural features of Río Grande. After two hours, twenty five people from Río Grande convened – five women and 20 men – in a small community that, as of 2000, was home to 35 families (PDM Mojocoya 2000). A large bag of *coca* leaf and some candy was passed around by the delegation for those in attendance. The local community authority, a male *dirigente*, gave a brief welcome, followed by

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<sup>177</sup> From meeting notes by Tonianne Mynem, February 13, 2012. Mynem's notes from the February session, and others taken by her on April 3-4, 2012, indicate that *técnicos* engaged in the same types of tinkering with the text of Mojocoya's autonomy statute that I observed at the margins of Autonomous Assembly meetings in Tarabuco.

<sup>178</sup> Unless otherwise noted, all observations in this and the following paragraph are from my field notes, December 5-6, 2011.

<sup>179</sup> *Técnicos* later returned to Yacambe, and were able to *socialize* the statute there; from interview with NGO staff person accompanying the process in Mojocoya, January 26, 2012.

short introductory comments by two of the members of the Autonomous Assembly. They described the statute development process as one that was advancing, that the Assembly was interested in the ideas and comments of the community, and that any remarks would be brought back to the Assembly for consideration.<sup>180</sup> Six copies of the statute were then handed to the *dirigente*, and then a *técnico* assumed the floor and began to formally present the details of the autonomy statute. The male *técnico*, who worked for an NGO that did not receive funds from the government of Bolivia, directed the remainder of the meeting, with the Assembly Members rarely speaking. After outlining that the statute would carry the same weight as any other law – with the CPE as the “mother law” – he commenced to review those parts of the statute that had been most discussed during the meetings of the Assembly, including, in the following order: the change in the seat of government from Mojocoya to Redención Pampa; identity and culture; the symbols of the new AIOC; its official languages; freedom of religion, noting, “not everyone believes in *pachamama*”; the principles of the AIOC; the process of election and the structure of government (5 legislators and 5 alternates, with parity and alternation between men and women); a maximum authority that would be called *jatun kamachi* (“great authority” in Quechua), rather than *alcalde*; and the minimum age for authorities. The *técnico* explained that the AIOC will be able to adjudicate some lesser crimes, while more serious ones – such as rape and murder – will be handled by the “ordinary” system of justice. The AIOC’s system of justice would, he explained, consist of four members, one from each of the three zones, and one from the Sub

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<sup>180</sup> The full results of the *socialización* were presented to the Autonomous Assembly by a *técnico* at the Assembly’s February 11, 2012, meeting, and were the subject of substantial discussion by the Assembly. The most significant feedback the Assembly received were objections to the name of the highest executive authority, *jatun kamachi* (many preferred governor, *alcalde*, or president), followed by various questions and suggestions related to election procedures. Following deliberation, the Assembly voted 28 to 9 to retain the name *jatun kamachi* (the leading alternative was president, *presidente*), and specified that three candidates for the AIOC’s executive and legislative authorities will be chosen by each of Mojocoya’s zones, according to *normas y procedimientos propios*. From meeting notes by Tonianne Mynem, February 13, 2012, and various drafts of Mojocoya’s statute.

Centralía. He emphasized that these judicial changes were, from his perspective, an improvement.

The main questions posed by community members of Río Grande were: (1) Why change the name of the *alcalde* to *jatun kamachi*? (2) What happens if the referendum on the statute fails? Will the seat of government shift back to Mojocoya? A comment was made about the logic of term limits, which one man expressed could create a barrier to those with professional training holding local office; to which he added, “I’m not convinced.” Considerable discussion related to the issue of political parties. In general, these questions were handled respectfully by the senior Assembly Member. He explained that under the statute’s rules, there would not be any political parties or political organizations allowed in Mojocoya, and that if the referendum fails, the question of the capital will be “up to the people” to decide.

From these exchanges, two things were apparent. Most significantly, the *técnicos* from outside of the municipality played a significant role in the process that extended beyond merely offering technical support and feedback when solicited; rather, *técnicos* were active agents in framing issues, making normative assertions, and focusing attention on particular matters that they deemed to be priorities. It was also clear from the basic nature of comments and questions that this meeting was the first time that many of the community members of Río Grande had heard of these proposed norms that could portend significant changes in their own community. Though none appeared to be startled or hostile to what was being proposed, it appeared that, until that meeting, they had not been privy to the ongoing discussions the Assembly had been having in the course of its 15 sessions of deliberation, and were only learning of the proposed changes to the municipality once they had been approved.<sup>181</sup>

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<sup>181</sup> As of the time that the statute was *socializado*, Mojocoya’s Autonomous Assembly had held 15 sessions; there were two additional sessions held post-*socialización*, for a total of 17.

Studying the process of statute elaboration in Mojocoya also provided some piquant insights into the government's approach toward indigenous autonomy. The government, through its representatives – Ministry of Autonomies officials and government-funded *técnicos* – sought to shape and delimit the discussions that occurred not only so as to ensure compliance with the CPE and laws, but also, at times, to direct the Assembly toward preferred outcomes. This can be seen in an intervention by Gregorio Aro, Vice Ministry of Autonomies, who had expressed concerns over the Autonomous Assembly's plan to write prescribed roles for the Sub Centralía into the statute, namely the responsibility of naming the president of the body that will oversee “social control” in Mojocoya. According to the minutes of that meeting, Aro asserted: “Why is this body not separated from the Sub Centralía? This system does not work. And why do the Monitoring Committees drink alcoholic beverages with the municipal government and not engage in effective oversight” (*Memoria, Decima Quinta Sesión Ordinaria 2011: 4*; author's translation). The Vice Minister's remark prompted a response from then-*Alcalde* and Autonomous Assembly Member Alejandro Padilla: “Some *técnicos* speak without knowing of our municipality's reality; they do not know how we manage organizations and why social control is done in conjunction with the Sub Centralía” (*Memoria, Decima Quinta Sesión Ordinaria 2011: 4*; author's translation). On the surface of the dispute is a simple question of the best way to structure social control. Underlying the exchange, we can observe the central government attempting to insert its preferences into the shaping of local norms, as well as how tensions may arise when a community's established practices – which can be construed as either informal institutions or local norms and procedures, *normas y procedimientos propios* – are allowed to be expressed as novel institutions of self-governance, sanctioned by the state. I will return to these observations in Chapter IV.

The central government's disposition toward indigenous autonomy was also on display during the Autonomous Assembly's official act of submitting Mojocoya's statute, *la entrega* on May 23, 2012. President Morales was present for the occasion, flanked by the Governor of Chuquisaca, Ministry of Autonomies officials, and other government representatives. An academic colleague that observed the *entrega* described the course of events:

The Governor of Chuquisaca, the *Alcalde* of Mojocoya, the Minister of Autonomy were all there... They all spoke, which made the act rather long. Among the public participants, all of the Assembly Members were in the front row. Banners read, "Thank you Evo for giving us autonomy." The surprising thing was that when Evo spoke – speaking last and receiving an impressive number of gifts – he said nothing about autonomy. It was pure political discourse: "Now we are owners of the natural resources." "This has been a process of 500 years." "Revolution with public works [*obras*]." "Social funds." He charged the media and the opposition with wanting to hang him as was done to [President Gualberto] Villarroel in the Plaza Murillo... It seemed significant that an act of submitting an autonomy statute occurred without a reference to the subject. (Pere Morell i Torra 2012, personal communication, May 25, 2012, author's translation)

The narrative suggests that indigenous autonomy is a lower priority for President Morales, and displays a lack of sensitivity to the arduous work undertaken by the Assembly Members.

Moreover, the President's reference to natural resource control is deceptive. As Morales himself expressed during the *entrega* of Chipaya's autonomy statute six month prior, the Constitution is very clear that non-renewable natural resources are the domain of the central state – not indigenous autonomies (*Los Tiempos* 2011).

Finally, the aforementioned question of Sub Centralía's role in naming the president of the new AIOC's social control body raises interesting questions about the genesis of norms and procedures. In fact, the position of the *sindicato* becomes still more noteworthy when we turn to the statute's specification of a significant role for the Sub Centralía in AIOC's the novel system of justice. Article 43 of Mojocoya's statute spells out that the new Council of Indigenous First

Peoples Peasant Justice will be comprised of four members, one elected from each of the municipality's three zones, and one will be the Sub Centralía's Secretary of Justice; meanwhile, Article 45 gives the Sub Centralía a central responsibility in applying sanctions for crimes committed in the AIOC. We might then ask, how is it that the *sindicato* – essentially a post-1952 socio-political construction – emerges so significantly in the articulation of a structure putatively based on pre-colonial norms and procedures? I attempt to resolve this question in Chapter IV, but for the moment, will suggest that the apparent inconsistency points to the complicated and malleable nature of norms and procedures in the context of colonial legacies. In Mojocoya, contemporary local knowledge of pre-colonial practices is limited. In fact, local leaders used Google to search for their own pre-colonial history to fulfill one legal requirement for conversion to indigenous autonomy (Cameron 2012). Such a context appears to have facilitated the hybridization of multiple cultural practices.

### *Charagua*

The Municipality of Charagua, located in the Chaco lowlands of the easternmost Department of Santa Cruz (Cordillera Province), is Bolivia's largest municipality, comprising 74,424 km<sup>2</sup> (PDM Charagua 2003).<sup>182</sup> Its population of 32,164 (INE 2012) makes it the most highly populated municipality to undergo conversion to indigenous autonomy. Of those that live in Charagua, 67% self-identified as indigenous in the 2001 census, most of whom are Guaraní (60.2% of the total municipal population), which is often identified as Chiriguano or Guaraní-Chiriguano<sup>183</sup> (Colque 2009), with smaller populations of Quechua, Aymara, Chiquitano,

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<sup>182</sup> As observed by Albó (2012b), Charagua's geographic expanse is comparable in size to Belgium, the Netherlands and Luxemburg, combined.

<sup>183</sup> The Guaraní are often referred to as Chiriguano, which describes the hybridization of Guaraní and Chané peoples when the Guaraní migrated to the Chaco region somewhere around the 15<sup>th</sup> century (Langer 2009) – the

Mojeño and Ayoreo people (Ministry of Autonomies n.d.; Albó 2012b). Charagua has more people above the age of 15 that self-identify as Guaraní than any other Bolivian municipality (Albó 2012b). Within Charagua, Guaraní people are organized into four *capitanías*. Of the remaining population, most are *mestizo*, although there is also a sizable Mennonite community in Charagua.<sup>184</sup> The municipality includes 64 communities and four urban areas of more than 1000 people, Charagua Pueblo (Charagua), Estación Charagua (Estación), Durango, and Pinondi<sup>185</sup> (PDM Charagua 2003). Agriculture in the dominant form of economic activity in the municipality; cattle comprises a significant component of Charagua's agriculture, as compared to the other municipalities explored thus far.

In what is now Charagua, Guaraní peoples were preceded by other ethnic groups – Chané, Ayoreo, Zamuco, and Chamacoco (Albó 2012b). Although some of these groups have survived until the present day, many of their communities were conquered by, intermarried with, and fused with the dominant Guaraní, adopting the latter's language and cultural practices (Langer 2009; Albó 2012b).<sup>186</sup> Following Spanish conquest, Guaraní peoples effectively resisted colonization, and later republican control, for more than three hundred years, defending their territory much longer than Andean indigenous peoples (PDM Charagua 2003; Gustafson 2009). However, as military and settlement incursions – especially cattle ranching and Franciscan missions – increased in the 18<sup>th</sup> century, the Guaraní gradually lost control of the Chaco region (PDM Charagua 2003; Salgado 2011). Salgado specifies that from 1755-60 the Crown sought to

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“ethnogenesis of the Guaraní-Chiriguano People” (Puerta and Arandia 2010, author's translation). In fact, Saignes (2007) argues that the name Chiriguano – originally Chiriguanáes – refers to the mixing of Guaraní peoples with the local Chané populations they conquered.

<sup>184</sup> According to Charagua's Municipal Development Plan, the total population of the three Mennonite communities of Durango, Pinondi and Casa Grande was 3932 people in 2002 (PDM Charagua 2003).

<sup>185</sup> Durango and Pinondi are Mennonite towns, *colonias menonitas*, which, according to Albó, form something of an “autonomous island within the municipality” (2012b: 93).

<sup>186</sup> The Guaraní are believed to have migrated to the Chaco region from what is now Brazil and Paraguay in the 15<sup>th</sup> century or earlier (Langer 2009).

incorporate Guaraní peoples through “a new policy based on three pillars: *haciendas*, military forts, and missions” (2011: 203). By 1810, the missions were at their height, with 22 established throughout the Cordillera region; an estimated 24,000 indigenous people, perhaps 20% of the Guaraní population, were incorporated into the missions (Langer 2009). Although most Guaraní people generally turned to the Franciscan option as refuge from the colonial pressures, to obtain clothes and other resources, and with the hope that through affiliation, they could preserve some of their land, over the course of generations, many came to accept Christianity to varying degrees (Langer 2009).

With Bolivia’s independence in 1825, indigenous peoples of the Chaco region regained significant control over their territory, largely as a consequence of the weakness of the incipient state; however, this “effective independence” waned as the Bolivian frontier expanded (Langer 2009: 21). By the late 19<sup>th</sup> century, most Guaraní communities were surrounded by *karai*.<sup>187</sup> Their relationship to the Franciscan missions evolved into one of dependence (Gustafson 2009), creating “new alliance structures that, in the end, resulted in a frontier society in which the Indians were subordinated to local Creoles and, to a lesser extent, to the Bolivian state” (Langer 2009: 22). The “last gasp” of resistance took place in 1892, when dozens of Guaraní communities mobilized against continued loss of their land, launching what Gustafson characterizes as “the last of the *guerras de indios* [Indian wars] against the colonial order” (2009: 33). Aligned with a young Guaraní shaman named Apiaguaiki Tüpa, captains, *capitanes*, led campaigns against *karai* outposts, burning ranches and sugar mills, which culminated in a concentration of Guaraní in Kuruyuki that, by one contemporary account, reached 5000 men (Gustafson 2009). The Bolivian army responded harshly on January 28, 1892, orchestrating the infamous Massacre of Kuruyuki in which the Guaraní were “brutally put down” by the Bolivian

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<sup>187</sup> For the Guaraní, *karai* signifies white people and *mestizos* that speak Spanish (Gustafson 2009).

army (Fabricant 2012: 32).<sup>188</sup> In the weeks that followed, Bolivian troops rampaged through Guaraní communities suspected of being aligned with the insurgency; executing “what was in effect an ethnic cleansing operation,” they murdered more than 2000 men and boys and took women and children as “slave labor and war booty” (Gustafson 2009: 37).<sup>189</sup> Former Guaraní leader Francisco Fernández emphasizes that the loss was of both of people and territory: “In Kuruyuki, many of our grandparents were lost. But it was more the loss of our territory... they took everything from us.” (Albó 2012b: 35, author’s translation).<sup>190</sup> Over the course of the 20<sup>th</sup> century, cattle *haciendas* came to dominate the Chaco landscape, in particular once the Franciscan missions disappeared (Salgado 2011) – largely a casualty of the Chaco War, during which many missions were overrun by the Paraguayan military (Langer 2009).

The Chaco War (1932-35), fought between Bolivia and Paraguay over hydrocarbon reserves, profoundly affected the indigenous peoples of what is now Charagua. The centre of warfare was the Chaco plain, and one of the two major areas of combat was Charagua (Albó 2012b). Many were killed in the war or were forced to flee the violence – to Paraguay or northern Argentina – resulting in a diminution of the population by 10,000 (Salgado 2011). The conflict was, for many Guaraní, their first encounter with highlands Aymara and Quechua people, some of which remained in the Chaco after the war (Albó 2012b). Another legacy of the war is the presence, which continues to this day, of the 550-person Boquerón Regiment – XI Infantry, housed in a military barracks in Charagua Pueblo (PDM Charagua 2003). Two decades later, agrarian reform bypassed the Guaraní; the land redistribution, from 1953 forward, which was so significant in

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<sup>188</sup> A military analysis reported that 800 Guaraní men and boys were killed in the massacre, while only four Bolivian soldiers died (Gustafson 2009).

<sup>189</sup> The Guaraní leader Apiaguaiki Tüpa was eventually captured, tortured, and killed, and his body then put on display as a warning against future rebellions, before being quartered and burned (Gustafson 2009).

<sup>190</sup> In 1992, the APG connected their contemporary struggle with the Massacre of Kuruyuki, staging a march on the centennial of the assault (Gustafson 2009).

altering rural power relations in Tarabuco and Mojocoya did not reach the lowlands. Rather, Puerta and Arandia posit that the “supposedly legal and peaceful action of the national State” enabled the “continued violation of the Guaraní’s original and historical rights to territory” (2010: 1, author’s translation). In a similar vein, Salgado posits that agrarian reform represented “the legalization and consolidation of the *hacienda* system” in which most Guaraní were subordinated laborers forced to live in conditions of debt peonage for the next 35 years (2011: 205).

Like all cultures, that of the Guaraní has been influenced by the other ethnic groups with which the Guaraní have interacted, and colonialism had particular effects on cultural practices. Specifically, encounters with the Franciscan missions contributed to the development of what Langer calls a “hybrid belief system” by the 19<sup>th</sup> century that incorporated indigenous and Christian narratives (2009: 19). Others, such as Saignes and Combès, have analyzed pre-colonial encounters to argue, “The Chiriguano are, ‘in essence’, a *mestizo* society, a product of the encounter between Guaraní-speaking migrants and autochthonous Chané groups (of the Arawak language)” (Combès 2007: 183, author’s translation). Many in Charagua who self-identify as Guaraní do not speak the language, especially in Charagua and Estación (Albó 2012b). Thus, it is arguably difficult to specify precisely what it is to be Guaraní – not unlike the complications we observe in comprehending the distinctly Yampara culture of what is today Tarabuco. However, rather than preoccupy ourselves with what might constitute “authentic” Guaraní norms and procedures, it is more useful for the present purpose to understand the key pre-colonial and colonial cultural referents that are relevant to and being mobilized in the present-day construction of indigenous autonomy by Guaraní people. Reflecting their history of migration and emancipatory struggles, two concepts that have a prominent place in the Guaraní worldview

speak to a future earthly paradise: *ywy mara-ey* (“land without evil”) and Kandire. Seeing the existing world as imperfect, the Guaraní cosmology prophesizes a land without evil, a place with no misfortune to which they will one day arrive (Clastres 1989; Sokolow 2003; Puerta and Arandia 2010). Relatedly, the “Kandire myth” tells of a land of abundance, with plentiful food, land with metals, and “houses of stone” (Langer 2009: 12). These myths bear some resemblances to both the Spanish vision of *el dorado*, as a land full of treasure waiting to be discovered, and the Andean conception of *vivir bien*, living well in harmony with the natural world. A third orienting concept of Guaraní thought is captured by the term *iyambae* – which can be translated as “without owners,” “without masters,” or to “live free.”

Organizationally, the community is the base of Guaraní society, and the level at which communal work is overseen by a local assembly – in Guaraní, *ñemboatĩ* (PDM Charagua 2003). Each community chooses a chief, *tubicha*, usually on the basis of lineage, as well as its zone, *zonal*, representatives (Langer 2009). At the zonal level, decisions are made in zonal *ñemboatĩ*, which are typically attend by 60 to 160 representatives (PDM Charagua 2003). The zonal assembly is guided by the *capitán*, or *mburuvicha*, who acts both as a mediator of internal conflicts and representative in external relations (PDM Charagua 2003). While there are some variations in titles and authority structures across *capitanías*,<sup>191</sup> all elect a *capitán grande*, or *tëtaruvichaguasu*, and various other positions (PDM Charagua 2003). Unlike Andean peoples, however, the Guaraní “never developed a centralized state” (Langer 2009: 13). Their social structure is not unitary or state-like, but comprised of “differentiated groups that are allied or opposed to one another, depending on the circumstances at the time” (Albó 2012b: 23; author’s translation), prompting Clastres to characterize them as a “society against the State,” marked by

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<sup>191</sup> This variation is most evident in the *capitanía* of Isoso, where the *capitán*, whose authority is “indisputable,” has the capacity to make major decisions; Isoso is also independent of the APG and has an office in Santa Cruz (PDM Charagua 2003: 76).

“the refusal of unification” (1989: 218). In assembly meetings, communities and zones strive to reach consensus, with those in *tubicha* and *mburuvicha* positions doing more persuasion than leading (Langer 2009). In general, assemblies also serve important accountability functions, including review of expenditures (Salgado 2010).

Located in the country’s southeast lowlands, the municipality is divided into three distinct geographic regions: a sub-Andean belt in the western part, a Piedmont area of transition to the east of that, and the great Chaco plain that extends to the eastern border of the municipality (PDM Charagua 2003).<sup>192</sup> These varying landscapes of Charagua – classified as dry, spiny and mountainous temperate forest – are, on the whole, considerably more humid than the other municipalities studied, with average temperature of 23c, and annual precipitation ranging from 883mm in the northern part of the municipality to 450mm in the east (PDM Charagua 2003). That climate has contributed to the Charagua’s boom in cattle ranching that remains significant today, alongside other agricultural production, significantly sorghum, corn, soy and sesame (PDM Charagua 2003).<sup>193</sup> Significant hydrocarbon reserves have also been identified and gas exploitation is underway in the westernmost part of Charagua (see Figure 2 below).

Socio-economic indicators place the quality of life in Charagua above the other municipalities reviewed in most respects, although the anomaly of Charagua’s significant Mennonite population should be taken into consideration. For certain indicators, such as education, the nearly 4000 Mennonites living in Charagua will mean a lower score than would otherwise register, considering their communities do not participate in the formal educational system (Bazoberry 2007). Conversely, for socio-economic indicators such as poverty level, the Mennonite population can be expected to push calculations higher. With that caveat noted, we

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<sup>192</sup> Two large national parks (Kaa Iya and Yembiguasu) occupy a significant portion of the eastern part of the municipality (Albó 2012b).

<sup>193</sup> Much of this crop production occurs on the *colonias menonitas* (PDM Charagua 2003).

observe that Charagua's Human Development Index (HDI; see Table 6 for comparison of HDI across cases) score is 0.568, below the national average of 0.641, yet ranking it 133 out of 314 municipalities (UNDP 2004). Life expectancy is 61.9 years (national average: 63.3); the education index is 0.68 (national average: 0.75); and inequality was calculated as 0.278 (national average: 0.442) (UNDP 2004).<sup>194</sup> The SVI is a relatively low 0.494, placing Charagua 148 of the 327 municipalities, while the poverty level in 2009 was 82.9% and 69.4%, by unsatisfied basic needs and local consumer costs, respectively (Ministry of Autonomies 2010). As of 2001, the illiteracy rate was also relatively low, 10.9%, rising to 17.5% in Charagua's rural areas (PDM Charagua 2003);<sup>195</sup> however, in 2010, the rate was reportedly only 5% (Ministry of Autonomies 2010). In general, we observe in Charagua socio-economic indicators that rank it above the other converting municipalities, and somewhere in the middle of country-wide rankings.

The contemporary political dynamic of Charagua is complex. In the most general terms, it can be understood as divided between town and countryside, with minority *mestizo* populations organized into nine neighborhood associations in the two *centros poblados* of Estación (with three neighborhood associations) and Charagua (six neighborhood associations), and the majority Guaraní inhabiting four districts (PDM Charagua 2003).<sup>196</sup> Four Guaraní *capitanías* – Charagua Norte, Parapitiguasu (Charagua Sur), Alto Isoso, and Bajo Isoso (the latter of which were unified as the Capitanía del Alto y Bajo Isoso, CABI, until the early 2000s) – correspond with the districts, the first two of which are associated with the Assembly of Guaraní Peoples,

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<sup>194</sup> The inequality calculation is drawn from a report by Bolivia's Unidad de Análisis de Políticas Sociales y Económicas (UDAPE 2003), which employed the Theil index to arrive at their estimates. Like the Gini index, the Theil index ranges from a high of one (absolute inequality) to a low of zero (no inequality). UDAPE's Theil index-based calculation is referenced here, rather than the more common Gini index, due to the availability of municipality-specific data.

<sup>195</sup> This calculation includes those who can only read and write their name (PDM Charagua 2003).

<sup>196</sup> Some Guaraní people also live in the *centros poblados*, which Albó (2012b) estimates to be approximately 2000.

*Asamblea de Pueblo Guaraní* (APG).<sup>197</sup> Yet there is also the aforementioned Mennonite population, which maintains its own distinct form of autonomy and does not participate politically, consistent with conventions Mennonites have signed with the central government (PDM Charagua 2003; Albó 2012b). More significantly for local politics is the “Isoso factor” – the rural communities of Isoso, many of which have Chané ancestry,<sup>198</sup> which have historically maintained better relations with the departmental authorities in Santa Cruz (Albó 2012b). The ties of those from Isoso, Ioseños, to Santa Cruz continue today, less due to any ethnic variation than as a consequence of personal alliances and the high degree of seasonal migration from Isoso to Santa Cruz for work in the sugar cane harvest, through which Ioseños have developed an ease in negotiating both rural and urban settings (Albó 2012b).<sup>199</sup>

The 1994 implementation of the LPP had a significant impact on Charagua. On the one hand, as a municipality, the *alcaldía* began to serve a central role in a range of local affairs, and four rural districts were created – roughly coinciding with the four Guaraní *capitanías* (Albó 2012b). On the other hand, Guaraní people – many associated with the APG – ascended to municipal office, most importantly in 2004. In December 1995, in the first elections following the LPP, the MNR won the most municipal council votes in Charagua; however, the APG-allied MBL obtained nearly as many votes as the MNR (907, compared with 991), securing two of the five municipal council seats, as well as the *alcaldía* (Bazoberry 2007, Vadillo and Costa 2010). Two elected councilors were Guaraní (Bazoberry 2007). The APG did not ally itself with a particular

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<sup>197</sup> Founded on February 7, 1987, the APG is comprised of 25 zones or *capitanías*, including 350 communities (PDM Charagua 2003; Puerta and Arandia 2010). According to José Domingo Veliz, former president of the APG, the Assembly was created with the goals of recovery and expansion of Guaraní territory and the improvement of the lives of Guaraní peoples (quoted in Albó 2012b). Morell i Torra captures the multiple functions of the APG, characterizing the Assembly as a “political actor, parallel government, and regional development agent” (2013: 17).

<sup>198</sup> The Chané are an Arawak-speaking ethnic group from the Andean foothills; conquered by the Guaraní, many adopted the latter’s cultural practices, including language (Langer 2009; Albó 2012b).

<sup>199</sup> At the centre of relations between Ioseños and Santa Cruz is the prominent figure of Boni Chico Barrientos, the *mburuvicha guasu* of Alto Isoso; “Boni Chico,” as he is known, maintains close alliances with the Civic Committee of Santa Cruz and parties of the right (Albó 2012b).

party in the 2000 elections; however, a Guaraní man was elected to municipal council, and a Guaraní woman was appointed on council due to a resignation (Albó 2012b). With the 2004 constitutional changes that enabled citizens association and indigenous organizations to run candidates, the APG ran a full slate of candidates, handily winning both the *alcalde* position and two municipal council seats (a MAS candidate who was Guaraní also secured one seat) (Puerta and Arandia 2010; Albó 2012b). For the first time, someone that identified as Guaraní, Claudio López, sat the *alcaldía*; Guaraní people also won three council seats (Bazoberry 2007) – which increased to four after the sole MNR councilor died (Albó 2012b).

The founding and growth of the APG was critical to Guaraní self-recognition and mobilization in Charagua, and, consequently, to the aforementioned electoral successes (Albó 2012b).<sup>200</sup> Indeed, as Albó emphasizes, the APG has established a “sufficiently [*bastante*] permanent relation that we can almost call one of equals” with the municipal government and the Monitoring Committee (2012b: 118). With the growing influence of the APG, and its protagonism in establishing TCOs (now TIOCs) following the 1996 agrarian reforms, many Guaraní people were empowered to abandon the haciendas, escape the system of debt peonage, and build free communities (Salgado 2011; Albó 2012b). As of 2010, six distinct Guaraní TIOCs existed with at least part of their territory in the Municipality of Charagua, as detailed on Table 5 below. However, of the six TIOCs that include territory in Charagua, only Charagua Norte is wholly within Charagua and not bisected by a municipal boundary; all of the other five TIOCs include territory in two, three or four municipalities (Fundación TIERRA 2011a; Salgado 2011). Charagua Sur (also called Parapitiguasu) and Isoso fall mostly within the municipal boundary of Charagua, while Kaaguasu, Kaami, and Kaipependi Karovaicho find the majority of their

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<sup>200</sup> The APG was founded in 1987 in the Arakuaarenda Centre on the outskirts of Charagua Pueblo (Albó 2012b). The founding was enabled by the assistance of CIDOB (Vadillo and Costas 2010) and NGOs linked to the Catholic Church (Gustafson 2009).

territory in adjacent municipalities, and have only a small area in Charagua. Of the three TIOCs that are substantially located within Charagua, Charagua Sur is the most consolidated TIOC, with around 70% of the hectares demanded granted title, all of which are contiguous. At the other extreme, Isoso has only slightly more than one-fourth of the hectares demanded titled – broken into 35 different parcels – largely due to the heavy presence of cattle farms in area (Albó 2012b). Charagua Norte and Parapitiguasu, having consolidated a significant portion of the territory demanded, turned their attention to developing Territorial Management Strategies, with broad community participation (Albó 2012b). Based on those Strategy documents, the two TIOCs began to exercise a degree of self-governance prior to the Charagua’s conversion to AIOC, including entering into negotiations with hydrocarbon firms to secure compensation by the *capitanías* for natural resource exploitation (Puerta and Arandia 2010).<sup>201</sup>

**Table 5. TIOCs of Charagua**

| TIOC                            | Municipalities that contain the TIOC | Number of blocks | Total Population | Hectares demanded | Percent titled |
|---------------------------------|--------------------------------------|------------------|------------------|-------------------|----------------|
| 1. Charagua Norte               | Charagua                             | 12               | 4578             | 231,829           | 47.1%          |
| 2. Charagua Sur (Parapitiguasu) | Charagua, Boyuibe                    | 1                | 4167             | 199,926           | 68.8%          |
| 3. Isoso                        | Charagua, Pailón                     | 35               | 9273             | 2,097,510         | 26.4%          |
| 4. Kaaguasu                     | Charagua, Gutiérrez, Cabezas         | 9                | 4001             | 163,142           | 42.3%          |
| 5. Kaipependi Karovaicho        | Charagua, Gutiérrez, Camiri          | 1                | 6184             | 63,609            | 100%           |
| 6. Kaami                        | Charagua, Camiri, Boyuibe, Cuevo     | 9                | 3456             | 134,010           | 26.2%          |

Sources: *Fundación TIERRA 2011a; Salgado 2011; Albó and Romero 2009.*

<sup>201</sup> The APG negotiated receipt of significant financial resources from hydrocarbon firms Pluspetrol and Transtierra, including, from the latter, US\$20 million/year for 20 years to fund the Guaraní Development Plan, subsequent modified to US\$9 million over ten years (Albó 2012b).

The presence of TIOCs in various areas of Charagua distinguishes it, on the one hand, from Mojocoya and Tarabuco where there are presently no TIOCs.<sup>202</sup> On the other hand, Charagua's TIOCs are all significantly fragmented and/or bisected by municipal boundaries, in comparison with Jesús de Machaca's 18 TIOCs, which are contiguous and almost entirely contained within the boundaries of the incipient AIOC.

The experience in establishing TIOCs strengthened the *capitanías* of Parapitiguasu and Charagua Norte and provided them with more stable financing (from the negotiated hydrocarbon royalties), feeding aspirations to vie for local power (Albó 2012b). In mid-2009, after the central government issued Decree #231 outlining the procedures by which municipalities could convert to indigenous autonomies (the official decree event occurred in the nearby city of Camiri), the *capitanías* of Charagua undertook the requirements necessary to hold a referendum. In fact, much of the legal documentation required to initiate the process was already included in the management plans developed by the TIOCs, which contributed to the ease in preparing them (Vadillo and Costas 2010). In the lead-up to the referendum, a “no” campaign emerged, with support from the Departmental Government of Santa Cruz (Albó 2012b), emphasizing the risk indigenous autonomy would pose to private property, especially for the large cattle farms (Vadillo and Costas 2010). Some local residents that supported the MAS worried that “their party would lose its leading role” in the context of indigenous autonomy (Vadillo and Costas 2010: 283). To counteract the “no” campaign, the APG – joined by local MAS partisans – convinced President Morales (who was running for re-election in the same poll) to attend a massive rally on November 3; however, in his brief remarks, Morales, did not explicitly refer to

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<sup>202</sup> The *ayllus* of Tarabuco may initiate the process to establish a TIOC in the southern part of the municipality-turned-AIOC; from personal communication with a resident of southern Tarabuco, January 27, 2014.

the referendum or encourage those in attendance to vote “yes” – although that was the central theme of event, as vividly proclaimed by the banner that hung on the stage (Albó 2012b).<sup>203</sup>

On December 6, 2009, the referendum was held, and in a close vote indigenous autonomy was approved by 55.7% of voters in Charagua. An impressive 94% of eligible voters participated in the poll, with only 7.8% of the ballots left blank or spoiled (Albó 2012b). Disaggregated by zone, we can observe in the referendum results the municipality’s varying ethno-political orientations. The highest support for conversion to AIOC came from Charagua Norte (84%) and Parapitiguasu (72%) – unsurprisingly for the strength of the APG there –, and a slim majority of voters in Isoso (53%) supported conversion; meanwhile, the greatest opposition occurred in Charagua Centro (62% against indigenous autonomy) – the more *mestizo* part of the municipality that includes the two principal *centros poblados* (Puerta and Arandia 2010; Vadillo and Costas 2010).

Although the developments observed thus far appear to indicate a somewhat steady accumulation of local, and symbolic power by the APG, the movement for Guaraní control of the municipality encountered an obstacle just four months after the successful referendum, when the conservative Truth and Social Democracy Party (VERDES) won the *alcaldía*, placing forest engineer Domingo Mérida in charge of the municipality as Charagua’s Autonomous Assembly undertook the process of elaborating its autonomy statute. Although Mérida himself identifies as Guaraní, he is from Isoso, which is more closely aligned with Santa Cruz than with the APG, and he has consistently opposed indigenous autonomy for the municipality (Albó 2012: 74 fn. 35; Morell i Torra 2013). Mérida’s victory was enabled by the inability of the APG and the MAS to cooperate in presenting candidates, thereby splitting the vote that either would have probably

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<sup>203</sup> Albó (2012b) speculates that Morales did not speak to the question of autonomy to avoid contrary reactions from attendees from *centros poblados*, including MAS supporters (mostly Aymara and Quechua people that had immigrated from the highlands) who oppose Guaraní-led indigenous autonomy.

otherwise won.<sup>204</sup> Where the VERDES Party took 39% of the vote for *alcalde*, the MAS received 35.5% and the APG 26.5% – together more than 60%, more than 20% above that received by the VERDES Party (Albó 2012b).

The ability of political parties to present candidates at all was controversial, opposed by CONAIOC, the body that unites the 11 municipalities in conversion. CONAIOC had argued that where municipalities had voted to become indigenous autonomies, the transitional authorities should be selected according to *normas y procedimientos propios*, not by majoritarian balloting with the participation of political parties. However, the National Electoral Court's December 2009 Resolution #0363, which effectively maintained conventional partisan electoral campaigns and universal voting procedures in the 11 municipalities in the April 2010 elections, rejected CONAIOC's proposal, and enabled parties like the MAS and the VERDES to continue to vie for local power (National Electoral Court 2010).<sup>205</sup> Thus, the MAS's decision to run its own candidates in Charagua's April 2010 election was legal; however, it ran contrary to the APG's efforts to transition the municipality toward a territory of indigenous self-governance. In the process, the MAS unintentionally enabled minority conservative elements to regain control of the municipality – political agents who opposed indigenous autonomy, the realization of which would cut short their “transitional” term in office. The VERDES Party shrewdly assessed the political field and putting forward as their candidate for *alcalde* not a *karai*, but a Guaraní man from Bajo Isoso (Mérida), securing enough Ioseño votes to win the *alcaldía*.<sup>206</sup> Interestingly, all

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<sup>204</sup> From interviews with a member of Charagua's Autonomous Assembly in Charagua, March 6, 2012, and with the highest authority of one Guaraní *capitanía* in Charagua, March 9, 2014.

<sup>205</sup> The Court approved Resolution #0363 on December 21, 2009, and subsequently promulgated the Resolution's provisions as regulations on January 16, 2010.

<sup>206</sup> In addition to Mérida for *alcalde*, three of the five municipal council candidates put forward by the VERDES were from Alto or Bajo Isoso, in contrast with zero of the five APG candidates; like the VERDES, the MAS adopted an Isoso-oriented strategy, running Ioseños for *alcalde* and its top two council candidates (Albó 2012b). As a consequence, the APG performed dismally in Alto and Bajo Isoso, obtaining between zero and 5.5% of the votes for *alcalde* in the eight electoral ridings that comprise the two districts (Albó 2012b).

three political organizations ran *alcalde* candidates that self-identified as Guaraní.<sup>207</sup> The electoral outcome for the municipal council was split, with two seats secured by both parties, the MAS and VERDES, and one going to the APG. While the MAS pushed for its leading councilor, Ezequiel Sánchez, to be named municipal council president, the VERDES, again more strategic, nominated the sole APG councilor – Horacio Sambaquiri, effectively the kingmaker of the split council – to serve as municipal president; Sambaquiri accepted the post, and to the dismay of APG leaders, threw his support to the VERDES, giving the latter control of both the *alcaldía* and municipal council (Albó 2012b).<sup>208</sup>

Although Charagua's autonomy statute was one of the first five to be completed, and was approved in June 2012, it was not always certain that the process would come to fruition. According to the highest authority of one Guaraní *capitanía*, a significant impediment to elaboration and approval of the statute was the *alcaldía* and the municipal council, which did not provide the necessary support to the process, causing numerous delays.<sup>209</sup> Yet, overcoming the VERDES Party and *Alcalde's* opposition, an Assembly was formed with 59 Members (including 15 women, although this declined to 11 over the course of the Assembly's sessions);<sup>210</sup> its *Directorio* was elected, and its internal rules and working commissions were established between May and September 2010 (Albó 2012b; Morell i Torra 2013). Despite the allocation of seven seats to each of the two *centros poblados*, most of these members scarcely participated in the process and some abandoned their positions altogether.<sup>211</sup> While those from Charagua

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<sup>207</sup> From interviews with two members of the directorate of Charagua's Autonomous Assembly in Charagua, March 6, 2012.

<sup>208</sup> From interview with the highest authority of one Guaraní *capitanía* in Charagua, March 9, 2014.

<sup>209</sup> From interview in Charagua, March 9, 2014.

<sup>210</sup> The 59 seats on the Autonomous Assembly were apportioned to the four *capitanías* (45 seats) and the two *centros poblados* (14) in the following manner: Parapitiguasu 11, Charagua Norte 13, Alto Isoso 10, Bajo Isoso 11, Charagua Pueblo 7, Charagua Estación 7 (Morell i Torra 2013).

<sup>211</sup> From an interview with a member of directorate of Charagua's Autonomous Assembly in Charagua, March 6, 2012.

Estación rarely attended the Assembly's sessions, reportedly due to social pressures and economic and family problems, Charagua Pueblo declined to even select its representatives (Morell i Torra 2013).<sup>212</sup> Elaboration progressed slowly, over the course of 15 to 20 plenary sessions, as well as additional commission meetings, which was particularly onerous for Assembly Members that had to travel great distance over Charagua's poorly maintained dirt roads; as a consequence, on at least two occasions, meetings had to be postponed for lack of quorum (Morell i Torra 2013).<sup>213</sup> Drafting of the statute was followed by its *socialización*, which involved numerous Assembly members and *capitanía* leaders traveling to most of Charagua's communities, sharing the content of the draft autonomy statute, outlining how the AIOC would be different than a municipality, and soliciting feedback to be incorporated into the final text.<sup>214</sup> Among the issues that arose during *socialización*, community members raised questions about the principles and values laid out in the statute, the structure of government, and resource management.<sup>215</sup> On June 17, the Autonomous Assembly approved their statute of autonomy, with the unanimous support of the 42 Assembly Members present; they selected for the new AIOC the name Guaraní Autonomy of Charagua Without Masters, *Autonomía Guaraní Charagua Iyambae* (Morell i Torra 2013). One *mburuvicha* in attendance lit a firecracker; another person exclaimed, "May they hear us in Charagua Pueblo!"; and a third warned, "Now comes the most difficult: the struggle to win the referendum. Our work has just begun" (Morell i Torra 2013: 67, author's translation).

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<sup>212</sup> From interview with the highest authority of one Guaraní *capitanía* in Charagua, March 9, 2014.

<sup>213</sup> Commenting on these difficulties, one Assembly member commented to Morell i Torra: "I have come from very far away and left my sick wife, my children... It's a sacrifice, but we do it gladly because the Guaraní Nation must move forward, and because it has put its highest trust in us." (2013: 75, author's translation).

<sup>214</sup> From an interviews with a member of Charagua's Autonomous Assembly in Charagua, March 6, 2012, and the highest authority of one Guaraní *capitanía* in Charagua, March 9, 2014.

<sup>215</sup> Ibid.

In terms of outside actors, NGO *técnicos* once again played a significant role in the process in Charagua, while the government was most notable in its lack of support. The leading NGO involved in Charagua was the Centro de Investigación y Promoción del Campesinado (CIPCA),<sup>216</sup> which assisted me with contacting the *Directorio* of the Autonomous Assembly, and facilitated interviews with them in CIPCA's offices. In the course of these interactions, I observed warm relations between CIPCA staff and Members of the Autonomous Assembly. They spoke casually, on a first-name basis and shared documents freely; Assembly Members knew their way around the CIPCA office, helping themselves to the NGO's tea, and offering a cup to me. Investigator Pere Morell i Torra outlines that CIPCA provided technical and logistical support, sought out financing for the process, and participated in the day-to-day functioning of the Assembly (Morell i Torra 2013). He argues that, in fact, CIPCA's support was "key to guarantee the functioning and viability of a process" that lacked public financing, was not prioritized by the national government, and faced the "frontal opposition of the municipality" (2013: 70). The central government was less visible in the process of statute elaboration in Charagua than has been observed in other converting municipalities. One authority of a Guaraní *capitanía* expressed, "up until this point, we have not seen the close support of the state, of the central government... in reality, the government has not had the resources to advance the process, to systematize it, for materials, for logistics. That is part of the reason why it has gone somewhat slowly."<sup>217</sup>

On December 6, 2013, Charagua received from the Tribunal Constitucional Plurinacional its declaration of constitutionality of its autonomy statute; however, the Court insisted on changes

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<sup>216</sup> Established in the 1970s, CIPCA is a Bolivian non-governmental organization works on issues related to the peasantry and rural development; it was co-founded by Jesuits, including anthropologist Xavier Albó, who remains active in the organization.

<sup>217</sup> From interview in Charagua, March 9, 2014.

to 21 articles and one transitory provision, which provide important insights into how the central government is disposed toward indigenous autonomy (Tribunal Constitucional Plurinacional 2013b; Fundación TIERRA 2013b). Among the changes the TCP stipulated, it declared unconstitutional Charagua's description of its own statute as the highest law, *la maxima norma*, of the AIOC (Article 2), specifying that that supremacy lies solely with the CPE.<sup>218</sup> The TCP also proscribed Charagua's recognition of the guarantees contained in international treaties and conventions (Article 13), reasoning that such recognition is already established by the Constitution, which is hierarchically superior to the statute. And the Court struck down the statute's language that permitted the incorporation of Guaraní *capitanías* from outside its territorial jurisdiction into the AIOC (Article 17). In those three rulings, we observe the TCP's preoccupation with ensuring that there is no confusion over the unitary character of the state, the AIOC's subordinate position within it, and clear boundaries among the various territorial units.

Other declarations of incompatibility are more substantive and may significantly affect the inner workings of the new autonomous government. Most significantly, the TCP intervened in the statute's internal distribution of faculties in a manner that seems to be aimed at enforcing a particular view of the balance of powers – one that favours the independence of the executive. In one instance, the Court ruled that Charagua's granting of its highest deliberative assembly, the *ñemboatĩ guasu*, broad powers of oversight of the AIOC's legislative and executive organs violated the Constitution and the *Ley Marco*. The Court found that the statute must more clearly delimit the reach of that oversight, the specification of which could diminish the power of the AIOC's deliberative organ. The Court also ruled against the power given to the legislative organ to instruct the AIOC's executive authority to implement projects (Article 32), reasoning that the

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<sup>218</sup> These and subsequent observations about the TCP's declaration of the constitutionality of Charagua's autonomy statute are based on my review of the Court's decision (Tribunal Constitucional Plurinacional 2013b).

granting of such a power to a legislative body violates the “institutional logic” of the Constitution (Tribunal Constitucional Plurinacional 2013b: 59). The TCP declared unconstitutional the statute’s requirement that candidates for legislative and executive positions must have lived within their electoral zone for the previous five years (Articles 31 and 42), which they ruled is incompatible with the Constitution’s requirement of at least two years. And it decided that the statute’s plans to decentralize budget administration to the *zonal* level (Article 59) and empower the deliberative assembly to appoint the AIOC’s General Treasurer (Article 60) violated the *Ley Marco*’s provision that budget administration is the “responsibility of the highest executive authority of each autonomous government” (LMAD, Article 114.VI.).

The Constitutional Court deemed that the statute’s primacy of Guaraní over Spanish (Article 5) was incompatible with the Constitution’s establishment that Spanish must be among the official languages of any autonomous government. The TCP also clarified that Charagua’s ability to secure rents from mining activities within the AIOC (Article 53) comes in the form of royalties secured by way of the central government, not through taxes administered locally. It vacated provisions to regulate agro-chemicals for the protection of human health and the environment (Article 65), ruling that this an exclusive competency of the central government, and said that Charagua cannot unilaterally prohibit hunting and fishing for sport or the trade in wild animals (Article 70). Finally, it declared unconstitutional the statute’s proposal to establish, along with the central government, an Institute of Language and Culture of the Guaraní Nation (Article 88), on the grounds that such activities are the responsibility of the central government and cannot be initiated by the AIOC.

Taken together, the changes required by the Constitutional Court constitute a significant modification of the statute that will have tangible consequences for the ensuing system of

government. Moreover, the TCP's interventions are yet another means by which the central government has contributed to shaping the novel institutions of indigenous self-governance. Although the Bolivian state is by no means monolithic, and the TCP arguably maintains some independence – as suggested by the Court's October 16, 2012 decision that struck down parts of 12 articles of the *Ley Marco* –, in tandem with the other branches of government, it has played a role in setting limits for what indigenous autonomy can entail.

The likelihood that Charagua's autonomy statute will pass in the subsequent referendum remains uncertain. On the one hand, it is important to recognize that the voting population of Charagua – when the Mennonite population, which does not vote, is excluded – is approximately 76% Guaraní (Albó 2012b: 94). On the other hand, it remains to be seen how most Isoseños will be disposed to vote, which will likely be the determinant factor; their tepid embrace of autonomy in the 2009 referendum (53% in favor) may turn to opposition if the *centros poblados* marshal an effective campaign against autonomy, especially considering the sitting *alcalde* is one of their own, and will, in all likelihood, be one of the leading spokespeople against indigenous autonomy.

### *Curahuara de Carangas*

Finally, I turn to the negative case of Curahuara de Carangas, the sole municipality to vote against indigenous autonomy in December of 2009. The treatment of Curahuara de Carangas here will be more concise since the primary question at hand is why the Aymara majority there voted to remain a municipality, unlike the other 11 that voted to convert to AIOC. The municipality is located in western Bolivia, along the Chilean border, in the Sajama Province, Department of Oruro. It is rural and agricultural, high elevation (3800-4200 meters above sea

level, with mountains of more than 6500 meters), and contains the Sajama National Park (Benavides et. al. 2008; Pérez and Uribe 2009). Curahuara de Carangas sits immediately to the west of Totorá, one of the 11 municipalities to vote for conversion. There is significant military barracks adjacent to the central plaza in the municipality's principal *centro poblado*, also called Curahuara de Carangas. The municipality's relatively small population of 4183, of which 92.73% identify as indigenous, voted against indigenous autonomy by 55% to 45% (Colque 2009; Fundación TIERRA 2009).

Of the municipalities reviewed thus far, Curahuara de Carangas bears the most in common with Jesús de Machaca. Both are located in the Andean highlands, are populated by largely Aymara-speaking people, have high rates of migration from the municipality to nearby urban centres, and are significantly supportive of the MAS. Poverty rates are high, and the cold dry climate harsh. Also like Jesús de Machaca, the communities of Curahuara de Carangas are divided into two *parcialidades*, Aransaya (Upper) and Urinsaya (Lower), in this case containing 14 *ayllus* (PDM Curahuara de Carangas 2006; Pérez and Uribe 2009).<sup>219</sup> The *ayllus* of the central and eastern parts of the municipality are a major protagonist force, while in the western portion, the major actors are administrative cantonal organizations (PDM Curahuara de Carangas 2006). Authorities assume *cargos* based on rotation (*muyú*) and the progression of *cargos* (*thakhi*) (Pérez and Uribe 2009). The hierarchy of authorities ascends from the *jilakatas* (also called *tamanis*) of the *ayllu*, to the *sulka tamanis* (*sulka jilakatas*) of the zones, to the *mallkus* of the *parcialidad*; the wives of authorities assume the complementary positions of *mama t'allas* (Pérez and Uribe 2009).<sup>220</sup> Together, the *mallkus* comprise the Council of First Peoples Authorities of Curahuara Marka (PDM Curahuara de Carangas 2006). There are, of course,

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<sup>219</sup> From interview with a municipal official in Curahuara de Carangas, February 14, 2012

<sup>220</sup> Ibid.

notable historical distinctions from Jesús de Machaca, which are politically consequential. Many local residents, Curahuareños, are descendents of Carangas peoples, who were subjected to Incan rule and later Spanish domination, and thus only Aymara and Spanish are spoken today (Pérez and Uribe 2009). The agricultural sectors are quite distinct, with that of Curahuara based largely on camelid production, especially llamas,<sup>221</sup> while the presence of a national park indicates tourist potential. And Curahuara de Carangas ranks above average in a number of socio-economic indicators, as discussed below.

Two demographic characteristics stand out in Curahuara de Carangas. First, the rate of migration for residents of Curahuara de Carangas is significant, involving around 25% of the population; however, it is distinct from the other four municipalities analyzed above. In addition to the destinations of La Paz, El Alto and Oruro, seasonal migration is significantly oriented toward agricultural work in northern Chile (PDM Curahuara de Carangas 2006). The high level of migration to Chile was reflected in the presence of numerous stores in the village of Curahuara de Carangas with signs announcing the exchange of Chilean *pesos* – an unusual sight in rural Bolivia.<sup>222</sup> Secondly, there is a significant military barracks in Curahuara de Carangas – the Tocopilla Regiment and School of Andeanism, which houses 550 personnel – which means the significant presence of people from outside the municipality. Although there is also a military facility with as many personnel in Charagua, that municipality's considerably higher population (32,164, compared to 4183 – 7.7 times more people) indicates that the effects of Charagua's military barracks are less significant, in terms of voting patterns and local politics. The Tocopilla Regiment's presence also likely accounts for the higher proportion of men (53%) than women in Curahuara de Carangas.

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<sup>221</sup> The Camelidae family includes the llama, guanaco, alpaca and vicuña (Pérez and Uribe 2009).

<sup>222</sup> From field notes, February 15, 2012.

The landscape of Curahuara de Carangas shifts from high elevation mountains in the west to mountain ranges and volcanic plateaus in the centre to valleys and fluvioglacial plains in the east (PDM Curahuara de Carangas 2006). Annual rainfall varies between 300 and 400mm, with precipitation often coming in short bursts of rain, hail or snow; drought is common in autumn and winter (PDM Curahuara de Carangas 2006). The municipality's elevation and weather lend themselves to an agricultural base that is notable for the production of camelids; in fact, Curahuara de Carangas was legally decreed to be one of two Bolivian capitals of camelid farming under Law #3157 in 2005 (PDM Curahuara de Carangas 2006; Benavides et. al. 2008; Álconz 2009). The municipality contains minor reserves of copper, but their exploitation is not economically significant (PDM Curahuara de Carangas 2006). Local authorities look to the tourism potential of the Sajama National Park, but this has not yet yielded significant economic benefits (PDM Curahuara de Carangas 2006; Álconz 2009).

The municipality exhibits an interesting mix of socio-economic indicators, many of which stand out above the 11 municipalities converting to AIOC, and the performance of Bolivia's rural areas in general. Curahuara de Carangas's HDI score is relatively high, ranking it at 121 out of the 314 municipalities assessed; although its score of 0.570 is still below the national average of 0.641, this is higher than any of the 11 municipalities that voted to convert to AIOCs (UNDP 2004). More strikingly, Curahuara de Carangas's life expectancy is 65.5, which, according to the UNDP (2004), was 2.2 years above the national average in 2001, and between 3.6 and 14.4 years longer than the 11 municipalities-turned-AIOCs (UNDP 2004).<sup>223</sup> Illiteracy is

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<sup>223</sup> The UNDP's calculation of Curahuara de Carangas's life expectancy – as well as the HDI calculation based on that figure – is surprisingly high, as it lies considerably and inexplicably above than that of the immediately adjacent municipalities of Calacoto (58.9 years), Callapa (62.1 years), Turco (49.6 years), and Totorá (57.1 years), as well as above than the life expectancy of all other municipalities in the Department of Oruro, except one (Coipasa, 66.1 years). Absent other impressive indicators by Curahuara de Carangas, I am inclined to suspect an error in the UNDP's calculation for this municipality.

relatively low, at 2.8% of the population (Ministry of Autonomies 2010). Curahuara de Carangas's social vulnerability index score is 0.495, which, although netting it a somewhat average ranking at 150 of Bolivia's 327 municipalities, is substantially above all of the 11 converting municipalities except Jesús de Machaca (125) and Charagua (148) (Ministry of Autonomies 2010). On the other hand, Curahuara de Carangas's poverty rate is high – 93.7% and 81.7%, according to unsatisfied basic needs and local consumer costs, respectively (Ministry of Autonomies 2010).

The primary political dynamic observed in Curahuara de Carangas since the municipality was created in 1994 has been the relationship between indigenous and municipal authorities. Those relations were reportedly positive until 2007; indeed, Curahuara de Carangas earned the title of “model municipality” of Bolivia due to the perceived high degree of cooperation between municipal leaders and indigenous authorities (Pérez and Uribe 2009; Gadea 2010). This is supported by findings by the Centre for International Studies and Cooperation, which undertook an interview-based analysis of the municipality's governance in 2009-2010 and found, in general, very frequent involvement of indigenous authorities in municipal management; however, relations deteriorated in 2007 and again in 2009, and many indigenous authorities reported that their proposals for projects for their communities had been rejected by municipal leaders (Rousseau 2010).<sup>224</sup> Poor relations between *Alcalde* Rómulo Álconz Huarachi and indigenous authorities were reported by an ex-authority of Curahuara de Carangas:

In previous municipal governments, indigenous authorities [*autoridades originarias*] constituted the main actors of Municipal Government. They were involved in all aspects of municipal administration, and, as such, the *alcalde* had to provide regular reports in meetings organized by traditional authorities. Decision-making was the power of the indigenous authorities... With the current *alcalde*, relations between indigenous and municipal authorities suffer an imbalance that

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<sup>224</sup> The study interviewed 18 indigenous leaders and 3 municipal councilors.

favours the latter. Meetings that are dominated by indigenous authorities are interrupted and they lose control of the activities of Municipal Government (cited by Plata 2010: 259, translation by author)

Assessments of Curahuara de Carangas's failed referendum generally place one political figure at the centre of the debate: former *Alcalde* Álconz, an architect by profession, whose political affiliation was the Western Council of the Ayllus of Jach'a Carangas (*La Razón* 2009; *La Patria* 2009; FAM-Bolivia 2010; Plata 2010).<sup>225</sup> Tensions with indigenous authorities notwithstanding, Álconz was a popular mayor, well loved by residents of Curahuara de Carangas,<sup>226</sup> with a reputation for effective management and the capacity to advance development projects, especially around camelid production (Plata 2010). As the December 2009 referendum loomed, he was apparently held by many in high regard, and appears to have played a key role in the formulation of opposition. In several interviews during 2009 and 2010, Álconz outlined why he took on a leadership role in the “no” campaign, emphasizing his concern that indigenous autonomy would impede young people and professionals from being able to participate in local governance, undermining the widely recognized successes in municipal management Curahuara de Carangas had enjoyed. In one interview, he explained:

I was one of the leaders to reject it, because I believe the municipality has been managed well, I think because it has given us the opportunity to provide jobs to young people. Because first [according to the system of *thakhi*] it is a parameter, a requirement, that you must first hold a position of indigenous authority [*ser cargo primario*], and then obtain political office. You would never achieve it [*No te alcanzaría*]. The time, to do both of these things – go to the city, study, and then come back and exercise the ultimate position – you would never achieve it. We tried to negotiate with them so that we could meet them half way, to go into the autonomies with the things that they prioritize. But then they imposed it [the

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<sup>225</sup> Álconz's opposition to conversion was also emphasized by a spokesperson for CONAMAQ; from interview in La Paz, November 6, 2013.

<sup>226</sup> From personal communication with Doctoral Candidate Elise Gadea, who lived in Curahuara de Carangas in 2010.

referendum on autonomy], and that was that [*y listo*]. The dialogue broke down, and the two sides competed to see who would win.<sup>227</sup>

Álconz argued that in addition to this “discrimination” against young professionals, the *normas y procedimientos propios* would obligate the rotation of leadership among the 14 *ayllus*, and as a consequence, each would govern only every 70 years (assuming a five-year mandate) (FAM-Bolivia 2010: 20). Finally, he asserted that the campaign for indigenous autonomy was initiated by the old militants of the “extreme right” seeking to “retake power,” without grassroots support, “*No había un apoyo de las bases*” (*La Razón* 2009).

Curahuara de Carangas’s rejection of indigenous autonomy appears to be a consequence of two central factors. On the one hand, a well-regarded sitting *alcalde* of an effectively managed municipality campaigned strenuously against it. Although Álconz’s specific arguments may have resonated with Curahuareños – in particular the claim of exclusion of young professionals from leadership positions (Albó 2012a) – the strength of his argument alone does not explain the referendum’s outcome, considering similar arguments were marshaled in other municipalities where indigenous autonomy was approved. Rather, it appears to be less the content of the *alcalde*’s varied arguments than his and the municipality’s record of effective governance that carried so much weight.<sup>228</sup> This was reflected in one *mallku*’s explanation of the decision not to convert: “Because we have to maintain the municipality that already existed; for that reason alone... We are accustomed to the municipality.”<sup>229</sup> This points to the broader question of local perceptions that the municipality has been able to deliver concrete quality of life improvements since its creation under the 1994 LPP. It appears that Curahuara de Carangas’s relatively positive

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<sup>227</sup> From interview with Romulo Alconz, by Elise Gadea, in early 2010.

<sup>228</sup> In fact, Bolivian sociologist Pablo Mamani Ramirez singles out Curahuara de Carangas as a Bolivian case in which “good indigenous administration of public affairs has gained prestige” (2011: 41).

<sup>229</sup> From interview with a *mallku* of Curahuara de Carangas in Curahuara de Carangas, February 14, 2012, author’s translation.

socio-economic indicators have diminished interest in departure from the municipal model. On the other hand, a significant portion of the population of Curahuara de Carangas maintains primary or secondary connections with places outside of the municipality – the home villages and cities of the substantial personnel of the Tocopilla Regiment, and the significant portion of the municipality’s seasonal migrants that find labour in not just Bolivia’s cities, but also in northern Chile. As a staff member of CONAMAQ from Curahuara de Carangas argued, a significant portion of those living in Curahuara de Carangas are not from the area, and thus have no interest in indigenous autonomy.<sup>230</sup> Agents with such orientations are unlikely to practice the particular *normas y procedimientos propios* of the *ayllus* of Curahuara de Carangas, and thus were not inclined to vote to augment them through the conversion to an AIOC.<sup>231</sup>

### Secondary cases

Within the constraints of a doctoral research project, it has not been feasible to undertake field research and detailed case studies of all 11 municipalities converting to indigenous autonomy; however, this section offers a brief sketch of the developments in each remaining municipality for which more extensive research was not possible. These summaries are supplemented by

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<sup>230</sup> From interview in La Paz on November 6, 2013.

<sup>231</sup> In the course of my field research in Curahuara de Carangas, I encountered another possible explanation for the municipality’s rejection of conversion to AIOC, captured by one elected municipal official: “We consider ourselves Aymara people, and as Aymaras we are First Peoples [*originarios*] of this land, but not indigenous [*indígena*]... Therefore, we are not indigenous, and surely this was the minds of everyone that voted against indigenism [*indigenismo*]”; from interview in Curahuara de Carangas, February 14, 2012. That argument certainly reflects the sentiment of many who went to vote in the 2009 referendum – not only in Curahuara de Carangas, but in all 12 municipalities, considering that before the 2009 Constitution was approved, no one in Bolivia identified with the new political subject the CPE would usher in: *indígena originaria campesina*. However, it is difficult to conceive of why voters in Curahuara de Carangas would have such a strenuous objection to being associated with an aggregate term that included “indigenous,” in contrast with their counterparts in Jesús de Machaca, Totorá, Pampa Aullagas, or Chipaya, where *originario* is also preferred, or with those in Mojocoya and Tarabuco where the primary identity is *campesino*, or with those of Charagua where *indígena* is preferred. In all other 11 instances, the majority of referendum participants were apparently able to set aside difficulties in conceiving of an aggregated political subject, with which they at least partially did not identify, rendering unconvincing – or at least overly simplistic – the explanation offered by the municipal official in Curahuara de Carangas.

some basic socio-economic, geographic and natural resource data in Tables 6 and 7 (below) for all 11 converting municipalities, as well as the case of Curahuara de Carangas, so as to facilitate comparison across cases. Figure 2 (below) illustrates the presence of non-renewable natural resources in each of the 11 municipalities.

### *Chipaya*

The Municipality of Chipaya is located on a highland desert plain in the Department of Oruro. Almost all of its residents identify as Uru (97%), who are characterized in Bolivia as a “millennial” people because their presence predates the arrival of Aymara and Quechua cultures (Colque 2009; Kopp and Díez Astete 2009; Plan de Desarrollo Departamental Oruro 2011). The Uru language, Uchumatacu, has survived and is spoken by at least 96.1% of Uru people – along with Aymara, Quechua and Spanish (Albó and Romero 2009: 105; Kopp and Díez Astete 2009). The entire population of the municipality is 2003 people – the lowest population of the 12 municipalities reviewed (INE 2012),<sup>232</sup> of which 91.7% voted for indigenous autonomy (Ministry of Autonomies 2010). The Urus of Chipaya are organized into four *ayllus*; their authorities are named *jilakatas* and *mama t’allas*; and their deliberative assemblies are called Chawk Parla (Kopp and Díez Astete 2009; Autonomy Statute of Chipaya 2011). The full territorial extension of the municipality is included in a single TIOC in the process of being titled, called Uru Chipaya (Albó and Romero 2009).

Although much of the municipality’s arable land is high in salt content, the base of the economy is agricultural, most importantly quinoa, the closely related crop cañahua, llamas and sheep (Kopp and Díez Astete 2009; Morales and Chirveches 2010). Land is collectively held,

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<sup>232</sup> The INE’s population calculation has been disputed by residents of Chipaya, including *Alcalde* Federico Mamani López, who placed the number above 3000 people (*La Patria* 2013).

and each family is allotted plots called *chias* (Bernabé Uño 2010). While there are some potential hydrocarbon reserves below Chipaya, these have not been exploited. Chipaya is a difficult place to live by Bolivian standards, but ranks above most of its counterpart municipalities converting to AIOC, according to several economic indicators. This can be seen in Chipaya's HDI score of 0.518, (which places it at 225 of the 314 municipalities evaluated), life expectancy of 58.8 years, and education index of 0.66 (UNDP 2004), as well as an SVI score of 0.581 – 247 of 327 municipalities (Ministry of Autonomies 2010). Chipaya's most positive indicators are very low inequality (0.169) and virtually no illiteracy (UNDP 2004). On the other hand, its poverty rates of 99.3% by basic need and 87.6% by consumer costs are among the worst of the converting municipalities (Ministry of Autonomies 2010). Routine seasonal flooding is a major problem for residents of Chipaya, destroying farmland and impeding transportation to urban centres (and preventing me from conducting field research in the municipality in 2012).

Chipaya rapidly convened its Autonomous Assembly, comprised of 45 members (27% women), in November 2009 (Ministry of Autonomies 2012c; Fundación TIERRA 2013c). The Assembly worked on the statute through 2010, and undertook *socialización* of the statute in June 2011 (Fundación TIERRA 2013c). Although there was some divisiveness between the former and current *alcalde* (CONAIOC 2012), statute elaboration advanced rapidly, principally because there was minimal social or political division among the residents of Chipaya. Chipaya's Autonomous Assembly enjoyed the supported of the municipal government (including the *Alcalde*, Municipal Council, and *Comité de Vigilancia*), indigenous Uru authorities, and other leading social sectors, and the process was coordinated by Chipaya's Deputy to the National

Assembly, Benigno Quispe.<sup>233</sup> One staff member with a NGO that accompanied the process in Chipaya depicted the Autonomous Assembly's deliberative process as cooperative and broadly supported by the community: "The municipal government and indigenous authorities granted the deliberative council the power of decision, and the deliberative council took the lead; this, I believe, was the guarantee in Chipaya" (author's translation).<sup>234</sup> The municipality became the first to fully elaborate and approve its autonomy statute (which is analyzed in the following chapter), and submitted it directly to President Morales on December 27, 2011 (*La Patria* 2011). As will be analyzed at greater length in Chapter IV, at that *entrega* ceremony Evo Morales made a point to emphasize that natural resources, including hydrocarbons and minerals, remained the property of the central government, and not indigenous autonomies like Chipaya (*Los Tiempos* 2011).

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<sup>233</sup> From interviews with a NGO staff member that accompanied the process in Chipaya, April 10, 2012 in La Paz; and a member of the National Assembly with particular knowledge of the process that took place in Chipaya, November 6, 2013 in La Paz.

<sup>234</sup> From interview in La Paz, April 10, 2012.

**Table 6. Socio-economic factors of municipalities converting to AIOC**

| Municipality                           | HDI score and ranking <sup>1</sup> | Education Index <sup>2</sup> | Inequality Index <sup>3</sup> | Life expectancy (2001) | Rate of illiteracy (percent) |
|--|------------------------------------|------------------------------|-------------------------------|------------------------|------------------------------|
| 1. Chipaya                             | 0.518 (225)                        | 0.66                         | 0.169                         | 58.8                   | 1.96                         |
| 2. Totora Marka                        | 0.520 (218)                        | 0.69                         | 0.125                         | 57.1                   | 2.27                         |
| 3. Pampa Aullagas                      | 0.506 (243)                        | 0.61                         | 0.181                         | 58.1                   | 2.99                         |
| 4. Mojocoya                            | 0.497 (250)                        | 0.55                         | 0.357                         | 60.8                   | 13.94                        |
| 5. Charagua                            | 0.568 (133)                        | 0.68                         | 0.278                         | 61.9                   | 4.97                         |
| 6. Jesús de Machaca <sup>4</sup>       | n/a                                | n/a                          | n/a                           | n/a                    | 3.33                         |
| 7. Huacaya                             | 0.501 (245)                        | 0.57                         | 0.268                         | 61.7                   | 10.56                        |
| 8. Tarabuco                            | 0.406 (296)                        | 0.41 <sup>5</sup>            | 0.233                         | 54.3                   | 32.52                        |
| 9. Charazani                           | 0.457 (274)                        | 0.52                         | 0.156                         | 55.9                   | 19.1                         |
| 10. Salinas de Garcí Mendoza           | 0.519 (224)                        | 0.68                         | 0.252                         | 54.7                   | 1.4                          |
| 11. Chayanta                           | 0.423 (289)                        | 0.53                         | 0.255                         | 51.1                   | 18.44                        |
| <b><i>Voted against conversion</i></b> |                                    |                              |                               |                        |                              |
| 12. Curahuara de Carangas              | 0.570 (121)                        | 0.67                         | 0.206                         | 65.5                   | 2.76                         |
| <b>National average</b>                | 0.641                              | 0.75                         | 0.442                         | 63.3                   | --                           |

<sup>1</sup>The UNDP's Human Development Index (HDI) scoring is based on a series of indicators related to health (life expectancy), education (literacy rate, enrolment rate, and years of schooling), and income.

<sup>2</sup>The education index is a composite evaluation of literacy (50%), enrolment rate (25%), and years of schooling (25%), with a range from zero (low) to one (high).

<sup>3</sup>Inequality calculation is based on the UDAPE's 2003 *Mapa de Desigualdad*, which employed the Theil index to arrive at their estimates. Like the Gini index, the Theil index ranges from a high of one (absolute inequality) to a low of zero (no inequality).

<sup>4</sup>Data was not available to the UNDP, as the municipality was not created until 2002.

<sup>5</sup>Tarabuco's education index score is the eighth lowest in Bolivia (of the 314 municipalities included).

Sources: All data from UNDP 2004, except illiteracy rate, which is from Ministry of Autonomies 2010.

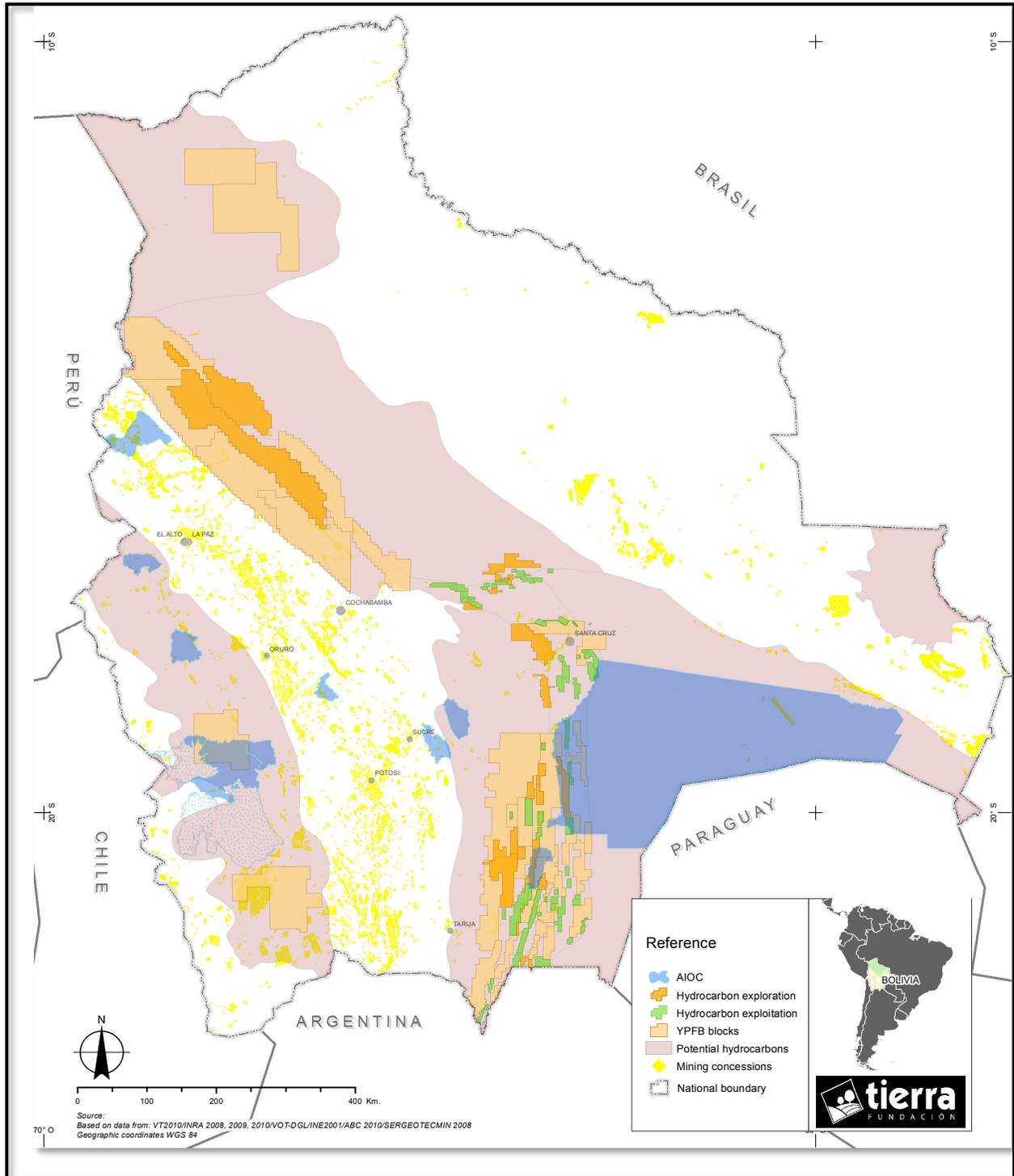
**Table 7. Geography and resources of municipalities converting to AIOC**

| Municipality                           | Presence of non-renewable natural resources                         | Hours to major urban centre <sup>1</sup> |
|--|---|--|
| 1. Chipaya                             | Potential hydrocarbon reserves                                      | 3.5, Oruro                               |
| 2. Totora Marka                        | Minor deposits of mineral resources                                 | 3.5 - 4, Oruro/La Paz                    |
| 3. Pampa Aullagas                      | Potential hydrocarbon reserves, minor deposits of mineral resources | 2.5, Oruro                               |
| 4. Mojocoya                            | No significant non-renewable resources                              | 5.5, Sucre                               |
| 5. Charagua                            | Significant natural gas deposits                                    | 6, Santa Cruz                            |
| 6. Jesús de Machaca                    | No significant non-renewable resources                              | 2.5 - 3, El Alto                         |
| 7. Huacaya                             | Significant natural gas deposits                                    | 10, Santa Cruz                           |
| 8. Tarabuco                            | Minor deposits of mineral resources                                 | 1.5, Sucre                               |
| 9. Charazani                           | Moderate mineral deposits present                                   | 8, El Alto                               |
| 10. Salinas de Garcí Mendoza           | Potential hydrocarbon reserves, minor deposits of mineral resources | 4, Oruro                                 |
| 11. Chayanta                           | Moderate deposits of mineral resources                              | 3.5, Oruro                               |
| <b><i>Voted against conversion</i></b> |   |  |
| 12. Curahuara de Carangas              | Minor deposits of mineral resources                                 | 4, La Paz                                |

<sup>1</sup>Approximate travel time by bus or minibus from municipality to the closest major urban area.

Sources: Fundación TIERRA 2013 (see map below).

**Figure 2. Map: AIOCs, Minerals and Hydrocarbons**



## *Totora*

San Pedro de Totora, commonly known as Totora or Totora Marka, also sits in the western highlands of Oruro, immediately to the east of Curahuara de Carangas. Of the total population of 5531 people (INE 2012), 97.15% identify with an indigenous nation; they principally speak Aymara and are descended from Carangas peoples (PDM Totora n.d.; Colque 2009). In the 2009 referendum, 74.5% voted for conversion to AIOC (Ministry of Autonomies 2010). Totora Marka is comprised of nine *ayllus*, which include 32 communities (PDM Totora n.d.; Fundación TIERRA 2013c). The entire municipality is included in a single TIOC, called Totora Marka del Suyu Jacha Carangas (Albó and Romero 2009).

Totora's economy and social organization is based on subsistence agriculture, most importantly potatoes, barley and quinoa, although the municipality also has minor mineral reserves, including copper, iron, tin and lead (PDM Totora n.d.). According to socio-economic indicators, there is significant hardship in Totora; while it performs better than most of the other 10 municipalities by most measures, these are still largely behind national averages. Most notable are Totora's score for education (0.69) and low inequality (0.125), the lowest of the municipalities reviewed, and a low illiteracy rate of 2.27% (UNDP 2004). Its HDI score of 0.520 (UNDP 2004) and SVI score of 0.553 (Ministry of Autonomies 2010) compare favorably to all of the municipalities studied except Charagua and Curahuara de Carangas, and Jesús de Machaca's SVI ranking. However, poverty remains chronic, at 99.4% by basic need and 86.4% by consumer costs (Ministry of Autonomies 2010).

Totoreños convened an assembly of 18 representatives and began to draft a statute in September 2009, before the municipality had voted to convert to indigenous autonomy; once the referendum passed in December 2009, the composition of the assembly was adjusted to 45

members (2% women) – 36 *ayllu* representatives and 9 from the municipal government – and the statute was revised (Ministry of Autonomies 2012c; Fundación TIERRA 2013c). In August 2012, after a lengthy process of *socialización*, the Autonomous Assembly approved its autonomy statute and submitted it to the Constitutional Court (Fundación TIERRA 2013c). Some objections emerged during elaboration and *socialización*, in particular from young Totoreños who perceived that they would not be able to participate in the proposed governance framework, and municipal officials were reportedly reluctant to provide resources for the process (CONAIOC 2012). Nonetheless, the elaboration process was rapid in contrast with other converting municipalities, in part as a consequence of the active participation of Totorá’s *mallkus* (Fundación TIERRA 2013d). In fact, Paulino Guarachi of the Fundación TIERRA emphasizes that the advantage Totorá had over the processes in other municipalities was that the *mallkus* “were always present in the deliberations,” which facilitated the *socialización* of the statute (Fundación TIERRA 2013d). On September 19, 2013, Totorá received their reviewed statute from the Plurinational Constitutional Court (TCP), which found 91 articles and four of the statute’s transitional provisions to be in compliance with the CPE, while another 11 articles and one transitory provision in need of revision (Tribunal Constitucional Plurinacional 2013a; *La Razón* 2013b). Inexplicably, the TCP had rendered the ruling almost three months earlier, on June 27, yet it had not released it to the Assembly of Totorá, spurring Vice Minister of Indigenous Autonomy Gonzalo Vargas to criticize the Court for “excessive delay” which he perceived could demoralize the local authorities that initiated the process (Vacaflor 2013).<sup>235</sup>

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<sup>235</sup> The Vice Minister’s criticism was echoed by Minister of Autonomies and Decentralization Claudia Peña, albeit with greater diplomacy. In a July 2013 interview with *La Razón* (2103a), Minister Peña observed, “The Court has not rendered judgment over any of the five indigenous statutes. Formally, it has 45 days to respond, but it also has the power to suspend the treatment of a subject and none of those days are counted. Thus, it has not issued any declaration” (translation by author).

The 12 changes the TCP required of Totora Marka are consistent with those described above in the case of Charagua; however, the Court issued fewer substantive declarations of unconstitutionality in its review of Totora’s autonomy statute, and did not intervene in questions of the distribution of faculties among the various organs of government. Among the Court’s declarations, some of the revisions required appear to be minor, such as Court’s observation that Totora’s prohibition of violent or immoral movies and games violates the Constitution (Article 19); that Totora cannot unilaterally limit teachers’ terms of employment to three years – at least, not without concurrence of the central government (Article 23); and that the statute should use the term TIOC, instead of TCO, reflecting the change in name of indigenous territories under the Constitution (Article 71).<sup>236</sup> Other elements of the TCP ruling may be more consequential, such as the TCP’s finding against Totora’s privileging of the Aymaran language over Spanish (Article 13), and its limitation of Totora’s authority over the rural electrification system to only the most isolated areas within the AIOC (Article 46).<sup>237</sup> Yet another of the Court’s declarations – as seen in Charagua – appeared to be aimed at ensuring Totora’s recognition of the Constitution’s supremacy: it insisted that the word “fundamental” be struck as a description of Totora’s autonomy statute – a term reserved for the Constitution (Article 9).<sup>238</sup>

Totora’s Autonomous Assembly quickly revised their statute according to the TCP’s review, and on February 6, 2014 the revised text was declared constitutional, which authorizes Totora to hold a referendum on whether or not to adopt the statute (Fundación TIERRA 2014). On the occasion of the TCP’s declaration, Ministry of Autonomies Vice Minister of the AIOC General Directorate Gonzalo Vargas expressed, “This is an historic milestone for the indigenous peoples

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<sup>236</sup> Based on my review of the TCP’s June 27, 2013 declaration on Totora’s autonomy statute (Tribunal Constitucional Plurinacional 2013a).

<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

of Bolivia, because it is laying the foundations of the model of Plurinational State... it is not possible to speak of the Plurinational State without indigenous first peoples peasant autonomy” (Fundación TIERRA 2014, author’s translation).

### *Pampa Aullagas*

Further south in Oruro’s cold, dry highlands is the municipality of Pampa Aullagas (PDM Pampa Aullagas n.d.). Principally Aymara, 98.39% of the municipality’s residents identify as *originario* (Colque 2009). With a total population of 2973 (INE 2012), 83.7% of those eligible voted for indigenous autonomy (Ministry of Autonomies 2010). Pampa Aullagas has six *ayllus*, which contain 36 communities (Fundación TIERRA 2013c). The municipality’s territorial extension is included in a single, fully titled TIOC, called Marka Pampa Aullagas (Albó and Romero 2009).

Like nearby Chipaya, Pampa Aullagas is agricultural, principally producing quinoa, potatoes, sheep and camelids (PDM Pampa Aullagas n.d.), with potential hydrocarbon resources, as well as modest mineral deposits (see Map 2). Pampa Aullagas can be located close to the middle of most socio-economic indicators for the 11 municipalities in transition, which means further away from (below) the Bolivian mean. This is evident in its SVI score of 0.593, poverty rates of 97.1% by basic need and 82.8% by consumer costs (Ministry of Autonomies 2010), a human development score of 0.506, education index of 0.61, and life expectancy of 58.1 years (UNDP 2004). The most positive indicators for Pampa Aullagas are a low inequality index, 0.181, and a low rate of illiteracy, 3% (Ministry of Autonomies 2010).

The Autonomous Assembly of Pampa Aullagas, with 60 members (18% women), was created in August and September of 2010, elaborated the autonomy statute throughout 2011, and

submitted it to the Constitutional Court in November 2012 (Ministry of Autonomies 2012c; Fundación TIERRA 2013c). The Autonomous Assembly overcame a scarcity of resources, as described by Assembly President Eusebio Pizarro: “we have no support from any ministry; we are constructing our statute’s plan with only paper and pencils” (*FM Bolivia* 2010, translation by author). Additionally, some residents of Pampa Aullagas felt that their proposals for the statute had been neglected, according to a report at a meeting of CONAIOC (CONAIOC 2012).

### *Huacaya*

Not far from Bolivia’s south-eastern frontier with Paraguay lies Huacaya, one of more remote municipalities of the 11 in transition. Although a municipality in Chuquisaca, Huacaya sits in the department’s southeast panhandle between Santa Cruz and Tarija, in the lowlands. Its inhabitants mainly identify as Guaraní. Of the total population of 2426 people (INE 2012), 63.77% identify as indigenous (Colque 2009). In the 2009 referendum, a slight majority – 53.7% – voted for indigenous autonomy (Ministry of Autonomies 2010). Huacaya is comprised of 12 communities, several of which are organized as Guaraní communities, and two *centros poblados* – Huacaya and Santa Rosa (PDM Huacaya n.d.).

Agriculture is the base of Huacaya’s social organization and rural economy, comprised of a mix of cattle ranching and farming, principally of corn, but also peanuts, beans and other vegetables, mostly for local consumption (PDM Huacaya n.d.). The municipality also sits in the heart of one of Bolivia’s major zones of hydrocarbon development, with both exploration and exploitation occurring within the municipal boundaries. In terms of socio-economic indicators, Huacaya is comparable to Pampa Aullagas, with the exceptions of greater inequality (0.268) and illiteracy (10.6%), and a higher life expectancy, 61.7 years (UNDP 2004; Ministry of

Autonomies 2010). Other than the latter estimate, Huacaya's indexes place it quite low for education (0.57) and human development, 0.501 (UNDP 2004), as well as poverty rates of 97.8% by basic need and 88.7% by consumer costs (Ministry of Autonomies 2010). Worse yet, it has the highest index of social vulnerability of the 11 municipalities, 0.625, placing it at 281 of the 327 municipalities evaluated; moreover, Huacaya's sub-index for housing vulnerability ranks the ninth worst in the country (Ministry of Autonomies 2010).

Huacaya's statute was approved in June 2013 and submitted to Chuquisaca's Electoral Court (SIFDE 2013); however, as of late 2013, the statute was under review by SIFDE (CONAIOC 2013). According to one account, approval was delayed in part because municipal authorities sought to impede the process with the hope of serving the full five year terms; as a consequence of the lack of municipal support few financial resources were available to convene Assembly meetings (CONAIOC 2012). The Assembly often had difficulty in reaching quorum,<sup>239</sup> perhaps partially as a consequence of the low number of Assembly Members, 29 – the least of any municipality in transition (Ministry of Autonomies 2012c ).

### *Charazani*

The Municipality of General Juan José Pérez, commonly called Charazani, is situated in north-central part of the Department of La Paz, which is considered to be in the central valleys. The municipality cuts across a range of ecological zones, including *altiplano*, valley and sub-tropics (PDM Charazani 2004). Charazani is comprised of eight municipal districts (PDM Charazani 2004), which are predominantly Quechua (many of whom claim pre-Incan Kallawayá ancestry),

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<sup>239</sup> From interview with a Ministry of Autonomies staff member, who noted that the Assembly was unable to meet for a period of five months; interview in Tarabuco, April 21, 2012.

except for the District of Suni, which is mostly Aymara.<sup>240</sup> The entire municipal population is 13,023 (INE 2012), of which 96.62% identify as indigenous (Colque 2009). Those voting for autonomy constituted 86.6% of voters in 2009 (Ministry of Autonomies 2010). The political composition of Charazani is fairly complex, divided into three sectors: three districts associated with CONAMAQ (Caata, Amarete, and Suni), four with CSUTCB (Charazani, Chullina, Chari, and Chajaya), and one “intercultural”-*cocalero* district in the tropical part of the municipality (Carijana).<sup>241</sup> Amarete is the largest of the districts, with 37.6% of the municipal population (PDM Charazani 2004).

Agriculture is the principal basis of Charazani’s economy, and a wide range of crops are grown across the municipality’s diverse zones, including corn, potatoes, wheat, barley, and *coca* (PDM Charazani 2004). Mineral deposits, including gold and lead, are present and exploited in the municipality, mostly by cooperatives, unions, and families (PDM Charazani 2004). Other than being one of the most equal municipalities (with an inequality index of 0.156), Charazani ranks near the bottom of the 11 municipalities converting to AIOC for most socio-economic indicators. Life expectancy is a very low 55.9 years (7.4 below the national average), human development is scored at 0.457, and the education index is 0.52 (UNDP 2004). Illiteracy is a high 19.1% of the population, social vulnerability is a high 0.586, and poverty is 98.4% according to need and 85.4% per consumer costs (Ministry of Autonomies 2010).

The Autonomous Assembly of Charazani is composed of 65 Members – 30 representing CONAMAQ, 20 affiliated with CSUTCB, and 15 intercultural representatives); 18% are women (Fundación TIERRA 2013c). The Assembly had elaborated most of their statute, producing a nearly completed draft on June 5, 2012, when the process was effectively suspended over the

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<sup>240</sup> From personal communication with Doctoral Candidate Jonathan Alderman, whose primary anthropological research took place in Charazani, July 9, 2012.

<sup>241</sup> Ibid.

intractable question of whether the seat over government would be located in a *sindicato* or *ayllu* district (CONAIOC 2012).<sup>242</sup> The main dispute is between Amarete and Charazani, affiliated with CONAMAQ and the *sindicato*, respectively; as of October 2013 the issue of the AIOC's capital remained unresolved (CONAIOC 2013; Fundación TIERRA 2013c).

### *Salinas de Garcí Mendoza*

Returning to the highlands of Oruro, the Municipality of Salinas de Garcí Mendoza sits between Chipaya and Pampa Aullagas. The principal indigenous group in the municipality is Aymara, and of a total population of 11,705 (INE 2012), 95.6% identify as indigenous (Colque 2009). In 2009, 75.1% voted to convert to AIOC (Ministry of Autonomies 2010). Salinas de Garcí Mendoza is comprised of five *markas*, with 12 *ayllus* and 114 communities (PDM Salinas de Garcí Mendoza n.d.; CONAIOC 2012). Four TIOCs coincide with the municipality's territorial extension (Albó and Romero 2009).

Like its neighbors, Salinas de Garcí Mendoza is rural and agricultural, producing quinoa, potatoes, broad beans and alfalfa; it contains minor mineral deposits (lead, copper, zinc and silver) and potential hydrocarbon reserves (PDM Salinas de Garcí Mendoza n.d.; see Map 2). In terms of social and economic factors, it lies somewhere in the middle of the 11 transitioning municipalities: a relatively high education index, 0.68, human development scored at 0.519, and inequality indexed at 0.252 (UNDP 2004), as well as a social vulnerability score of 0.580 (Ministry of Autonomies 2010). Notably, Salinas de Garcí Mendoza has the highest literacy rate of any of the municipalities studied here, 98.6% (Ministry of Autonomies 2010). However, life expectancy is a fairly low 54.7 (UNDP 2004). The poverty rates show a pattern similar to that

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<sup>242</sup> From personal communication with senior staff person of the Fundación TIERRA, July 19, 2012.

observed in Jesús de Machaca, a high degree according to unsatisfied basic needs, 96.7%, yet a relatively lower rate by consumer costs, 78.7% (Ministry of Autonomies 2010).

Although no official deliberative body has been convened, two statutes have been elaborated – one by the Salinas Marka, and the other by the other four *markas* (CONAIOOC 2012). As of October 2013, the situation remained stalled (CONAIOOC 2013).

### *Chayanta*

Finally, the Municipality of Chayanta is located in the central valleys in the Department of Potosí. Most people in Chayanta self-identify as Quechua, 87.8%, while a significant minority is Aymara, 9.8% (Albó 2012a). Almost the entirety of the municipality's territorial extension (97%) is organized into two large “*ayllus mayores*” – Chayantaka and Panakachi – within which are contained *cabildos* and communities; however, in the municipality's southwest corner is the principal *centro poblado* of Chayanta, organized by neighborhood associations, *juntas vecinales* (PDM Chayanta n.d.; Albó 2012). Of the two *ayllus*, which are also titled TIOCs (Albó and Romero 2009), Chayantaka is larger, with 49 communities, while Panakachi has 18 (PDM Chayanta n.d.). The municipality's total population is 16,108 (INE 2012), of which 31% live in the *centro poblado* and 69% live in the two *ayllus* combined (PDM Chayanta n.d.). In the 2009 referendum, 59.9% supported conversion to indigenous autonomy (Ministry of Autonomies 2010). The greatest support for conversion came from Ayllu Chayantaka, and parts of Ayllu Panakachi, while a majority from the *centro poblado*, especially in the vicinity of the municipality's largest mine, Amayapampa, voted “no” (Albó 2012a).

The socio-political organization of Chayanta is a conflictual mixture of mining unions and rural agriculture.<sup>243</sup> Almost half of the municipality's territory – 30.7 million of 65.5 million hectares – is used for agriculture, including the growing of quinoa, cereal, corn, sweet potatoes, peaches, pumpkins and legumes, and raising sheep, llamas and goats (PDM Chayanta n.d.). Meanwhile, the municipality has numerous mines (30 mining concessions have been granted), including the aforementioned Amayapampa gold mine, one of the most important mines in the region, if not the country (PDM Chayanta n.d.; Albó 2012a). Such is the economic base that has produced among the worst socio-economic indicators of any the municipalities under analysis – as well as Bolivia-wide. Most notably, Chayanta's incredibly low life expectancy of 51.1 years is 12.2 below the national average, and 3.2 below the second-lowest converting municipality, Tarabuco (UNDP 2004). In terms of human development, of the 12, Chayanta is ahead of only Tarabuco, with a score of 0.423 – 289 out of 314 –, while the education index lags at 0.53 (UNDP 2004). Illiteracy is a high 18.4%; social vulnerability is indexed at 0.594; and poverty is 96.9% and 87.1%, according to basic needs and consumer costs, respectively (Ministry of Autonomies 2010). Inequality is moderate by the standards of these municipalities, but low by national standards (UNDP 2004).

Chayanta is furthest behind in the process of conversion to AIOC, with no assembly convened by October 2013 (CONAIOC 2013). This is largely due to opposition from the *centro poblado*, which objects to the rotation of authorities, and, more generally, has no interest in indigenous autonomy (CONAIOC 2012). The MAS-controlled *alcaldía* and municipal council are, by Albó's account, somewhat positively disposed to AIOC consolidation; *Alcalde* Pedro Saca has “exhibited optimism about the possibility of the municipality to advance” toward

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<sup>243</sup> Although the 1953 agrarian reform redistributed much of the Chayanta's arable land to indigenous communities, organized as *ayllus*, the proliferation of mines in the municipality has entailed incursions by mine laborers, reconfiguring the territory and sometimes generating violent confrontations (PDM Chayanta n.d.; Albó 2012a).

indigenous autonomy, and has supported efforts by other community leaders – among them, other MAS supporters – to reinvigorate conversion efforts (2012a: 170).

These case studies allow us to make several important observations about the construction of indigenous autonomy in Bolivia. First, the correlation of political forces among agents vying for local power has been politically consequential in the ability of Autonomous Assemblies to complete their work of statute elaboration. The case studies indicate that the correlation of forces – specifically the correlation of indigenous agents – is more explanatory than rival explanations of cultural-demographic, geographic or socio-economic factors for relative rate of statute elaboration. Second, and relatedly, across many of the cases, we see that a common tension in the converting municipalities is between indigenous and peasant groups. Third, external agents – the central government, its contracted consultants, political parties, and NGOs – played significant roles in the elaboration (and, at times, the impediment) of indigenous autonomy. Lastly, the processes of statute elaboration have encountered a series of difficulties, ranging from a general lack of central government and municipal support, insufficient resources to carry out their functions efficiently, lengthy procedures that contributed to attrition in participation, inability to achieve significant participation by women, and frequent failure to reach quorum. I will analyze these findings at greater length in Chapter IV as part of a broader evaluation of indigenous politics in Bolivia. Accomplishing that assessment, however, requires that we first pause to examine the handful of autonomy statutes that have been elaborated to date.

### Chapter III. Comparison of the autonomy statutes

This chapter reviews the primary features of the first autonomy statutes that have been completed, in seven of the 11 municipalities that are in the process of converting to indigenous autonomies, which will be followed by an analysis of the empirical findings of both Chapters II and III, undertaken jointly in Chapter IV. The municipalities included in this analysis of autonomy statutes are Totora, Mojocoya, Pampa Aullagas, Chipaya, Charagua, Charazani, and Jesús de Machaca.<sup>244</sup> In the latter case, two distinct statutes have been drafted, thus a total of eight are analyzed here. This comparison enables us to observe the construction of indigenous autonomy as a singular expression of Bolivia's new legal framework, clarifying what this autonomy entails and how it is different from Bolivia's system of municipalities, as well as how the emerging AIOCs differ from one another.

A close reading of the indigenous autonomy statutes that have been approved in Bolivia indicates three central areas of significance: (1) the structure of local government, (2) the selection of authorities, and (3) the system of indigenous justice. I perceive these as the key features of the statutes for two reasons. On the one hand, these factors are fundamental aspects of self-governance, and, therefore, self-determination. They provide the clearest markers of whether and how the new institutions under construction are providing for greater self-determination, and the degree to which the statutes express indigenous *normas y procedimientos propios*. On the other hand, a comparison of the system of municipalities and the novel indigenous autonomies indicates that these three areas of governance most distinguish

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<sup>244</sup> As of the time of this analysis, the statutes of Totora, Mojocoya, Pampa Aullagas, Chipaya, and Charagua had been approved *en grande y detalle*, broadly and in detail, and submitted to the Plurinational Constitutional Tribunal for review. Those of Charazani and Jesús de Machaca had been completed but not yet approved and turned in to the TCP. Subsequent to this analysis, but prior to publication, the statutes of Huacaya and Tarabuco were approved.

indigenous autonomy from the municipal system. Moreover, the salience of these areas to questions of indigenous self-determination is supported by the literature on indigenous rights.<sup>245</sup> I will treat each of these themes in detail, and then address, more briefly, three additional areas that illustrate the commonalities and distinctions among the statutes: (4) the statutes' expressed model of and strategies for economic development, (5) how they address the issues of consent and consultation in relation to administrative and legislative projects and measures that affect the AIOC, and (6) the official languages codified by the statutes.

### **Bolivia's first eight indigenous autonomy statutes**

#### *Structure of government*

Under the new legal framework, the most significant structural feature unfolding in the first indigenous autonomies is the creation or official recognition of deliberative assemblies based on *normas y procedimientos propios*, which are vested with significant authority that could displace or compete with the former local political power vested in the offices of the *alcalde* (executive) and municipal council (legislative), especially the former. Throughout the history of colonization and the Bolivian republic, these deliberative bodies have been sustained, in some cases without interruption, across much of the country's rural areas. They have been perceived as legitimate by many local peoples, even when ignored or oppressed by the national government. What is novel at the present juncture is these deliberative bodies (see Table 8 below) have now been accepted as legitimate political actors, backed up by the weight of the Constitution and law. Where they are active, adequately resourced, and maintain local legitimacy, these deliberative bodies could be transformed into powerful community institutions with the capacity to act as counterweights

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<sup>245</sup> See, for example, Hannum (1990: 467-468); Cassese (1995: 354-355).

to executive authority, and, in some areas, may even establish themselves as the leading authorities of the autonomous territory. Thus, the statutory elevation of deliberative bodies may signify a significant institutional change by which indigenous self-determination can be more fully realized. Moreover, the assumption of a prominent role of these deliberative organs is likely to mean that both decision-making and social control in indigenous autonomies is more representative than in Bolivian municipalities (Tockman, Cameron and Plata 2012).

**Table 8. Deliberative organs in autonomy statutes**

| AIOC             | Deliberative organ                        | Regular meetings | Members       |
|------------------|---|------------------|---------------|
| Charagua         | Ñemboati Reta (Guasu)                     | 3 times/year     | 27            |
| Charazani        | AthunTantakuy Jach'a Tantachawi           | 1 time/year      | 8             |
| Chipaya          | Chawkh Parla                              | 4 times/year     | Not specified |
| Jesús de Machaca | Magno Cabildo ( <i>in both statutes</i> ) | Not specified    | Not specified |
| Mojocoya         | Magno Congreso (Jatun Tantaikuy)          | Not specified    | Not specified |
| Pampa Aullagas   | Jach'a Tantachawi (Phaxsi)                | 12 times/year    | Not specified |
| Totora Marka     | Jach'a Mara Tantachawi                    | 12 times/year    | Not specified |

The extent to which the legal recognition and construction of these bodies signifies a local-level shift in the direction of communitarian norms and procedures will depend, most significantly, on how effectively they are able to negotiate local power with the AIOC-level executive and legislative bodies – municipal institutions that were established throughout Bolivia under the LPP's decentralization reforms. Executive and legislative organs are mandated by the *Ley Marco*, which specifies that in all autonomous territorial entities, including AIOCs: “Autonomy is organized and structures its public power through legislative and executive organs. The organization of autonomous governments is based in the independence, separation, coordination and cooperation of these organs” (*Ley Marco* 2010, Article 12.II, author's translation). Additionally, Article 62.I.6 specifies that autonomy statutes must include, “faculties and attributions of authorities, assuring the fulfillment of executive, legislative and deliberative

functions; their organization, functioning, election procedures, requirements, period of mandate,” as well as planning and administrative functions (*Ley Marco* 2010, author’s translation). While Article 62 could be interpreted as permitting all competencies to be placed within the purview of the deliberative organ, Article 12 is quite clear that the organs must be independent and separate, which has also been the interpretation of the central government and the *técnicos* involved in statute elaboration, and has guided the autonomous assemblies’ drafting of autonomy statutes. All of these groups appear to have operated with an assumption that the creation of indigenous autonomies necessarily includes – in addition to a deliberative organ – executive and legislative bodies, which, for the most part, should resemble those found in Bolivian municipalities.<sup>246</sup> That interpretation was reinforced by the TCP’s 2013 ruling on the constitutionality of Charagua’s autonomy statute, in which the Court ruled against the statute’s plan to grant the deliberative and legislative organs certain powers over the executive, which would have deviated from the Constitution’s “institutional logic” (Tribunal Constitucional Plurinacional 2013b: 59). Here we see most social agents in Bolivia accepting important elements of the established municipal path, which seem to varyingly reflect their shared expectations, vested interests, or sunk costs in the municipal structure (Stinchcombe 1968; Krasner 1999).

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<sup>246</sup> Although legislative bodies often deliberate about political matters, “deliberative” and “legislative” bodies can be differentiated in terms of their origins and attributes. Of a liberal genealogy, a legislative body is, in general terms, a law-making and budget-appropriating representative body of government, usually elected, that maintains some oversight of executive activity and appointments; the legislature may be quite independent of the executive, somewhat fused with it (as in a parliamentary system), or even beholden to or “captured” by it. A deliberative body is a more general term that tends to signify a more direct form of political participation in which greater emphasis is placed on face-to-face communication. Deliberative bodies may or may not be comprised of elected representatives, and may or may not have the power to make laws or oversee the executive branch. In the Bolivian context, the term is often (but not exclusively) used to describe communitarian indigenous assemblies (e.g. Chawkh Parla, Magno Cabildo, Ñemboati Reta) that operate according to *normas y procedimientos propios*, and in which legislative, executive and judicial functions have conventionally been fused together.

However, deference to municipal structure also appears to be a consequence of its suitability for managing the extensive responsibilities placed on the new territorial entities. The *Ley Marco* outlines, in articles 80 through 100, those competencies for which each autonomous territorial entity is responsible, attributing numerous responsibilities to AIOC authorities. This includes, but is not limited to: safeguarding and registering collective intellectual property related to traditional medical knowledge and products (Article 81.II); carrying out housing construction projects and programs (Article 82.III); sustainably managing and using forest resources (Article 87.IV); protecting the environment, biodiversity, and wildlife, while controlling pollution (Article 88.V); and elaborating, financing, executing and maintaining irrigation projects (Article 89.II). Although indigenous deliberative organs could conceivably be involved in the establishment, oversight or social control of many of these areas, full managerial responsibility for these tasks, many of which will entail daily administration, would radically alter the norms and procedures of these bodies to the point of unrecognizability. On the one hand, it is difficult to conceive of how unpaid community members could commit the sheer amount of time it would take to complete such obligations, complicated by the rotational nature of participation in deliberative organs, which would require routine retraining to attain competence in areas that are often quite technical. On the other, many of these tasks fall outside of the deliberative organs' long-standing attributions. Thus, vesting indigenous autonomies with such extensive responsibilities necessitates something akin to municipal executive and administrative institutions.

If, then, an AIOC must include an executive organ, an important question – both in terms of our understanding of indigenous self-determination and institutional change – arises: what is the most likely scenario in terms of power relations between the deliberative organ, which comes by

way of indigenous norms and procedures, and the executive organ, which, as it is constitutionally construed, is of a municipal-liberal extraction, in that it serves as the territory's principal agent of administration, policy implementation, and budgetary control? The comparative literature on executive-legislative relations is helpful in assessing likely scenarios. In particular, scholars have noted how the efficacy of legislative oversight of the executive branch depends to a significant degree upon the legislature's capacity in terms of staffing, time and budget; Amie Kreppel emphasizes that a sufficient number of specialized staff are important to "serve as independent sources of information for legislators, allowing them to maintain effective oversight of the executive branch and/or make informed decisions on policy proposals. In areas that are highly technical or detailed... the ability of well trained staff is essential" (2008: 181). Although the AIOCs' deliberative organs are not legislatures, such insights into executive-legislative relations illustrate how they may find themselves at a significant disadvantage vis-à-vis executives and their attendant staff, due to the differential in work hours and remuneration. While participants in deliberative organs are unpaid, meet only periodically, and rotate their positions on an annual, biennial or triennial basis,<sup>247</sup> the executives' administrations are populated by full-time salaried staff that generally retain their positions for longer time periods, contributing to the development of technical knowledge and the accumulation of social capital.

In fact, an emblematic case of the contemplated scenario has already unfolded in the last decade, when the indigenous authorities of the *cabildo* of Jesús de Machaca succeeded in

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<sup>247</sup> Although the specific *muyu* norms of rotation vary across Bolivia, the most common practice in the highlands and central valleys is the annual rotation of authorities. The terms of rotation are not generally stated in the elaborated AIOC statutes, which for the most part simply reference *normas y procedimientos propios*; however, the statute of Pampa Aullagas specifies that indigenous authorities will maintain their roles for one calendar year (Article 29), Chipaya's states that the mandate of the maximum authority of the deliberative organ, the *qhastan yokstan qhamñi suñi ma-eph*, is two years (Article 32.II), and that of Charagua limits the terms of its highest deliberative authorities, representatives of the *Ñemboati Guasu*, to three years (Article 26). Meanwhile, the statute elaborated by Jesús de Machaca-MACOAS provides one-year terms to its legislative authorities, *amautas* (Article 44).

constituting Jesús de Machaca as a new municipality under the 2002 Law of the National Congress #2351, *Ley del Congreso Nacional*, with the intention of constructing an “indigenous municipality” (Colque and Cameron 2009: 174). There, between 2004 and 2009, the indigenous authorities of the *cabildo* found it quite difficult to maintain a significant degree of social control over the *alcaldía* for three principal reasons, as outlined by Colque and Cameron (2009): first, the *cabildo* lacked the expertise and technical training to be able to effectively engage with the *alcaldía* in a detailed and constructive manner; second, the frequency by which the *cabildo* met was not sufficient to keep up with the *alcaldía*’s rapid pace of decision-making; and third, there was a significant asymmetry in power between the relatively well-financed and resourced *alcaldía* (with 10 full-time staff and a budget of \$850,000), and the *cabildo*’s rather limited resources – the time and money contributed by the authorities that comprise it. As a consequence, Colque and Cameron found that despite the *cabildo*’s “high degree of legitimacy and moral authority” within the community, it gradually lost its ability to effectively oversee or control either the *alcaldía* or the municipal council (2009: 197). More recent investigations have indicated that since 2010, the *alcalde* has exerted influence over the *cabildo* and its decisions (Albó 2012a; Tockman, Cameron and Plata 2012).

This contest for local power may provide an interesting vantage point into institutional change in a novel and uncertain institutional terrain, as we observe municipalities in which the authority of executive power was dominant – either *de jure* or, as in the case of Jesús de Machaca, *de facto* – to a setting in which deliberative assemblies are, in most cases, declared the AIOCs’ highest authorities. Three scenarios may be envisioned, and these may emerge unevenly between the incipient AIOCs. One is that, as outlined in most autonomy statutes, the deliberative organ successfully wrests control from the executive power. A second possibility is that the new

AIOCs will follow a trajectory of Jesús de Machaca and see continued executive control, which would arguably constitute the creation of informal institutions in that – contrary to a statute’s rules providing the highest authority to the deliberative assembly – there would emerge a socially shared understanding that an unwritten arrangement of executive dominance existed, which is highly consequential to local politics (Helmke and Levitsky 2004: 727). A final possibility, which seems the most plausible, is that the AIOCs may be sites of institutional hybridity, in which local governance is a fusion of the deliberative power of autochthonous assemblies and municipal forms of governance (the executive, as well as the legislative). This is not a case of informality because the executive organ is imbued with considerable power in all of the statutes, even if they officially declare the deliberative organ above the executive. Such an explanation is premised on an assumption that the predominance of deliberative bodies with the capacity to direct the affairs of indigenous territory, is not a real option. Perhaps that utopia is a deeply felt preference by many of the assembly members that drafted the statutes, yet one militated against by the legal framework in which they negotiated.

### *Selection of authorities*

The eight statutes of the seven emerging indigenous autonomies (again, including the two from Jesús de Machaca) articulate two distinct means by which legislative and executive authorities are elected, both of which deviate from the system of municipalities, which is representative, based on universal and secret voting. In contrast, as depicted in Figure 3, the AIOC statutes articulate a range of selection methods, from completely communitarian practices to a mix of communitarian and liberal representation. Placing each of these on a continuum from the extremes of communitarian and representative, we see the following:

**Figure 3. Means of selecting authorities, by AIOC**

| Communitarian             | < ----- | Mixed            | ----- > | Representative           |
|---------------------------|---------|------------------|---------|--------------------------|
| Totora                    |         | Mojocoya         |         | System of municipalities |
| Charagua                  |         | Charazani        |         |                          |
| Chipaya                   |         | Jesús de Machaca |         |                          |
| Pampa Aullagas            |         | (MACOJMA)        |         |                          |
| Jesús de Machaca (MACOAS) |         |                  |         |                          |

The selection of authorities in a majority of the statutes – Totora, Charagua, Chipaya, Pampa Aullagas, and Jesús de Machaca-MACOAS – takes place exclusively according to *normas y procedimientos propios*, employing the same types of autochthonous processes used to select the deliberative organs of the new AIOCs. In the remainder – Mojocoya, Charazani, and Jesús de Machaca-MACOJMA – selection occurs initially through these same procedures, up until the point that a range of candidates are selected, at which point the actual election of the AIOC’s leadership happens by way of universal secret balloting. While the latter cases do employ this representative mechanism, they do not simply allow any person or registered party to compete for elected office, as is the liberal norm that is practiced by Bolivian municipalities.

The case of Mojocoya is somewhat distinct in that a substantial role is afforded to the locally hegemonic peasant union, the Sub Centralía, which merits particular attention. The statute specifies that candidates are to be selected according to *normas y procedimientos propios*; however, no *ayllus* nor a *cabildo* exist in Mojocoya. This suggests that the norms and procedures that will be followed are those associated with the peasant union, which is to say following a more centralized, hierarchical structure. Although the *sindicato* norms generally involve leadership selection through public assemblies that include representatives of each community,

selection is not based on *thakhi*'s progressive series of *cargos*.<sup>248</sup> In Mojocoya's statute, the selection of legislative and executive authorities occurs in tandem, through three stages. First, all of the communities throughout Mojocoya select two representatives, respecting gender parity. From this pool of possible candidates, a body called the Ampliado Zonal, formed by community representatives, elects 12 candidates – three from each of the four zones – distributing them so as to create an executive race among four candidates (for one Jatun Kamachij), and eight candidates for five legislative assembly members. Once candidates have been selected under these procedures, the subsequent election shall be conducted according to liberal democratic practice, through a general election in which all local residents are required to vote in secret for their preferred legislative (5) and executive (1) candidates (Article 25). In the case of recall referenda, *referendo revocatorio*, the recall is to also take place by means of universal voting.

Although some of the statutes drafted to date fall closer to the representative pole of a Bolivian municipality than the more communitarian type (e.g. Mojocoya, Charazani), even these statutes bear communitarian features in the selection of authorities that indicate a shift away from a strictly liberal logic of universal secret balloting. This distinguishes them from what one observes in Bolivian municipalities. This alone does not indicate that indigenous self-determination is flourishing in Bolivia, or that the first generation of AIOCs are ushering in a radically post-liberal era, yet it is nonetheless fair to say that the incorporation of elements of communitarian democracy by these few new entities of indigenous autonomy can be understood as a legitimate expression of the MAS government's frequently proclaimed plurinationalism.

Taking this argument a step further, the construction of indigenous autonomy seems to allow little local space for another trapping of liberal representation – the political party. While the

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<sup>248</sup> It is reasonable to anticipate, however, that those elected to higher union positions would often have completed other roles within the union structure.

words “political party” do not appear in any of the first round of autonomy statutes, this silence should not be read as failure to confront the question of their presence, but as a deliberate omission that leaves them at the margin of local politics. Indeed, it is difficult to perceive how parties can enter into communitarian political processes that involve practices of *thakhi* (prior holding of positions), *muyu* (rotation), and *filas* (lines formed behind the preferred candidate). This is especially the case where selection processes are more completely communitarian (i.e. Totora, Chipaya, Pampa Aullagas, Charagua). On the other hand, political parties are not explicitly prohibited in the autonomy statutes. In cases like Mojocoya, it is feasible to conceive of parties endorsing and campaigning for certain candidates, after the candidates have been selected according to *normas y procedimientos propios*, in the lead up to the balloted portion of authority selection. At level of departmental and national politics, moreover, there is no reason to think national-level parties will cease to campaign within the indigenous autonomies, as the statutes do not expressly prohibit political parties. Indeed, the MAS’s continued and successful efforts to elect their candidates to executive and legislative posts within the 11 municipalities in transition suggests that national-level political parties will seek to insert themselves wherever they are able.<sup>249</sup>

### *System of indigenous justice*

A third area of major importance in these statutes is how they handle the issue of indigenous justice, a significant aspect of which is the degree of independence the new AIOCs’ legal

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<sup>249</sup> Although few observers of Bolivian politics would challenge the MAS’s status as a national political party or its hegemonic ambitions, the party’s distinct modes of organization and candidate selection vary significantly across the country, revealing differential practices in rural and urban settings, and from west to east (Anria 2013). Anria’s work on the MAS’s candidate selection has shown that in rural areas where MAS-aligned grassroots movements are strong and can agree on candidate selection, the MAS often “diffuses power among territorially grounded grassroots actors, which generally have the last word on selection” (Anria 2013: 29). In these contexts, success of MAS candidates may be more indicative of powerful local organizations (e.g. peasant unions) and their effective alliance with the party than of MAS control of local politics.

frameworks grant the system of justice from the deliberative organs. All of the statutes include a section on indigenous justice, distinguishing them from municipalities, in which the “ordinary” system of justice predominates.<sup>250</sup> What is distinct in the new AIOCs is that their autonomy statutes outline how indigenous justice is to work within the territorial entity. Although for the most part these are quite general provisions that do not contain specifics – in terms of processes or specific transgressions of justice – they do codify in text what in other non-AIOC indigenous communities is generally maintained orally. While on the one hand, this textualization of oral conventions can be seen as legitimizing them and placing indigenous procedures within the legal framework of the state, it also clearly involves the incorporation of indigenous practice within the state’s bureaucratic practice of written records, which follows a logic of foreign origins. Where written legal traditions follow a relatively fixed logic of precedence and the accumulation of juridical texts, necessitating legal experts with costly technical training, those based on orality are more adaptable and lend themselves to case-specific circumstances, thus are more accessible to non-experts, and tend to yield more efficient (and inexpensive) resolutions. More will be said later about the irony of employing liberal textual norms as a means to recognize and normalize indigenous procedures in the AIOCs – in fact norms that are not required of non-AIOC indigenous communities that maintain practices of indigenous justice, as the CPE and law permit.

Due to the statutes’ lack of significant details on indigenous justice, it is difficult to undertake an analysis of much depth. What can be discerned is that the AIOCs institute one of two approaches by which the indigenous system of justice relates to the other organs of governance – namely the highest level of the AIOC’s deliberative body. Here, we observe a bifurcation

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<sup>250</sup> Indigenous communities within conventional municipalities (those not converting to AIOC) may also utilize indigenous systems of justice.

distinguishing Mojocoya and Charazani from the other municipalities undergoing conversion. For the majority of the AIOCs, the highest body of indigenous justice is simply the AIOC's deliberative organ; in other words, the system of indigenous justice – once it has moved beyond the family, community or *ayllu* level – becomes a competency of the AIOC's highest deliberative assembly (e.g. the Chawkh Parla, Ñemboati Reta, or Magno Cabildo) according to *normas y procedimientos propios*. Meanwhile, the autonomy statute of Mojocoya – which, prior to conversion to AIOC had no municipality-wide practice of indigenous justice – creates a new four-member Council of Indigenous First Peoples Peasant Justice, *Consejo de Justicia Indígena Originaria Campesina*, which includes one member of the Sub Centralía (Article 43), and gives the Sub Centralía a central responsibility in sanctioning transgressions to indigenous justice (Article 45). In Charazani, a new Council of First Peoples Legal Jurisdiction, *Consejo de la Jurisdicción Originaria*, is also proposed. This distinction is replicated in how the AIOCs elaborate their system of social control, which replaces the *Comités de Vigilancia*. Social control is the purview of the high deliberative organ in the more communitarian AIOCs, while in Mojocoya and Charazani, new offices and councils are to be created to carry out these oversight responsibilities. Moreover, the establishment of new councils and offices comprised of individually elected representatives stands in contrast with the collectivist approach of the AIOCs that are turning to pre-existing and endogenous institutions to handle these tasks.

#### *Other important features of the statutes*

Although the above changes in government structure are the most significant factors in understanding the new framework for indigenous autonomy and the differences evident among the AIOCs under construction, several other areas merit attention. These involve how the AIOCs

will approach the question of development, most significantly economic, that is to take place in the new territorial entity; the rights to both consultation and consent in relation to projects and policies that would affect communities living within the AIOCs; and the official languages that will be used in the new indigenous territories.

First, all of the statutes elaborated to date include a section on development<sup>251</sup> that reproduce the “plurinational” state’s official discourse of “integral development” – which is to say a vision and strategy of development that combines the economic with social, cultural and political dimensions of development. This is illustrated by the presence of the term *vivir bien*, living well (often also understood as living in harmony with the non-human natural world), in each of the first generation of statutes (and the draft statutes in Charazani and Jesús de Machaca), as well as multiple references to *pachamama*, Mother Earth, or in Charagua, *ywy mara-eyi*, land without evil. All statutes also articulate a series of principles and values that come from the respective Aymara, Guaraní, Uru and Quechua belief systems. These concepts, of pre-colonial origins that pre-date the constitution of the Bolivian republic, have been incorporated as standard referents of the sitting government, making it quite difficult to determine the cause of their immediate proliferation in the autonomy statutes. Rather than attempting the Herculean task of disaggregating the ubiquitous contemporary discourses of indigeneity in Bolivia, it should suffice to observe that the state’s appropriation of long-standing indigenous principles and values makes it unlikely that we would *not* see them appear in all of the statutes.

What varies among the autonomy statutes in the realm of how development is conceived and codified is where the statutes place their development priorities – particularly in the area of

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<sup>251</sup> Discourses of development are ubiquitous in Bolivia. Most if not all of the autonomous assemblies would probably have elaborated some sort of vision and various details related to social, cultural and economic development without any outside impulse. However, development was a matter that the central government encouraged all of the assemblies to centrally include in their statutes.

economic development. We see significantly different approaches between one group – Mojocoya, Charazani, and Jesús de Machaca; and another – Totora, Chipaya, Pampa Aullagas, and Charagua. In the latter cases, the priority of economic development is the communitarian economy alone. Meanwhile, Mojocoya’s statute proposes “plural and communitarian productive economic development... giving priority to *communitarian and associative* economic development with a focus on gender equity” (Article 62, emphasis added). The prioritization of “associative” economic development, alongside communitarian development, refers to those strategies of development associated with agrarian cooperatives that focus on the mutual enhancement of cooperative members’ productivity (e.g. support for commercialization); these “modern, Western” associations are more closely aligned with peasant union approaches to economic development than those of the *ayllus*.<sup>252</sup> The statutes of Charazani and Jesús de Machaca also outline visions of economic development beyond the communal, prioritizing associations, proprietorships, joint ventures, and individual ownership, alongside the collective. These distinctions may reflect varying dispositions toward private property or wealth accumulation, yet we may also read in the prioritization of the communitarian economy in the statutes of Totora, Chipaya, Pampa Aullagas, and Charagua a preoccupation with impacts of large economic development projects. Such an interpretation is supported when we note the presence of hydrocarbon and mineral reserves in each of these four, most substantially in Charagua (see Figure 2), while there are no significant non-renewable resources in Jesús de Machaca or Mojocoya. Beyond the question of prioritizing the communitarian economy, the statutes’ provisions of development seem to reflect concerns over local control or greater shares of revenues from extraction. The question of resource control is an explosive one in Bolivia, where the non-renewable natural resources over which some indigenous communities are

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<sup>252</sup> From electronic communication with NGO staff member in La Paz; August 5, 2014.

seeking greater control are often crucial for the central government's budget, including its efforts to reduce poverty and social vulnerability. Thus, in the context of Bolivia's resource extraction-based economy, the question of economic development is inextricably linked to the issues of prior consultation and consent.

This brings us to the next area in which we observe distinctions between the statutes: an interesting and rather perplexing difference in how the statutes speak to the issue of consultation and consent in relation to projects or policies that affect their territories. Where all of the statutes are consistent is that they require activities, policies and legislative and administrative decisions that could affect them to go through a process of consultation with the autonomous government and local communities. However, with the exception of Mojocoya and Jesús de Machaca (MACOJMA), the statutes are silent on the question of consent – that is under what circumstances, if any, consent must be attained for activities and policies to be implemented vis-à-vis the AIOC. In the draft statute of Jesús de Machaca-MACOJMA, Article 13, which is entitled “Right to Consultation,” reads: “The Indigenous Autonomous Government of Jesús de Machaca recognizes and guarantees that which is provided by the Political Constitution of the State, international standards, and laws in effect with relation to mandatory prior, free and informed consultation, concerted and in good faith, *in order to reach consent*, whenever it is foreseen that legislative or administrative measures may affect them and with respect to the exploitation of non-renewable natural resources in their jurisdiction” (author's translation, emphasis added). Although the article's focus (and title) remains the requirement for consultation, the draft statute includes an important component of consent that should be achieved, and appears to have been drafted based on the language of the UN Declaration (Article

19), suggesting the diffusion or localization of international norms.<sup>253</sup> Meanwhile, Article 15 of the approved statute of Mojocoya states that the autonomous government will, at a future date, develop unspecified “mechanisms of prior, free and informed consent about legislative measures of the authorities of Mojocoya and other levels of government which irretrievably affect our history, life, habitat, territoriality, culture and environment” (author’s translation). What is most peculiar in this case is that Mojocoya – the municipality that has in all other respects been the least communitarian and most liberal – in this instance articulates a distinct position of self-determination with greater resonance to the rights outlined by the UN Declaration, while almost all of the other approved statutes omit an engagement with consent altogether, following instead the Bolivian Constitution’s relatively weaker provisions for consultation.

Why did Mojocoya and Jesús de Machaca-MACOJMA include provisions for consent while the others omitted the term? Was the inclusion or exclusion accidental or deliberate? I posed this question to a member of the Assembly’s directorship in Mojocoya, but he had no recollection of the issue, or whether there had been significant debate around the question of consultation and consent.<sup>254</sup> One prominent Bolivian scholar suggested that in Bolivia there is not a significant distinction drawn between the concepts of consent, *consentimiento*, and consultation, *consulta*,<sup>255</sup> and that there is a common understanding that consultation necessarily indicates achieving consent from the affected peoples (otherwise, the rationale goes, what was the point of the consultation?).<sup>256</sup> In the case of Mojocoya, considering that the relevant text only specifically names one level of authority – the municipal level – that will be obligated to secure consent, the

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<sup>253</sup> Article 19 of the UN Declaration reads: “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

<sup>254</sup> From interview with a Member of Mojocoya’s Autonomous Assembly in Redención Pampa, October 26, 2013.

<sup>255</sup> The relevant terms here – consent and consultation – are distinct in meaning from a third, “consensus,” *consenso*, which involves processes of collective decision making, with a primary objective of reaching unanimity.

<sup>256</sup> From interview in El Alto, October 31, 2014.

inclusion of a consent provision may say more about the Sub Centralía's preoccupations that the *ex-hacendados* of Villa Mojocoya will try to wrest back the seat of municipal governance than anything else, in which case the consent language would be motivated by the local struggle for power, and not necessarily communitarian aims. While my research on this question proved inconclusive, what seems most likely is that the majority of the autonomous assemblies merely reproduced the Bolivian Constitution's numerous pledges to free, prior and informed consultation, but not consent (Articles 30.II.15, 304.I.21, 352, and 403.I). Whether this reflects an acceptance by those drafting autonomy statutes of the Constitution's legitimacy and its focus on consultation, or, alternately, Assembly Members' compliance with government officials, who have emphasized consultation to the exclusion of consent, would require further investigation.

Third, distinctions arise in the identification of official languages of the incipient indigenous autonomies, and here we observe less of a clear bifurcation than in other areas discussed thus far. Each statute specifies the languages of the AIOC, and some go further by detailing which languages are to be used in particular contexts. Some of the statutes name Spanish (*castellano*) and one or more indigenous languages as official, as is the case in Mojocoya (Quechua and Spanish) and Pampa Aullagas (Quechua, Aymara and Spanish), with no preference expressed. In Chipaya, there are two official languages – Uru and Spanish – but the statute emphasizes that Uru is to be used by the AIOC government and be promoted locally. Meanwhile, in Charagua and Totorá, the indigenous language is privileged, Guaraní and Aymara, respectively, while Spanish is relegated to the status of second language (although Totorá's statute mandates that all publications should be bilingual).<sup>257</sup>

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<sup>257</sup> As the TCP's rulings on the statutes of Charagua and Totorá indicate, local rules that seek to grant other languages primacy over Spanish run afoul of the Constitution, and will need to be revised to give Spanish equal footing.

Finally, a couple of minor distinctions can be noted among the statutes. Some of the Autonomous Assemblies have designed statutes that establish the number of legislators differently than the Bolivian standard (five) for a municipality with a small population. Totora will have seven, Chipaya eight, Charagua 12, and the draft statutes of Jesús de Machaca-MACOAS and Charazani propose six and nine, respectively. Meanwhile, Mojocoya, Pampa Aullagas, and the draft statute of Jesús de Machaca-MACOJMA maintain the standard of five legislators. The fact that the received legislative arrangement was altered in more of half of the statutes suggests a dissatisfaction with the existing distribution of law making powers, and may indicate that many rural communities in Bolivia feel under-represented in this domain. There is also a discrepancy among nearly all of the AIOCs in the way that they articulate their own territorial subjectivity; Totora, Charazani, and Chipaya constitute themselves as *naciones* (nations); Charagua as a *pueblo nación* (nation of peoples); Jesús de Machaca-MACOJMA as a “*pueblo originario... conformado por las culturas: aymaras e Iru Hitu Urus*” (original peoples... comprised by the cultures: Aymara and Uru Iru Hitu); Pampa Aullagas as a “*pueblo... como parte de las culturas ancestrales*” (peoples... as part of ancestral cultures); and Jesús de Machaca-MACOAS and Mojocoya as a *cultura* (culture). Although these are interesting distinctions in the assignment of the subject of the new autonomous government – as a nation *or* peoples *or* culture(s) – such differing identifications do not seem to be as significant as the aforementioned institutional features in explaining the character of indigenous autonomy or its variations within Bolivia.

All of the characteristics of the eight autonomy statutes described above are condensed in the following Table 9. In the table’s final row, I provide a simplified characterization of how each statute can be conceived in a comparative framework.

**Table 9. Comparison of approved autonomy statutes.**

|  | Totora   | Chipaya   | Pampa Aullagas   | Charagua   | Mojocoya  | Charazani  | Jesús de Machaca<br>1=MACOJMA<br>2= MACOAS   |
|--|--|---|--|--|---|--|--|
| <b>Form of democracy</b>   | communitarian  | communitarian   | communitarian  | communitarian  | mix of communitarian & representative (first <i>normas y procedimientos propios</i> , and then universal secret vote) | mix of communitarian & representative (executive: first <i>normas y procedimientos propios</i> , and then universal vote; legislators: 8 of the 9 elected by <i>normas y procedimientos propios</i> , and one “by population”) | 1. mix of communitarian & representative (first <i>normas y procedimientos propios</i> , and then universal secret vote)<br>2. communitarian   |
| <b>Relocation of power from the executive (<i>alcalde</i>) to the deliberative organ (i.e. <i>cabildo</i>)</b>             | significant  | significant   | significant  | significant  | minimal   | minimal  | 1. moderate<br>2. minimal  |
| <b>Languages (preferred)</b>   | Aymara first, Spanish second (all publications bilingual)                                    | Uru and Spanish are the official languages (Uru used in local government and promoted at the local level) | Aymara, Quechua and Spanish (no preference specified)  | Guaraní first, Spanish second (promotion of Guaraní)   | Quechua and Spanish (no preference specified)   | Machajuyai - Kallawaya, Quechua, Aymara and Spanish (official documents in Quechua, Aymara and Spanish)  | 1. Aymara, Uchumataqu, and Spanish (with promotion of Uchumataqu)<br>2. Aymara and Spanish (no preference specified)   |
| <b>Model of economic development</b>   | prioritization of communitarian economy  | prioritization of communitarian economy   | prioritization of communitarian economy  | prioritization of communitarian economy  | prioritization of associative and communitarian economies   | prioritization of productive agricultural development with priority for: associations, cooperatives, proprietorships and joint ventures  | 1. prioritization of economic investment, strengthening the individual, family, communitarian, collective cooperative and associate economies<br>2. prioritization of family, communitarian, associative and cooperative economies |
| <b>Subject of the AIOC</b>   | <i>Marka</i> of the Karangas First Nation  | Uru Chipaya First Nation  | The Peoples of Pampa Aullagas, as part of the ancestral Cultures                             | Guaraní Nation-Peoples   | Mojocoya Culture  | Suyu Kallawaya Nation  | 1. First Peoples<br>2. Aymara Culture  |
| <b>System of indigenous justice (highest body responsible for, above the levels of family, community and <i>ayllu</i>)</b> | handled within the deliberative assembly according to <i>normas y procedimientos propios</i> | handled within the deliberative assembly according to <i>normas y procedimientos propios</i>              | handled within the deliberative assembly according to <i>normas y procedimientos propios</i> | handled within the deliberative assembly according to <i>normas y procedimientos propios</i> | creation of new “Consejo de Justicia Indígena Originaria Campesina” which includes one member if the Sub-Centralía    | creation of new “Consejo de la Jurisdicción Originaria”  | 1 and 2. handled within the deliberative assembly according to <i>normas y procedimientos propios</i>  |

|   | Totora  | Chipaya   | Pampa Aullagas  | Charagua  | Mojocoya   | Charazani   | Jesús de Machaca<br>1=MACOJMA<br>2= MACOAS   |
|---|---|---|---|---|--|---|--|
| <b>Social control (highest body responsible for)</b>  | deliberative organ and other endogenous bodies                                    | new body/office of social control, with 5 members; president and vice president elected by Sub Centralía and women's organization  | creation of new council of participation and social control                       | 1. deliberative organ and other endogenous bodies<br>2. creation of a new body for social control (economic and public works)  |
| <b>Right to consent and/or consultation (regarding legislative and administrative projects and measures that affect them)</b> | statute includes the right to be consulted but not consent                        | statute includes the right to be consulted but not consent                        | statute includes the right to be consulted but not consent                        | statute includes the right to be consulted but not consent                        | in addition to the right to consultation, the statute says that "mechanisms of prior, free and informed consent" will be developed | statute includes the right to be consulted but not consent                        | 1. statute requires "prior, free and informed consultation... in order to reach consent"<br>2. statute promotes consultation but not consent                                 |
| <b>Presence of political parties (the word "party," <i>partido</i>, never appears in any of the statutes)</b>                 | it is difficult to see how parties could enter into or participate in the process | it is difficult to see how parties could enter into or participate in the process | it is difficult to see how parties could enter into or participate in the process | it is difficult to see how parties could enter into or participate in the process | unclear; parties could possibly participate in the final step of universal voting  | unclear; parties could possibly participate in the final step of universal voting | 1. unclear; parties could possibly participate in the final step of universal voting<br>2. it is difficult to see how parties could enter into or participate in the process |
| <b>Subtype of AIOC</b>  | <b>more communitarian</b>   | <b>more communitarian</b>   | <b>more communitarian</b>   | <b>more communitarian</b>   | <b>more liberal/municipal</b>  | <b>more liberal/municipal</b>   | <b>1 and 2: between liberal and communitarian</b>  |

### **A model of indigenous autonomy, with two subtypes**

The comparison undertaken thus far provokes the question of whether it is possible to conceive of what is taking place in Bolivia as constituting a model – or more than a single model – of indigenous autonomy. What I propose is that we can indeed speak of a Bolivian model of indigenous autonomy, with two sub-types: communitarian and liberal. In the ensuing discussion, I describe the emergent model of Bolivian indigenous autonomy and its key features, followed by an explanation of the two subtypes that are evident.

The general model of indigenous autonomy is a hybrid one that combines indigenous norms and procedures with liberal political features of administration and separation of powers that are expressed in Bolivia's system of municipalities. The Bolivian *hybrid model of indigenous autonomy* is marked by the six principal characteristics described in Table 10, which cut across all of the statutes drafted to date.

**Table 10. Characteristics of indigenous autonomy in Bolivia**

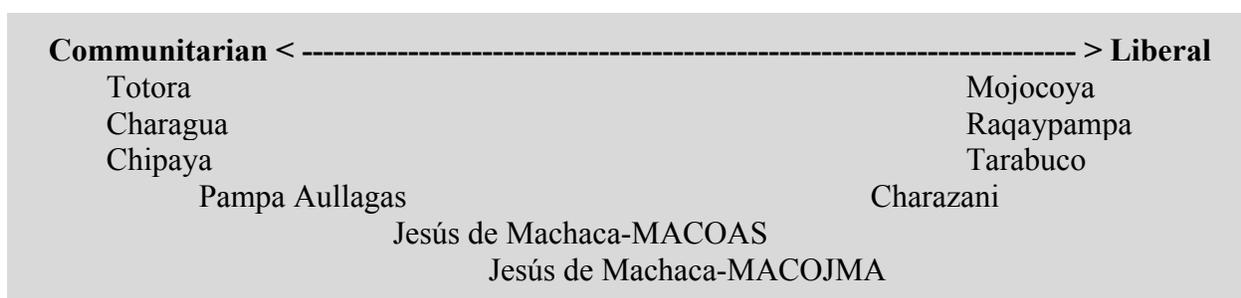
|   |
|---|
| <p><u><i>Liberal-municipalist characteristics</i></u></p> <ul style="list-style-type: none"> <li>i. A strong recognition of and deference to the central state</li> <li>ii. Maintenance of executive-administrative and legislative institutions, born of the system of municipalities</li> <li>iii. Territorial delimitations based on municipal structure (from 1994 Law of Popular Participation)</li> <li>iv. Control of natural resources by the central state; and focus on consultation where projects or policies could affect the territory (with little or no mention of consent)</li> </ul> <p><u><i>Communitarian characteristics</i></u></p> <ul style="list-style-type: none"> <li>v. Providing highest authority to a deliberative body that operates according to indigenous norms and procedures</li> <li>vi. Significant discursive and material expression of indigenous culture, values, and symbols</li> </ul> |
|---|

It is noteworthy – and arguably counterintuitive – that the preponderance of major characteristics of the new indigenous autonomies are of a liberal-municipal nature, rather than a communitarian one. This apparent contradiction will be explored more in Chapter IV.

However, as the above comparison of the first AIOC's statutes indicates, within the single hybrid model the distinctions are considerable enough that we can distinguish between two sub-types located at fairly discrete points along a continuum from communitarian to liberal (see Figure 4, below). At one end we find a cluster of more communitarian statutes, those of Charagua, Chipaya, Totora, and Pampa Aullagas; and on the other we can locate the liberal-

municipalist statutes of Mojocoya and the draft statute of Charazani. Both of the Jesús de Machaca draft statutes fall somewhere in between. When we expand the universe of cases further and include other statutes that are under construction (Tarabuco) or those attempting to establish indigenous autonomy through the TIOC route (Raquaypampa), we see that each of these sit closer to the liberal pole. This range is illustrated along the following communitarian-liberal continuum:

**Figure 4. Indigenous autonomies, on communitarian-liberal continuum**



From this review of the first eight autonomy statutes, several findings emerge. In broad terms, we can discern in Bolivia a hybrid model of indigenous autonomy that combines indigenous and liberal-municipal norms and procedures – although with varying designs. In terms of the structure of local government, considerable statutory power is being vested in most of the AIOC’s deliberative assemblies; however, it remains to be seen how much those bodies will effectively offset a strong executive in the day-to-day administration of the territorial entity. With regard to the selection of authorities, most of the statutes employ communitarian democratic means while others blend communitarian processes with the universal secret balloting of representative democracy, yet both arrangements are distinct from the strictly representative processes of Bolivian municipalities. In the juridical domain, there is a bifurcation between those statutes that simply assign the application of justice to the AIOC’s highest

deliberative organ, and the less frequent approach of creating a new council to deal with issues of justice. On balance, the preponderance of the autonomy statutes' features are of a liberal-municipal nature, rather than a communitarian one. However, within the single hybrid model we can distinguish between two sub-types and locate them at fairly discrete points along a continuum from communitarian to liberal. In the following chapter, these observations are combined with those of Chapter II, which together provide the empirical foundation for more a general critique of the state of indigenous rights in contemporary Bolivia.

## Chapter IV. Analysis of indigenous rights in Bolivia

Together, the 12 cases analyzed above<sup>258</sup> provide important practical and theoretical insights into the implementation of indigenous autonomy in Bolivia since the approval of the 2009 Constitution. This chapter combines the empirical findings of Chapters II and III with the broader context of indigenous politics in Bolivia to produce a comprehensive assessment of the constitutional, legal and practical changes occurring with respect to indigenous rights. In addition to the constitutionally sanctioned construction of new political units of indigenous autonomy (the AIOCs), the analysis of which lies at the heart of this dissertation, this chapter provides a critique of government policy around indigenous rights in general through a review of relevant national laws, and more specifically through an analysis of the proposed construction of a highway through the Isiboro Sécore Indigenous Territory and National Park (TIPNIS) – which was one of the most significant national political issues at the time of my research.<sup>259</sup> In turn, I analyze the trajectories of indigenous rights through (1) AIOC construction, (2) constitutional and legal reforms, and (3) the TIPNIS case, which together reveal the ways in which indigenous rights have been expanded and, subsequently, limited – both procedurally and substantively – and the evident reasons for these contradictory moves.

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<sup>258</sup> The 12 cases include the seven AIOCs assessed in Chapter III (which have drafted and approved eight autonomy statutes), the four municipalities that are either at an earlier stage of statute elaboration or where the process is effectively suspended, and the negative case of Curahuara de Carangas.

<sup>259</sup> The significance of the highway can only be understood by recognizing the history of hard-fought struggles for indigenous control of territory in the lowlands, which the government violated by planning, approving, obtaining financing for, and commencing with the construction of the highway without first consulting or seeking the consent of affected indigenous communities that lived in the TCO known as the TIPNIS. In terms of the issue's resonance with much of the general population, I hypothesize that the government's obstinance in reconsidering the project in the face of spirited local resistance to the highway highlighted, more than any other political issue, the broad distance between the government's commonplace pro-indigenous discourse and the actual political practices of the MAS. Public criticism of this government priority hardened after the September 2011 assault on the VIII Indigenous March, in which the government employed police repression with a brutality that contradicted the MAS's narrative that it functions as a political instrument of social movements.

## **Indigenous autonomy**

In light of the empirical observations from the last two chapters, we are now poised to answer a series of questions about indigenous autonomy in Bolivia. This analysis pushes beyond the findings in those chapters to ask more generally: (1) How are communitarian and liberal norms coexisting and colliding in the construction of indigenous autonomy? (2) Why have some AIOC processes advanced more rapidly than others? (3) What has been the role of the central government, the MAS Party, and accompanying NGOs in these processes? (4) Why have only a small percentage of municipalities and indigenous territories pursued conversion to AIOCs to date? How many others – beyond the first 11 – have contemplated or initiated conversion, and to what effect?

### *1. How are communitarian and liberal norms coexisting and colliding in the construction of indigenous autonomy?*

From Chapter III, we have developed an understanding of the distinctly Bolivian hybrid model of indigenous autonomy, divisible into two somewhat distinct subtypes, that is being constructed in various localities across the country. On the one hand, this reveals the commonality of hybridization across the range of cases – a hybridization that exhibits both communitarian and liberal characteristics, yet one that can, on balance, be located closer to a liberal pole. The new institutions of indigenous autonomy bear many liberal-municipal features principally because they have been designed within a constitutional and legal framework that demands as much, and because of the presence of government and NGO *técnicos* that have continuously reinforced the importance of consistency with that framework. On the other hand, the Bolivian model of

indigenous autonomy shows variation among those cases, in which some are more communitarian and others are more liberal or municipalist.

Indigenous autonomy in Bolivia reveals both a tension between and coexistence of liberalism and communitarianism. With regard to tensions, the process of AIOC construction has featured a collision of indigenous and liberal conventions. Most prominently, through the extensive intervention by bureaucrats of the central government, Ministry-contracted *técnicos* (by way of the PDCR), political parties, and non-governmental organizations, a series of norms, procedures and institutions of municipal and liberal origins have been inserted into the processes of statute elaboration.<sup>260</sup> While these impositions often reflected the Bolivian constitutional and legal framework, the framework itself is a product of recent political decisions at the level of the central government, most significantly in the passage of the *Ley Marco* and *Ley Deslinde*. The constraints these laws placed on the possibilities for indigenous autonomy appear to contradict the Constitution's recognition of the pre-existence of indigenous peoples (Article 2), as the laws treat the Constitution as foundational for all rights and laws, normatively *prior* to the articulation of any form of indigenous self-governance. Among the clearest illustrations of this is the TCP's instruction to Totora and Charagua to strike from their autonomy statutes the self-referential words "fundamental" and "highest law," respectively, as such terms can only be applied to the Constitution. Tension between liberalism and communitarianism is also evident in the imposition of liberal textual norms to codify indigenous procedures that are fundamentally oral. While this is not a point of contention I encountered in the course of my research, there is an irony to the written codification of oral traditions, considering the act of elaborating a written

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<sup>260</sup> A spokesperson for CONAMAQ claimed that *técnicos* played a significant role in all of the processes of AIOC statute elaboration; interview in La Paz, November 6, 2013.

text is the means by which indigenous nations establish self-governance as legitimate – in the eyes of the state.

Where contradictions appear most dramatically is in the realm of jurisprudence, in which the systems of “ordinary” and indigenous justice are constructed as coexisting. The principal issue is the modest space permitted for indigenous systems of justice, for which the *Ley Deslinde* grants authority over only minor crimes. One former government consultant remarked that the law puts such strenuous limitations on the practice of indigenous justice that it permits indigenous peoples to only be able to adjudicate “the theft of cattle.”<sup>261</sup> In the same vein, Canadian scholar John Cameron, who has accompanied the process of elaborating autonomy statutes in several converting municipalities, chided that the joke in the countryside is that indigenous justice can only be applied to stealing chickens.<sup>262</sup> Exaggeration aside, these laments reflect the commonly encountered critique that the *Ley Deslinde* puts severe restraints on indigenous systems of justice. Additionally, an interesting paradox has emerged as indigenous justice is constitutionally authorized in both AIOCs and non-AIOC indigenous communities. While indigenous autonomies are required to codify and textually record their structure and provisions for indigenous justice, those indigenous communities that implement justice outside of an AIOC context are not obligated to codify and textualize their justice system, and thus enjoy greater flexibility in their juridical structures and norms, and they may maintain their system of justice verbally. In other words, in the realm of justice, those indigenous peoples seeking to exercise pro-colonial systems of governance by conversion to AIOC status find themselves, counter-intuitively, more tightly committed to legal practices of non-native origin: the written codification of norms, and a certain rigidity in juridical structure. Meanwhile, in the cases of

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<sup>261</sup> From November 4, 2013 interview, in La Paz.

<sup>262</sup> From November 24, 2011 presentation in Cochabamba.

Mojocoya and Charazani, the system of indigenous justice, as proposed by their autonomy statutes, will be overseen by new councils, independent from other authorities and governance bodies, in a separation of powers that bears a closer resemblance to liberal than communal structures.

Each of these tensions will, of course, play out further as AIOCs are approved and enter into daily practice. One major question that remains to be seen is the extent to which deliberative assemblies will be able to influence or control local governance. In Chapter III, we observed that most of the autonomy statutes establish deliberative assemblies as the AIOC's highest authorities, yet, due to the time, staffing and budgetary resources at the executives' disposal, they may remain secondary players to the hegemony of the executive (as seen in the "indigenous municipality" of Jesús de Machaca since 2004). A third scenario is a type of institutional hybridity that productively fuses the deliberative power of autochthonous assemblies and municipal forms of governance.

The possibility of a collaboration between deliberative and executive organs points to coexistence of communitarian and liberal norms, which I observe as a much more through-going trend across each of the themes through which indigenous rights are analyzed in this study: citizenship, democracy, and institutions. The autonomy statutes uphold the constitution's individual and collective rights and responsibilities of national-level citizenship, but place them alongside newly articulated communitarian rights and responsibilities, including access to land and collective work obligations. In terms of democracy, in some cases local processes of authority selection blend pre-colonial norms with universal secret balloting; meanwhile, those living within the new AIOCs will maintain the right to vote (secretly, universally) in national and departmental elections. And with regard to institutions, liberal institutions of executive and

legislative authority are combined with deliberative assemblies of autochthonous origins, and in almost all instances, these institutions have been assigned indigenous titles. While the presence of a municipal-styled legislative body was accepted in all of the statutes, in more than half of them, the received arrangement of five councilors was adjusted upward to have more representatives (between six and 12), reflecting the community's preferences. Institutionally, the structures proposed by the statute of Mojoycoya are of particular interest in that prominent roles are assigned to a specific entity – the peasant union, which proliferated after the 1952 Revolution – that was created within a colonial and assimilationist context. In fact, the institutions and norms prescribed for Mojoycoya often deviate from the pre-colonial forms of organization one might expect to find in an indigenous autonomy. This incorporation of the *sindicato* into Mojoycoya's institutions of indigenous self-governance illustrates how difficult it can be to specify “indigenous” norms and procedures in colonial or post-colonial settings, indicating that – just as we have observed with cultural forms like language, belief systems, and modes of identification<sup>263</sup> – what counts as indigenous *normas y procedimientos* is malleable and subject to hybridization. This observation is consistent with Eisenstadt's (2011) research in Mexico, in which he found that *usos y costumbres* among indigenous communities in Oaxaca and Chiapas were flexible, with the capacity to integrate both communitarian and individualistic orientations.

The most optimistic reading of this encounter between liberal and communitarian modes follows García Linera (2011), who posits that the MAS's universalistic project (in the country's general interest) and the particular interests of certain sectors (e.g. indigenous groups) exist in “creative tension” – a dialectical relationship of productive social forces. Seen this way, both the

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<sup>263</sup> Distinctions in modes of identification involve a community's preferred terms for indigeneity (*indígena* or *originario* or *campesino*), as well as whether that identity is understood as being based on nationhood, culture, or being a people, as illustrated by the type of subject each autonomy statute identified as animating the AIOCs – a nation *or* peoples *or* culture(s).

universal and particular benefit, and both are transformed in the process. Conversely, some argue that the putative universality of liberalism – as expressed by the municipal structure – remains dominant in the elaborated statutes, subverting indigenous aspirations; this is expressed in the oft-heard critique that the AIOCs are merely “municipalities dressed in ponchos,” *municipios con ponchos*,<sup>264</sup> or that the changes to the municipal system may merely be “plurinational adornments.”<sup>265</sup> Somewhere between these narratives, the empirical analysis of the AIOCs under construction indicates that institutional hybridization is occurring. This hybridization is more than the negligible adornment of rebranded municipalities, but to exalt it as a dialectical and productive transformation claims too much. Rather, it signifies the attainment of a modest degree of local control by indigenous agents, yet these practical gains are occurring within the greater enactment of Foucauldian governmentality by which indigenous peoples have agreed to embrace and further the goals of the state.

## *2. Why have some AIOCs advanced more rapidly than others?*

As discussed in Chapters II and III, of the 11 municipalities that approved conversion to indigenous autonomy in the December 2009 referendum, seven had traversed the process of drafting autonomy statutes by mid-2012, while the remainder were at an earlier stage of elaboration (or had failed to begin at all). Of the first seven AIOCs to elaborate their statutes,<sup>266</sup> the autonomous assemblies of five were also able to approve their autonomy statutes by May 2012: Totorá, Chipaya, Mojocoya, Pampa Aullagas, and Charagua. Here, I analyze why those

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<sup>264</sup> This was articulated, for example, during one meeting of NGO staff by a woman who observed that many people are very critical of the perceived lack of significant changes in AIOC structure: “Now, indigenous first peoples peasant autonomy is municipal autonomy, but with a poncho”; meeting in Sucre, October 25, 2013 (translation by author). The term was also used by a NGO staff member during a November 23, 2011 meeting near Cochabamba.

<sup>265</sup> Comment by John Cameron at November 24, 2011 presentation in Cochabamba.

<sup>266</sup> More recently, statutes have been approved in Huacaya and, controversially, in Tarabuco; these were completed too late for inclusion in the present analysis.

five advanced the most quickly. I find that those outcomes reflect the correlation of local political forces; more specifically, statute elaboration and approval was most effectively achieved where the municipality's dominant indigenous agents were politically united.<sup>267</sup>

Several political, cultural-demographic, geographic, or socio-economic hypotheses for the relative rates of statute elaboration were plausible, yet none of these are supported by the 11 cases. Among a wide range of possible explanations that I have considered, several seemed to offer promising explanations for the rapid advance of statute elaboration and approval in some municipalities but not others. A leading hypothesis was that effective statute approval was a consequence of a municipality's relative ethnic homogeneity. The logic would be that municipalities with only a single indigenous group or a relatively uniform mode of identification (as indigenous or peasant) would have a shared understanding of who they are as a people, yielding a smoother process of elaboration. For example, Mojocoya is comprised by people with fairly uniform Quechua and *campesino* identities, and residents of Chipaya are almost all of the millennial Uru peoples (97.1%). Conversely, the presence of both *ayllus* and *sindicatos* is divisive in places like Chayanta, where an autonomous assembly has not been convened, and in Charazani, which has elaborated a statute but been unable to approve it due to the intractable question of the AIOC's seat of government. However, this explanation is undermined by the cases of Jesús de Machaca and Charagua. In the former, indigenous peoples (mostly Aymara) constitute 95.7% of the population and almost the entirety of the municipality is organized as *ayllus*; however, statute approval stalled over internal political differences. There is a small Uru Iruitu community, but its preferences did not factor in the breakdown in the statute's advance. In

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<sup>267</sup> It bears noting that statute elaboration and approval alone does not signify that the process has been successful; indeed, statutes may fail to win majority approval when they are brought back to local voters in a second referendum. However, the ability of a representative autonomous assembly to achieve statute approval is among the clearest indicators that the subsequent referendum will pass, and it is a prerequisite for the realization of indigenous autonomy.

the latter, Charagua, only two-thirds of the population identifies as indigenous and there are pronounced political divisions between the APG, Isoleños, MAS partisans, and conservative urban sectors that support the Santa Cruz-aligned VERDES, yet its statute was one of the first five to be approved. Thus, a hypothesis based on ethnic homogeneity or a common mode of identification is not supported.

Analyzing population and demographics also tells us little about pace of statute elaboration, whether we look at the sheer size of municipal population, the percent that self-identifies as indigenous, or distinguish between the municipalities' principal indigenous nations. First, according to 2012 census data, of the 11 municipalities, those with the highest (Charagua, 32,164 people) and lowest (Chipaya, 2003 people) number of residents both advanced rapidly; thus, gross population figures do not seem to be highly significant. Second, while any municipality to initiate the process of converting to an indigenous autonomy can be expected to have more than 50% indigenous population, the percentage of the population that self-identifies as indigenous does not seem to significantly influence elaboration and approval rates. Most significantly, we observe Charagua's relatively rapid approval with an indigenous population of only 67%, in contrast with slower processes in Tarabuco, Charazani, Salinas de Garcí Mendoza, and Chayanta – all with more than 90% of their population self-identifying as belonging to an indigenous nation. Lastly, the particular indigenous nation that is dominant in a municipality does not seem to be a causal factor in quick elaboration, considering approval was secured first by municipalities dominated by Uru (Chipaya), Aymara (Totora, Pampa Aullagas), Quechua (Mojocoya) and Guaraní (Charagua) peoples.

Perhaps geography or natural resource endowment has been more consequential. In terms of geography, it is feasible either that the region of the country where a municipality is located or

distance from urban centre has had an effect on processes of elaboration. For example, we may see more rapid advance in the *altiplano*, where mostly Aymara peoples might perceive or receive greater support from the government (due to proximity to the administrative centre of La Paz or a president that identifies as Aymara). Yet the first five municipalities to approve statutes come from a mix of the highlands (Chipaya, Titora and Pampa Aullagas), valleys (Mojocoya), and lowlands (Charagua), while the two most protracted cases are split between the highlands (Salinas de Garcí Mendoza) and the valleys (Chayanta). In terms of distance from an urban centre, as outlined in Table 7 (Chapter II), the municipalities that approved statutes most rapidly range from 2.5 to 6 hours from the nearest city by bus or van – the most common form of transportation local residents are likely to use. Meanwhile, those municipalities where statute elaboration has advanced the least, Chayanta and Salinas de Garcí Mendoza, are 3.5 and 4 hours from urban centres, respectively. Tarabuco and Huacaya, which completed their statutes later than the first five, lie 1.5 and 10 hours from urban centres. Thus there seems to be little discernible pattern between the pace of statute elaboration and remoteness. With regard to natural resources, we are mainly concerned with distinctions in non-agricultural resources – minerals and hydrocarbons – since an agricultural base is held constant across all 11 rural municipalities. And again, we see an inconclusive distribution of non-renewable natural resource presence in the first five municipalities: significant natural gas reserves being actively exploited in Charagua, minor/potential reserves of minerals or hydrocarbons in Chipaya, Titora and Pampa Aullagas, and no significant reserves in Mojocoya. Meanwhile, those elaborating statutes more slowly also have varying degrees of natural resource endowments. Overall, geographical and natural resource factors do not appear to have had a significant bearing on statute elaboration.

Have socio-economic factors somehow played a role in influencing the pace of statute approval? It might be possible that high levels of poverty or social vulnerability, low human development, or greater inequality have slowed the pace of elaboration because resources or capacities were limited and unable to support the functions of the autonomous assemblies, or otherwise created unpropitious conditions. The comparison provided in Table 6 (Chapter II) indicates otherwise: there is not a clear pattern that distinguishes the rapid elaborators from the slower ones. The first five municipalities to approve autonomy statutes have a mix of relatively high and low scores per education index (0.55 in Mojocoya to 0.69 in Totorá); inequality index (0.357 in Mojocoya to 0.125 in Totorá); illiteracy rate (13.9% in Mojocoya to Chipaya 2%); and HDI ranking (0.497 in Mojocoya to 0.568 in Charagua). Moreover, for each of these indicators, the five rapid elaborating municipalities are relatively comparable with the six slower or stalled processes, yielding no discernible pattern of notably higher or lower scores. Nor do rates of poverty or social vulnerability – with few exceptions, high across the 11 municipalities<sup>268</sup> – correlate with pace of elaboration (Ministry of Autonomies 2010). Rather, what becomes clear is that three municipalities consistently performed poorly across socio-economic indicators: Chayanta, Tarabuco, and Mojocoya. This includes the least advanced municipality (Chayanta), a moderate case (Tarabuco), and an early elaborator (Mojocoya).<sup>269</sup> More generally, the 11

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<sup>268</sup> The notable exceptions are Jesús de Machaca and Charagua's relatively low levels of social vulnerability, ranking 125 and 148, respectively, out of 327 municipalities evaluated nationally.

<sup>269</sup> Although no general pattern in socio-economic indicators seems to have influenced the pace of elaboration, one trend is interesting – in life expectancy. Rapid elaborators have a consistently longer average life expectancy (59.3 years) than municipalities where the process is slower (55.5 years) – a difference of 3.8 years. However, this is partial due to Chayanta's extremely low life expectancy of 51.1 years. If Chayanta is excluded, the average of this group is 56.7, only 2.6 years behind the rapid elaborators. Moreover, all 11 municipalities fell below the national average life expectancy in 2001: 63.3 years.

municipalities uniformly score below the national average in indicators for HDI, education, and life expectancy, while they all have a lesser degree of inequality than the national average.<sup>270</sup>

While none of these explanations stand up to empirical scrutiny, a correlation of local forces argument does. However, although the overall balance of political agents in the municipality is a relevant consideration, it is more significant to specify the correlation of indigenous forces. The cases explored in Chapters II and III indicate that a united front of a municipality's indigenous organizations is most consequential for the rapid advance of the AIOC. This is perhaps better cast through a negative framing: statute elaboration and approval was not impeded where the municipality was not deeply divided between distinct indigenous-peasant sectors. When there are major differences among indigenous organizations – between the *ayllus* and the peasant unions in Tarabuco, Charazani and Chayanta, between the MAS and MAJOJMA in Jesús de Machaca, or between the divergent *markas* in Salinas de Garcí Mendoza – the process of constructing indigenous autonomy ran into obstacles. As several of these cases indicate, elaboration of indigenous autonomy is more likely to be impeded where there exists more than one prominent organization that embody modes of indigenous identification – namely as *campesinos* and as *indígena* or *originario*. Thus, where municipalities seek to convert into AIOCs, it appears to be more consequential (and problematic) if the process must reconcile multiple modes of identification, as opposed to whether a municipality is predominantly comprised of peasant unions *or* pre-colonial institutions like *ayllus* or *capitanías*.

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<sup>270</sup> According to the UNDP, there is a positive correlation between lower HDI scores and higher municipal populations that identify as indigenous in the western highlands and central valleys, as well as a positive relationship between low HDI score and the rurality of a given municipality (UNDP 2004). The average HDI score is 0.495 in the 88 rural municipalities of the central valleys (where there is an indigenous population of 78%); 0.516 in the 94 rural municipalities of the western highlands (94% indigenous); and 0.568 in the 60 rural municipalities in the eastern lowlands (42% indigenous), as compared to average HDI scores in the country's 72 more urban municipalities, which range from 0.609-0.700 (UNDP 2004: 28).

Barriers to statute elaboration often took the form of lack of support from the municipal government and the attendant difficulties in achieving quorum (in Tarabuco and Huacaya), which in some cases turned to outright obfuscation (in Charagua and Jesús de Machaca). In the case of Charagua, the dominant local indigenous organization (the APG) was strong enough to overcome municipal obstacles; however, it remains to be seen if they will sustain their momentum and win approval of Charagua's autonomy statute in the coming referendum vote.<sup>271</sup> Both Tarabuco and Huacaya eventually also overcame their difficulties in reaching quorum and approved statutes, yet not without protracted delays and uncertainty, reflecting the relative lack of symbolic capital of the *ayllus* vis-à-vis Tarabuco's Centralía or Guaraní groups facing a hostile *alcalde* in Huacaya – in contrast with the formidable APG in Charagua.

Meanwhile, the most rapid advance of statutes occurred in contexts of significant political unity by the dominant indigenous organization. In Mojocoya, this was the hegemonic Sub Centralía, while in Chipaya, Totorá and Pampa Aullagas, *ayllus* drove the process forward, as illustrated by the *mallkus* of Totorá's active participation in the process. It is highly indicative that in the latter three cases, the municipalities are each comprised of a single TIOC, suggesting a relatively high degree of unification among local indigenous actors. In contrast, the four TIOCs and five *markas* in Salinas de Garcí Mendoza fractured, resulting in two statutes being elaborated – one by the Salinas Marka, and one by the other four *markas*. Although the *markas* of Salinas de Garcí Mendoza, like the *ayllus* of Jesús de Machaca, represented a single sector with relatively homogenous modes of organization, political differences in those municipalities have blocked indigenous autonomy's advance.

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<sup>271</sup> As discussed in Chapter II, the outcome of Charagua's autonomy statute hinges significantly on the disposition of Ioseños at the time of the referendum vote.

3. *What has been the role of the central government, the MAS Party and non-governmental organizations in the construction of indigenous autonomy?*

As the previous two chapters have illustrated, external agents played significant roles in the elaboration of indigenous autonomy in the pilot AIOCs. Key among these agents were the central government, its contracted consultants (*técnicos*), political parties (most importantly the MAS), and non-governmental organizations like CIPCA and the Fundación TIERRA. The roles of these entities have rarely been one-dimensional and cannot be easily caricatured as either benevolent accompaniment or nefarious subversion. Somewhere between the two, external agents have contributed distinct blends of pressures, resources, and ideas to local processes that have had concrete effects. Most importantly, these interventions have effectively encouraged indigenous autonomies to embed and align themselves within the country's legal framework, which has produced a distinctively Bolivian model for indigenous autonomy. Throughout these processes, the central government has been notable both in its presence and its absence. On the one hand, it has intervened in the processes through the Ministry of Autonomies' own staff and contracted consultants; on the other, the state has frequently failed to support the elaboration and *socialización* of autonomy statutes in various ways. Both are described below. This section analyzes both the nature and effects of external influences into these local processes, and neglect of them, giving particular attention to the central government's changing disposition toward indigenous autonomy from 2009 to 2013.

It is important to acknowledge that the fact that AIOCs exist at all is a product of the central government's (and the MAS's) past support for indigenous spaces of self-governance, especially up to and including the drafting of the 2009 Constitution. Yet, since that time, the MAS government has progressively adopted an ambivalence toward indigenous autonomy, acting as

much to limit these spaces as it has to support them. As elaborated in Chapter II, the MAS's changing disposition toward indigenous autonomy is attributable to its changing role, from opposition to elected government, the national correlation of forces to which the party responds, the party's evolving political economic orientation (towards resource nationalism).

Consequently, the construction of AIOCs has become a lower of a priority for the MAS's leadership nationally. Beyond the Ministry of Autonomies and the associated PDCR unit – whose mandate and contracts were established prior to the diminution of MAS support for indigenous autonomy – a general lack of state support for the construction of indigenous autonomy is evident. This absence of state support appears to be both a matter of lack of political will and of scarce resources. In terms of latter, Bolivia has historically been characterized by a weak state with insufficient financial and technical resources to implement official programs. This situation has been sustained across the corporatism of the MNR (1952-64), the Military-Peasant Pact until the mid-1970s, and neoliberalism from 1985 to 2005. Since May of 2006, Bolivia has benefited from a notable increase in government revenues as a consequence of the restructuring of the hydrocarbon sector, accompanied by high international prices for the minerals Bolivia exports. Nonetheless, state agencies and ministries continue to suffer from insufficient funds and personnel, complicated by poorly functioning and sometimes corrupt bureaucracies. Some Ministry of Autonomies officials that work in the AIOC section expressed that they have insufficient capacity to carry out their legal mandates.<sup>272</sup> This means, in turn, that the Ministry has been ill-equipped to fund the autonomous assembly meetings in which statutes

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<sup>272</sup> For example, one Ministry of Autonomies official expressed of their regional office: “Unfortunately, the Ministry does not have the institutional capacity to cover the [converting] municipalities”; from interview in Sucre, February 29, 2012 (author's translation). At a April 25, 2013, meeting held by the Ministry of Autonomies on the topic of converting to AIOC, a Ministry representative responded to a question about whether there is economic support for the process: “Within the Ministry, there is a directorate with a budget to support these processes; moreover, the directorate coordinates with the Inter-institutional Platform. There is a specific budget but it is very limited. Municipalities should also support these processes”; field notes from meeting in Cochabamba by John Cameron (author's translation).

are being elaborated or for *socialización*, especially in more remote rural communities. Non-governmental organizations that the Ministry has brought together under the umbrella of the Inter-Institutional Platform of Support for the AIOCs (the *Plataforma*) have filled part of this gap by providing financing for transportation to meetings, as well as food and accommodations, although this support is uneven across the AIOCs (*Memoria, Reunión de la Plataforma* 2012).

Autonomous assembly members have participated in multi-day sessions without remuneration, which has constituted a financial burden for many and contributed to considerable turnover in various assemblies.<sup>273</sup> According to the leader of one Guaraní *capitanía* in Charagua, lack of financial resources slowed statute elaboration there,<sup>274</sup> and an account by a member of CONAIOC's directorate described statute elaboration in Huacaya as slow due to "lack of economic resources for its sessions."<sup>275</sup> This investigation was unable to ascertain how widespread these difficulties have been, or to discern how they varied across the 11 municipalities. Also underfunded is the National Coordinator of the AIOCs (CONAIOC), which brings together leaders of the 11 AIOCs to coordinate and "consolidate the process of implementation" of indigenous autonomy (CONAIOC 2012: 1). One CONAIOC leader also expressed to me his frustration with the lack of interaction with the NGOs of the *Plataforma*. Within the Ministry of Autonomies, and more specifically the AIOC unit, some key staff appointments have been criticized by observers as too junior and inexperienced to generate the political traction necessary to move the Ministry's agenda; and the replacement of much of the AIOC unit's staff in late 2011 damaged institutional continuity. If these problems have plagued

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<sup>273</sup> In 2013, Minister of Autonomies and Decentralization Claudia Peña emphasized that the lack of pay for work in autonomous assemblies was causing economic hardships for assembly members in many of the converting municipalities (*La Razón* 2013a).

<sup>274</sup> From interview in Charagua, March 9, 2012.

<sup>275</sup> From interview with member of CONAIOC's directorate in Charagua; March 6, 2012.

the Ministry of Autonomies, it remains the only ministry significantly committed to supporting the construction of indigenous autonomy.

Beyond the question of necessary resources, however, the lack of political will by the central government has been a significant impediment to indigenous autonomy.<sup>276</sup> This can be seen most evidently in the government's delayed commencement of the Constitution's second principal route for the construction of indigenous autonomy, the conversion of TIOCs into indigenous autonomies, despite demonstrated interest among numerous TIOCs in becoming AIOCs. On May 10, 2012, more than three years after the Constitution outlined the TIOC path for accessing indigenous autonomy, the Supreme Electoral Court (Tribunal Supremo Electoral, TSE) approved Resolution 0075/2012, the *Reglamento de Supervisión del Acceso a las Autonomías Indígena Originario Campesinas*, establishing the regulatory framework by which TIOC conversion could occur. This novel process was explained in detail during a seminar in Cochabamba on April 25, 2013, hosted by the Ministry of Autonomies. There, the Ministry's Director of the AIOC Direction Alejandro Vargas and junior staffers explained to an audience of over 100 indigenous representatives from across Bolivia how municipalities and TIOCs could access indigenous autonomy. Through a PowerPoint presentation, Ministry of Autonomies staff person Andrea Guzmán outlined the steps municipalities and TIOCs must navigate in order to convert to AIOCs, 15 and 14 steps respectively (Ministry of Autonomies 2013). She explained three important distinctions between the two routes: (1) municipalities must hold a referendum to initiate the process, while TIOCs may hold consultations, *consultas*, according to *normas y procedimientos propios*, (2) TIOCs must also obtain a Certificate of Government Viability and

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<sup>276</sup> This point was emphasized by a prominent indigenous scholar during an interview in La Paz, May 1, 2012.

Population Base from the Ministry of Autonomies,<sup>277</sup> and (3) in the case of TIOCs, near the end of the process (step #11), the Plurinational Legislative Assembly must then approve the creation of the new territorial unit (Ministry of Autonomies 2013). During the question and answer portion of the presentation, one Ministry of Autonomies official emphasized that communities that did not strictly follow the process could encounter problems: “What we recommend is that you not begin the next stage without completing the previous steps, or you might waste a lot of money and effort.”<sup>278</sup> Several indigenous representatives of TIOCs in attendance expressed clear frustration with the complexity of the bureaucratic requirements they would have to navigate to convert TIOCs into indigenous autonomies, commenting that there appeared to be a deliberate imposition of additional requirements intended to retard or impede access to indigenous autonomy.<sup>279</sup> Adrian Aspi, former mayor of Jesús de Machaca, expressed, “It seems that you are introducing new requirements to become an AIOC. At this rate we will not ever arrive to the AIOC.”<sup>280</sup> In his impassioned response, Vargas grew visibly angry, imploring the participants: “Do not blame the Ministry when the fault lies with the mayor. You have to solve this in your own communities. Then, identify carefully who is your enemy.”<sup>281</sup>

Meanwhile, it remains unclear whether and how additional municipalities, beyond the initial 11 that voted to convert in December of 2009, can pursue indigenous autonomy. According to one Ministry of Autonomies official, municipalities need not wait until the national government

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<sup>277</sup> In order to obtain a Certificate of Government Viability and Population Base, TIOCs must demonstrate to the satisfaction of the Ministry that they have a cohesive organizational structure that comprises all of the organizations in the territory, a territorial plan with financial and institutional strategies, and a sufficient population base – 10,000 inhabitants in the highlands, and 1000 inhabitants in the case of minority indigenous populations (*Ley Marco de Autonomías y Descentralización* 2010; *Reglamento para la Emisión de Certificación de Viabilidad Gubernativa y Verificación de Base Poblacional Via TIOC* 2013).

<sup>278</sup> From personal communication with John Cameron, July 3, 2013, and review of his notes from the April 25, 2013 meeting (author’s translation).

<sup>279</sup> Ibid.

<sup>280</sup> Ibid.

<sup>281</sup> Ibid. Vargas’s remark about the mayor is a clear reference to Moisés Quizo, the MAS-affiliated *Alcalde* of Jesús de Machaca.

call a new plebiscite; they can opt to hold their own referendum on conversion any time they wish.<sup>282</sup> However, the government has not promoted this option, and without support from the government it is unlikely that many municipalities would have the resources to stage an election on the question; moreover, it is not clear that the central government would recognize the outcome of such a vote.

Many perceive that the regulatory hurdles and procedural uncertainty are simply expressions of Morales's and the MAS's waning enthusiasm for indigenous autonomy (Garcés 2011; Tockman and Cameron 2014). One spokesperson for CONAMAQ opined, for example, that the central government lacks the "political will to support the theme of indigenous autonomy," accusing it of employing a "delaying strategy" with the objective of having authority selection continue to occur through elections by way of universal balloting, rather than communitarian processes.<sup>283</sup> He emphasized that the government feared that indigenous autonomies would gain greater rights over land and territory, and be able to more effectively demand prior consultation, *consulta previa*, over projects that affect them, including those involving natural resources.<sup>284</sup> At the Ministry of Autonomies seminar of April 2013 in Cochabamba, an indigenous participant from Jesús de Machaca expressed:

I will ask the question that should be on everyone's lips but nobody wants to say: What is the basis of all of these requirements to become an AIOC? Why are there so many requirements when the CPE recognizes us? Why does the Ministry of Autonomies have to certify the viability of territories? With all these requirements, do they want to hasten access to the AIOC *or do they want to place obstacles in its way?* (author's translation, emphasis added)<sup>285</sup>

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<sup>282</sup> From interview in Sucre, February 29, 2012.

<sup>283</sup> From interview with staff member of CONAMAQ, November 6, 2013.

<sup>284</sup> Ibid.

<sup>285</sup> From Cameron field notes, April 25, 2013.

Another indigenous representative, from the municipality of Salinas de Garcí Mendoza, commented, “There has not been progress on the theme of the AIOC; it places new requirements and conditions. It is not self-determination.”<sup>286</sup> And a representative of CIDOB’s leadership lamented: “There are many requirements. As one fulfills a requirement, the government creates another requirement, in order to not advance the process.”<sup>287</sup>

The central government and MAS’s ambivalence toward indigenous autonomy has been on display during President Morales’s several public appearances in relation to indigenous autonomy. In Charagua, on November 3, 2009, when Morales was the featured speaker at a campaign rally one month before the municipality was to vote on indigenous autonomy, the president did not explicitly refer to the referendum or encourage those in attendance to vote “yes.” At a May 23, 2012, event in Mojocoya during which Morales formally received the municipality’s statute, he again did not acknowledge indigenous autonomy. When he similarly received the approved statute of indigenous autonomy for Chipaya on December 27, 2011, President Morales *did* speak about indigenous autonomy, yet he took that occasion to warn that the conversion to indigenous autonomy does not provide indigenous peoples with control of natural resources – which remains the domain of the central government. These omissions and assertions suggest that for Morales, indigenous autonomy is at best a low priority, and at worst a problematic proposition that needs to be carefully controlled.

Obstacles and opposition to indigenous autonomy have come from those affiliated with the MAS, both nationally and locally, although the logic of the opposition appears to be distinct across levels of government. Nationally, MAS opposition generally has a more strategic and ideological character, privileging projects perceived as furthering nationalist development and

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<sup>286</sup> Field notes of John Cameron, Ministry of Autonomies meeting, April 25, 2013 (author’s translation).

<sup>287</sup> From interview in Santa Cruz, March 5, 2012.

state integration over local priorities or self-governance. Beyond questions of development and natural resource priorities, however, there appears to be a significant preoccupation among national-level MAS leaders with losing votes and local elections. This was evident in the party's campaigns against indigenous autonomy in the lead-up to the December 2009 elections, in which MAS partisans spread incorrect rumors that converting to an AIOC would lead to higher taxes and loss of transfer payments from the national government (Cameron 2010b). Meanwhile, where local actors affiliated with the MAS have campaigned against indigenous autonomy, that opposition has generally been a product of local power struggles born of the correlation of forces: the political actors within a given community. For example, in both Jesús de Machaca and Chayanta in April 2010, the MAS ran candidates against and defeated those chosen through community assemblies according to *normas y procedimientos propios*, casting doubt on the autonomy processes underway there. In Jesús de Machaca, local-level MAS leaders – who had not previously been MAS militants, but embraced the party banner once the MAS achieved national-level success – have impeded the elaboration of autonomy statutes,<sup>288</sup> with the intended and likely result of extending their terms as mayor and councilor from approximately two to five years. In Charagua, as discussed in Chapter II, the MAS did not collaborate with local leaders of the APG, with the effect of dividing indigenous and progressive voters, enabling the right-wing VERDES Party to win the *alcaldía*. As the municipality undertook its conversion to indigenous autonomy, it was thus governed by a mayor hostile to their goals. Subsequently, the two MAS municipal councilors did not collaborate with the one APG councilor, who swung his support to the VERDES Party, giving it a majority on the municipal council. As a consequence, the elaboration of Charagua's autonomy statute was delayed, local opposition remains substantial,

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<sup>288</sup> According to one former government consultant, the MAS is the principal force in Jesús de Machaca opposed to the consolidation of indigenous autonomy; from interview in La Paz, November 4, 2013.

and it is uncertain that residents will vote to accept the autonomy statute when it is final presented by way of referendum.<sup>289</sup>

Where the central government *has* been actively involved in AIOC processes – again largely from the Ministry of Autonomies and its PDCR consultants – it has both helped and hindered them. As detailed in the case studies of Mojocoya, Tarabuco, and Charagua (Chapter II), *técnicos* intervened extensively in the meetings of autonomous assemblies, and in the case of Mojocoya served as primary agents of *socialización* of the autonomy statute, explaining to residents of remote communities the content and rationale of provisions the Autonomous Assembly had approved. *Técnico* involvement often exceeded the type of impartial technical advice one would expect from a process conceived of as deliberative and autonomous. However, the influence they wielded has generally been less a matter of shaping the substantive content of statutes, *per se*, than a creeping presence of a legalistic and municipalist logic that appears to constrain the scope of how local participants conceive of indigenous autonomy. As a consequence, Cameron observes, “Indigenous peoples have adapted their supposedly ‘autonomous’ community-based modes of decision-making to fit into the political opportunities created by the state,” and in doing so, “they have also become increasingly circumscribed into the managerial logic of the Bolivian state” (2010b: 12). Moreover, in some autonomous assembly committee meetings *técnicos* have numbered almost as many as assembly members, and although most *técnicos* are bilingual, they tend to shift the conversation to the language with which they are more comfortable – Spanish. One effect of this is that some autonomous assembly members end up participating in what is for them a second language.

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<sup>289</sup> From interviews with two members of Charagua’s Autonomous Assembly in Charagua, March 6, 2012, and an interview with the authority of one of Charagua’s *capitanías*, also in Charagua, March 9, 2012.

4. *Why have only a small percentage of municipalities and indigenous territories pursued conversion to AIOC to date? How many others – beyond the first 11 – have contemplated or initiated conversion, and to what effect?*

Early assessments suggested that as many as 202 municipalities might pursue conversion into AIOCs (Colque 2009: 48), considering that 215 of the 252 *altiplano* and valley municipalities have a majority indigenous population (Albó and Romero 2009; Colque 2009: 43) and that 73 of those municipalities have indigenous populations that exceed 90 percent (Albó and Romero 2009: 22). Such predictions were based on assumptions, which look increasingly unfounded, that regions with populations in which a strong majority identify as indigenous would necessarily translate into a high preference for self-governance according to pre-colonial norms and procedures. Yet the number of municipalities and indigenous territories at some stage of conversion remains quite low. Why have more municipalities, as well as indigenous territories, not yet sought to convert? How many others contemplated becoming AIOCs, began the process but encountered obstacles, or initiated processes later than the pilot municipalities?

In fact, the number of municipalities is slightly higher than the pilot 11 featured in this study, as approximately 10 other municipalities have taken various incipient or unsuccessful measures to access indigenous autonomy. Recall that in 2009, 18 municipalities initiated the process of holding a referendum on conversion. However, one-third of the municipalities were unable to fulfill one or more of the three requirements for conversion within the legally defined timeframe – from April 14 to August 24, 2009 (Tockman, Cameron and Plata 2012).<sup>290</sup> More recently, two municipalities have initiated conversion to indigenous autonomy – San Miguel de Velasco and

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<sup>290</sup> To hold a referendum on indigenous autonomy, municipalities were required to (1) collect the signatures of ten percent of the municipality's voting population, (2) provide evidence of pre-colonial occupation of the municipality, and (3) secure from the municipal council ratification of an ordinance supporting conversion – by two-thirds of the council's members (*Decreto Supremo* #231 2009).

Gutiérrez (Fundación TIERRA 2013a). Meanwhile, nine TIOCs have begun a parallel process of conversion into AIOCs, two of which have already completed autonomy statutes (Raqaypampa and Lomerío). However, at the highest count, documented cases of municipalities and indigenous territories initiating conversion entails only around 20 of the more than 200 municipalities with a population in which the majority self-identify as indigenous, and a handful of the approximately 200 TIOCs in the country – still a small percentage in both cases.<sup>291</sup> Surely, many more have contemplated conversion, such as five municipalities in Ingavi (see below); however, it would be difficult to calculate how many with any precision.

My research points to three explanations for why has there not been more interest in these new routes to indigenous autonomy. One is historical, another geographical, and the third political. First, many local indigenous peoples are content with the historic gains in local control that are a consequence of the decentralization reforms of the 1994 Law of Popular Participation, and consequently do not perceive a need for indigenous autonomy. Second, in terms of geography, the novel legal framework presents a socio-territorial obstacle to accessing indigenous autonomy due to the common situation in which pre-colonial territories are not consistent with republican boundaries (municipal or departmental limits). Third, the processes that municipalities and TIOCs are required to navigate have frequently been conflictual, marked at first by uncertainty and later by delays and divisiveness. This final factor is significantly due to the MAS's ambivalence to indigenous autonomy, reflecting its unfolding role as elected government, its evolving political economic orientation, and the correlation of forces to which it responds.

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<sup>291</sup> My calculation of approximately 20 municipalities and nine TIOCs is based on data provided by the Ministry of Autonomies, augmented by observations from interviews, and NGO and media sources. In August of 2014, CIPCA similarly calculated that 14 additional municipalities or TIOCs have initiated processes of conversion to AIOC, beyond the pilot 11 municipalities, for a total of 25 (Solíz 2014).

In terms of historical gains from decentralization, the case of Curahuara de Carangas, the only municipality to vote against AIOC conversion in 2009, seems to illustrate why many have chosen to remain within the municipal system. As we saw in Chapter II, one of the principal reasons that residents there decided to remain a municipality is that they perceived that the municipality had been managed well, delivering positive social and economic gains – as socio-economic indicators and the record of development projects indicate – following the enactment of the LPP. The municipal structure, many perceive, has served them well, or well enough, and appeared a more certain or desirable option than the novel path of indigenous autonomy. With decentralization, many indigenous people across Bolivia had already effectively gained control of local-level politics, essentially securing a form of constitutionally supported autonomy (Centellas 2013). As Centellas observes, “Municipal decentralization was a boon for the indigenous movement, as indigenous parties and candidates – who easily won control over indigenous-majority municipalities – established their credibility as legitimate, responsible political actors” (2013: 95). Moreover, we have observed how the municipal structure can be self-perpetuating, in that it tends to generate vested interests (Stinchcombe 1968) and shared expectations (Krasner 1999) among those who hold or aspire to hold office as *alcalde* or *consejal*, as exemplified by cases of Jesús de Machaca and Charagua.<sup>292</sup>

With regard to geography, the system of municipalities, and more broadly Bolivia’s departmental boundaries of earlier origins, present another limitation on the realization of indigenous autonomy, as a consequence of their general inconsistency with pre-colonial indigenous territories (with some exceptions, such as Totorá and Jesús de Machaca). A CONAMAQ representative characterized this inconsistency as “a big problem,” explaining that

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<sup>292</sup> This argument was made by a staff member of CONAMAQ (November 6, 2013), who additionally emphasized the centrality of the financing municipalities received from the central government since the implementation of the LPP.

“many ancestral territories are fragmented by municipal limits... or in many cases departmental ones.”<sup>293</sup> The municipal route for accessing indigenous autonomy is, therefore, problematic for indigenous peoples seeking to “reterritorialize” significant portions of their pre-colonial territory, such as those affiliated with CONAMAQ (Garcés 2011: 57). Also reproducing republican geographies, the Constitution prohibits autonomous regions – including indigenous AIOC regions – from crossing departmental boundaries, and obligates them to obtain the support of two-thirds of the departmental legislative assembly before any competencies are transferred to them (Article 280. I-III).<sup>294</sup> Meanwhile, the *Ley Marco* specifies that TIOCs that cross departmental boundaries may establish voluntary associations (“*mancomunidades*”), so long as they do not disrupt departmental limits (Article 29.III). Additionally, as described in the previous section, TIOCs in the process of converting into indigenous autonomies must obtain approval for creation of a new territorial unit from the Plurinational Legislative Assembly (CPE, Article 293.II). Although it is conceivable that TIOC-based indigenous autonomies could be established across departmental boundaries, many observers concur that this is unlikely to occur, as the constitutional and legal framework make departments inviolable (e.g. Fundación Tierra 2012c; Centellas 2013). Together, these restrictions present an array of obstacles to the realization of indigenous autonomy where republican boundaries cross indigenous territories, which is expressed most clearly by the case of Guaraní peoples, whose territory is divided among three departments: Santa Cruz, Chuquisaca and Tarija. Thus, we see an important geographical dimension to the politics of AIOC construction, described by a CONAMAQ staff person as a “grave” impediment to indigenous autonomy.<sup>295</sup> This points to a broader problem of indigenous

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<sup>293</sup> From interview in La Paz, November 6, 2013.

<sup>294</sup> Garcés (2011) dismissed as virtually impossible the scenario of departmental authorities ceding territory and authority to an autonomous region.

<sup>295</sup> From interview in La Paz, November 6, 2013.

representation where migration within countries and urbanization has been so significant, generating disjunctures between pre-colonial and contemporary demographic compositions – a reality common throughout Latin America.

Finally, as detailed at length in Chapter II, political conflicts and uncertainty surround the construction of indigenous autonomy. In 2009 and early 2010, conversion to AIOC was highly uncertain, particularly because the precise character of indigenous autonomy and the processes that municipalities would have to navigate was not known – until the *Ley Marco* was approved in July 2010. Those municipalities that were enthusiastic enough to overlook the unclear nature of what they were embarking upon had to face narrow window constraints – from April to August of 2009 – to navigate the series of bureaucratic steps necessary to trigger a referendum. Second, the difficulties encountered in the pilot AIOCs have been manifold: divisive internal conflicts, inability to achieve quorum, lack of resources, excessive government and NGO intervention, and opposition from *alcaldes* and municipal councilors with an eye toward completing five-year terms. The varying protracted conflicts that have flared in many of the pilot AIOCs have likely discouraged other municipalities where conversion was a possibility. For example, five of the seven municipalities in the province of Ingavi (those that are predominantly Aymara, in the Department of La Paz) considered conversion, but concluded that it was not worth the trouble, given the bureaucratic obstacles and lack of government support (Tockman and Cameron 2014).

Lastly, it is noteworthy that none of the country's principal indigenous and peasant organizations have been enthusiastic about this particular form of indigenous autonomy. For varying reasons, they have either been ambivalent toward or simply opposed AIOC conversion: whereas CIDOB and CONAMAQ have been disappointed with the limited character of what

indigenous autonomy entails or enables, CSUTCB and the Bartolinas do not perceive a need for indigenous peoples to be more autonomous. CIDOB is Bolivia's most prominent champion of indigenous territory and self-determination in recent decades, and thus a leading proponent of indigenous autonomy; however, they insist the government is not implementing indigenous autonomy as it had promised, including by failing to apply the very laws it had approved.<sup>296</sup> One leader of CIDOB criticized the government for not complying with provisions of the *Ley Marco*; another argued that the law was too bureaucratic and needed to be modified to speed up the process of constructing AIOCs.<sup>297</sup> CONAMAQ views the government as manipulating local processes so as to ensure that indigenous autonomies resemble municipalities.<sup>298</sup> Although they have long championed indigenous self-determination and are collaborating with those engaged in AIOC processes in seven municipalities – Tarabuco, Charazani, Pampa Aullagas, Salinas de Garcí Mendoza, Totorá, Chayanta and Chipaya – they perceive the actual processes underway as a “setback,” *un retroceso*.<sup>299</sup> The CSUTCB, meanwhile, does not view as important the project of indigenous autonomy, perceiving it instead as generating problems.<sup>300</sup> A member of the Confederation's leadership explained to me that indigenous autonomies “have not improved anything... As indigenous autonomies, we are not going to do anything,” (*no han mejorado nada... Como autonomías indígenas no vamos a hacer nada*).<sup>301</sup> Meanwhile, one leader of the National Federation of Peasant Women of Bolivia (the “Bartolinas”) explained that indigenous autonomy was not a high priority for them; while they had been gathering information on the issue, they had not yet debated it and did not have a position as of May of 2012.<sup>302</sup> Another

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<sup>296</sup> From interviews with two leaders of CIDOB, March 5, 2012.

<sup>297</sup> Ibid.

<sup>298</sup> From interview with staff member of CONAMAQ, November 6, 2013.

<sup>299</sup> Ibid.

<sup>300</sup> From interview with a secretary of the CSUTCB, April 17, 2012.

<sup>301</sup> Ibid.

<sup>302</sup> From interview with spokeswoman with the Bartolinas, May 3, 2012.

Bartolina spokeswoman expressed that the project of indigenous autonomy is divisive; rather than separate into autonomous entities, indigenous peoples and peasants “have to recognize that we are indigenous peoples; we are the same... we are all indigenous,” (*todos somos indígenas*).<sup>303</sup> Lack of serious interest in autonomy among peasant-dominant regions is reflected in the primary motivations for conversion by the two *sindicato*-based municipalities that chose to undertake it: far from recuperating *ayllus* and *markas* according to pre-colonial norms and procedures, in Tarabuco the principal agents sought conversion because they perceived it to be a MAS priority, while in Mojocoya *campesino* leaders sought to ensure that the seat of local government remain in Redención Pampa.

### **The Constitution and secondary legislation**

The descriptions and analysis provided thus far of the specific processes of constructing indigenous autonomy have set the stage for a more direct critique of the constitutional and legal framework for indigenous autonomy in Bolivia. We have seen that the 2009 Constitution opened new participatory spaces in which indigenous peoples have sought to expand local self-governance through deliberative processes that have, in some cases, created statutes that appear to accentuated the exercise of *normas y procedimientos propios*. However, the narratives of Chapters II and III have also illustrated a series of contradictions with regard to indigenous autonomy, which are both written into the Constitution itself and enhanced with secondary laws. This section analyzes how those texts have progressively constrained the spaces for indigenous autonomy – both procedurally and substantively.

The drafting of a new Constitution was a consequence of pronounced and prolonged social movement mobilizations from 2000-2005, led by indigenous and peasant peoples, among others,

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<sup>303</sup> From interview with a spokeswoman with the Bartolinas from the Department of Pando, in La Paz, May 3, 2012.

who sought to fundamentally “refound” a state that had historically and contemporaneously excluded them politically. These groups overcame long-standing divisions to form the Unity Pact in 2004, which actively participated in a broad national constitutive process. In August 2006, the alliance submitted a joint position for the “refounding” of the state – which included the new territorial unit of the AIOC – to the Constituent Assembly in Sucre, which adopted “in large part, the proposal of the Unity Pact” incorporating it into the constitutional text (Garcés 2011). The Constituent Assembly that the Unity Pact groups had called for, and which was created after the election of Evo Morales, was thus widely perceived as a “foundational political moment,” with the Constitution it drafted an “originary” document, rather than one “derived” from the old political order (Garcés 2011: 47). However, as a consequence of almost intractable divisions within the Constituent Assembly between the MAS and its allies and oppositional Assembly Members, largely from eastern *media luna* departments, that still wielded considerable political power at that time,<sup>304</sup> the product of that constituent moment, approved in December of 2007 in Oruro, was subjected to a series of Congressional revisions. Those revisions involved more than 100 chapters, through negotiations between the MAS and conservative opposition lawmakers – remnants of the old political order (Centellas 2013). The revised text, finalized in October of 2008 was a negotiated, “derivative” text that, according to Garcés, emerged from “already constituted powers rather than those rising up through social mobilization” (2011: 47). Some observers have noted that those compromises were crucial in resolving the political impasse: by “ensuring input from opposition,” the MAS was able to mollify conservative opposition to CPE enough to submit it to public referendum (Cameron, M.

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<sup>304</sup> Following four months of debating the basic rules of its own deliberation, the Assembly deadlocked on whether a simple or super-majority of two-thirds would be necessary to approve the constitutional reforms; this issue, combined with the question of the country’s capital (Sucre versus La Paz), led to a breakdown and near collapse of the Constituent Assembly’s deliberations (Centellas 2013).

2010: 17-18). Others argue that this *metiando mano* (sticking their hands into) fundamentally disarticulated the constitutive nature of the entire text (Garcés 2011). Miguel Centellas comments that the new Constitution was merely a modification of the old one: “It was also a document drafted not, in the end, by a plenipotentiary or original Constituent Assembly, but by roughly three dozen or so ranking government and opposition leaders sitting behind closed doors” (2013: 101). And Santos observes that “the constituent process, as it advanced, was changing the power relations in favor of the conservative opposition, which was only unable to claim the approval of the final text as a victory due to its political myopia” (2010: 78, translation by author). Several of the changes made by the legislature were consequential for indigenous autonomy. The revised text included a prohibition on indigenous circumscriptions crossing departmental boundaries and their restriction to rural areas where indigenous people are a minority (Article 146); the removal of language that would preclude the “ordinary” system of justice from reviewing decisions arising through communitarian justice (originally in Article 192); and non-retroactivity of new spatial limits (5000 hectares) placed on large agricultural land holdings (Article 399) (Garcés 2011).

Through the Congressional intervention into the product of the Constituent Assembly’s deliberations, we see that numerous features of the constituted political order were sustained, subverting the social movement protagonism that had motivated the constituent moment. As Centellas comments, in the end “the scope of the reforms fell below the expectations of many indigenous actors” (2013: 89). Indeed, the hopes of many Bolivian social movements of the left, and, arguably, the constitutive moment itself, became casualties of the national correlation of political forces, as the MAS calculated that compromise was necessary to blunt the *media luna*’s bellicose and separatist inclinations that could have cast a shadow of illegitimacy on the whole

process. Moving beyond the question of power dynamics, we can observe in the legislature's modifications of the Assembly's work the interplay of representative and participatory forms of democracy, in two respects: (1) in both the CPE process and product, there has been a combination of representative and participatory institutional influences toward the production of a hybrid text that emphasized the liberal *and* the communitarian, and (2) considering that it was the Congress that left the final imprint on the CPE, this particular expression of *demodiversidad* is colored by with a distinctly representative tint. I will return to these points in the conclusion.

Even as the negotiated Constitutional text opens new spaces for indigenous self-governance by authorizing indigenous autonomies, it also fundamentally constrains it. The Constitution reserves to the central government control of natural resources, especially non-renewable natural resources, including where they underlie indigenous territory: "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" (CPE 2009, Article 349). With regard to the important natural gas sector, Article 359 adds that: "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 country's hydrocarbon production 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" (CPE 2009). Thus arises one of the Constitution's internal contradictions. Although the aforementioned Articles 349 and 359 reserve exclusive dominion over natural resources to the central government, Article 403(I) reads: "The integrity of indigenous first peoples peasant 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*” (CPE 2009, emphasis added).

The central government’s indisputable control of natural resources was not accidental. The importance of state ownership of the national “patrimony” – as opposed to local or indigenous control – has been emphasized by the President himself. Morales, speaking at the December 27, 2011, ceremony in which he formally received first completed indigenous autonomy statute, that of the Uru peoples of Chipaya, clarified that, contrary to what some local agents had asserted, Articles 349 and 359 apply to the entirety of Bolivian territory, including the new AIOCs: “In the Constitution, it says that natural resources belong to the Bolivian people under the administration of the Plurinational State. In some regions, they are trying to generate confusion... some of our brothers say that, because they have indigenous first peoples autonomy they are entitled to the natural resources. [These], especially the hydrocarbons, metal and non-metal [mineral] resources, belong to the national government” (*Los Tiempos* 2011).

Process-related difficulties for indigenous autonomy occurred as a result of the tight time frame the government established in 2009 for initiatives related to indigenous autonomy, and the absence of a secondary law to specify either the process and content of indigenous autonomy. The four month and ten day window between the April 14, 2009 Transitional Electoral Law (#4021) scheduling of elections and Supreme Decree #231 August 24, 2009 deadline for solicitation of conversion to AIOC, was too brief for some to complete the necessary requirements. Furthermore, as mentioned above, because the *Ley Marco* had not yet been

approved, there was a general lack of understanding as to what would constitute indigenous autonomy. This was affirmed by Ministry of Autonomies' General Director of AIOCs Patricia Costas, who specified that in 2009, "I recall that there were not yet a clear regulations. There was no *Ley Marco*; nor was there a very clear idea of what the requirements would be."<sup>305</sup> Thus, municipalities with a high indigenous population and which may have been interested in pursuing autonomy based on their own norms and procedures were uncertain about to what they would be committing.

Most importantly, since 2009 the content of secondary legislation and administrative resolutions have progressively constrained the practice of indigenous autonomy (De La Fuente 2011). Salgado characterizes these developments as "a regression or notable brake that returns indigenous peoples to almost the same level of progress as before the approval of the 2009 Constitution" (2011: 226). A spokesperson for CIDOB similarly explained that with approval of the Constitution, CIDOB had "achieved our demand, or proposal, what we wanted... that was fulfilled. And henceforth, we have had many problems."<sup>306</sup> Among the most problematic early policies was Resolution #0363, passed by the National Electoral Court on December 21, 2009, which established that in the municipalities converting to AIOCs, local authorities elected in April 2010 would serve provisionally until such time as autonomy statutes came into effect; in failing to set a specific date, the Court created an incentive for elected *alcaldes* and municipal councilors, compelled by self-interest, to impede or slow the elaboration of autonomy statutes, the completion of which would terminate their term of office (National Electoral Court 2010,

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<sup>305</sup> From interview in La Paz, February 7, 2012. Costas' reflections occurred while she was the Ministry of Autonomies' sitting General Director of AIOCs; however, she did not hold that position in 2009 at the time that the referenda on conversion was held.

<sup>306</sup> From interview with a leader of CIDOB in Santa Cruz, March 5, 2012.

Article 28).<sup>307</sup> As we have seen, some municipal leaders have indicated that they intend to complete their five-year terms. Moreover, in moving forward with conventional elections with the standard participation of political parties in the 11 municipalities undergoing conversion, the Court effectively imposed a representative form of democracy over communitarian norms and procedures these communities were pursuing (Albó 2012a).

Next, the Electoral Regime Law, *Ley de Régimen Electoral*, passed in June 2010, clarified the Constitution's provisions for *consulta previa* – the prior and informed consultation of affected communities – in relation to natural resource exploitation: “The conclusions, agreements or decisions taken in the framework of prior consultation do not have a binding character, but they must be considered by the authorities and representatives at the corresponding levels of decision” (*Ley de Régimen Electoral*, Article 39). Thus, public authorities must only contemplate the content of consultations they undertake; they are in no way bound by the outcomes. This brings into sharp relief the distinction between the principle of self-determination, which suggests the state abide by the consequences of consultations, and indigenous autonomy in practice.

Significant legal constraints on indigenous autonomy were further delivered by the Framework Law for Autonomies and Decentralization, which lays out the relationship between the respective territorial units of the state, including indigenous territories. In fact, the content of earlier drafts of the *Ley Marco* – which had been even more restrictive to indigenous autonomy than the final draft – was a central complaint of the VII Indigenous March, coordinated by CIDOB and supported by CONAMAQ. The “March for Territory, Autonomy and Defense of Indigenous Peoples' Rights,” which departed for La Paz from Trinidad on June 21, 2010,

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<sup>307</sup> Albó (2012a) notes that the National Electoral Court in 2009 represented the “old regime” and lacked an understanding of what indigenous autonomy signifies.

articulated a series of demands, including the acceleration of land titling, suspension of logging and mining concessions on indigenous lands, revision of the aforementioned Electoral Regime Law, that the government respect the right of consultation, and that the proposed *Ley Marco* guarantee indigenous autonomy without onerous restrictions.<sup>308</sup> As one CIDOB leader explained, objections to the draft *Ley Marco*'s language was a central focus of the VII March.<sup>309</sup> Thirty-three days into the March, it was suspended when a commission of top Bolivian legislators reached an agreement with the marchers (the Acta de Acuerdo, finalized on July 4) which effectively addressed most of CIDOB's demands, including those related to the *Ley Marco*.<sup>310</sup> With the series of modifications, the law was approved in July 2010. However, it bears emphasis that the largest indigenous confederation in the lowlands had decided to mount a major mobilization in 2010, which illustrated that the MAS's relationship to eastern indigenous groups had "entered into a new phase" (Pedraza 2012: 182). In fact, many indigenous groups began to adopt more critical stances toward Morales and the MAS. More broadly, with the principal march organizer CIDOB in the lowlands securing support from CONAMAQ in the highlands, a fracture had emerged in the historical accomplishment of the *Pacto de Unidad* which had for five years brought together the concerns of indigenous and peasant communities. Despite the modifications that CIDOB achieved through the VII March, the *Ley Marco* effectively restricts municipalities and TIOCs from accessing indigenous autonomy by creating a lengthy and complex process for conversion (Salgado 2011). One CIDOB leader criticized the law as being encumbered by too many procedures, *trámites*, which problematically makes the

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<sup>308</sup> For a more detailed explanation of the demands of the VII Indigenous March, see Solíz and Vedia 2010; and Bergier 2010.

<sup>309</sup> From interview in Santa Cruz, March 5, 2012.

<sup>310</sup> The issues related to the LMAD were settled on July 4, 2010, during a temporary suspension of the March by a "mixed commission" of government officials and representatives of the VII March in the town of Guarayos; the meeting lasted for 15 hours (CIDOB 2010).

process “very long.”<sup>311</sup> The LMAD is most restrictive to TIOCs, which must first obtain a Certificate of Government Viability and Population Base from the Ministry of Autonomies (Fundación Tierra 2012c: 32), and must then, per the CPE, be approved by an act of the National Assembly.<sup>312</sup> Consequently, a prominent indigenous scholar and activist characterized the *Ley Marco* as “a deception... a setback.”<sup>313</sup>

Subsequently, the Law of Jurisdictional Demarcation, *Ley de Deslinde Jurisdiccional*, signed in December 2010, has significantly restricted the practice of indigenous justice according to *normas y procedimientos propios*, relegating it to the adjudication of relatively minor criminal offenses. While Article 3 of the *Ley Deslinde* states that communitarian and “ordinary” (*ordinaria*) justice enjoy hierarchical equality (*goza de igual jerarquía*) within a singular (*única*) system,<sup>314</sup> Article 10.II proscribes the system of communitarian justice from having jurisdiction over an array of matters, including crimes of state security, terrorism, customs, human trafficking, drug trafficking, crimes against children, rape, and murder, as well as laws pertaining to labour, minerals, hydrocarbons, forestry, or agriculture – except the internal distribution of land, and any other areas reserved to other legal jurisdictions (*Ley Deslinde* 2010). As noted earlier in this chapter, the *Ley Deslinde* has been the subject of significant criticism for not providing greater jurisdiction to communitarian justice.<sup>315</sup> Additionally, reflecting the

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<sup>311</sup> From interview in Santa Cruz, March 5, 2012.

<sup>312</sup> On October 16, 2012, Bolivia’s Plurinational Constitutional Court ruled on the constitutionality of the LMAD, striking down parts of 12 articles; although several of the articles declared partially unconstitutional applied directly to indigenous autonomy, they did not significantly alter the AIOCs’ character or processes of their construction. For example, the TCP declared that the *Ley Marco* was inconsistent with the Constitution by providing AIOCs with “exclusive” jurisdiction over both productive infrastructure projects and collective intellectual rights, while the Constitution establishes that those competencies are, respectively, “concurrent” and “shared” with other levels of government (*Tribunal Constitucional Plurinacional* 2012).

<sup>313</sup> From interview in La Paz, May 1, 2012.

<sup>314</sup> Article 12.II also specifies that decisions made through communitarian justice cannot be reversed by other jurisdictions (*Ley Deslinde* 2010).

<sup>315</sup> This was expressed during interviews with a member of the directorate of Charagua’s Autonomous Assembly in Charagua, March 6, 2012; a Bartolinas spokeswoman in La Paz, May 3, 2012, and a former government consultant

Constitution's Article 191, the law restricts the scope of communitarian justice to members of the relevant indigenous nation, excluding non-indigenous people living in or visiting indigenous communities where communitarian justice is practiced (Articles 9), and applies only to acts that occur in or have effects within the territorial jurisdiction of the indigenous group (Article 11). However, Albó posits that the *Ley Deslinde* seems to take a “step backwards” (*marcha atrás*) from the language of the Constitution, in that it specifies that only members of the respective indigenous nation are subject to indigenous justice, while the CPE adds “...whether they act as plaintiffs or defendants, claimants or accusers, are denounced or accused, or are appellants or respondents” (Albó 2012a: 56).

A final prominent national legislative question related to indigenous autonomy is notable for its *inability* to materialize in law: consultation and consent over projects or policies that affect indigenous peoples and their territory. Policies surrounding consultation and consent have been the subject of much contention in Bolivia, in particular following the protracted political battle over consultation regarding the highway planned to bisect the TIPNIS, which is discussed in the following section. While an issue-specific consultation bill was approved by the legislature to respond to opposition to the highway, the broader debate has centred around the government's proposed Law of Prior Consultation, *Ley de Consulta Previa*. The government's draft law, presented in August 2013 in Cochabamba, proposes that the right to free, prior and informed consultation be undertaken in good faith in relation to any legislative or administrative measures that affect collective indigenous, afro-Bolivian or intercultural rights, with the purpose of arriving at an agreement or achieving consent, *cuya finalidad es llegar a un acuerdo o lograr el consentimiento* (Anteproyecto de Ley de Consulta Previa 2013). The draft law specifies that

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in La Paz, November 4, 2013, as well as by John Cameron during a presentation in Cochabamba on November 24, 2011.

while the objective is to achieve consent or agreement in good faith, the government is only required to respect a negative disposition to projects that involve the physical displacement of communities, or the placement of a military base or nuclear or other toxic materials on their territory; moreover, it includes in Article 11 numerous exceptions to the right to consultation, including policies around hydrocarbons, land and territory, and the administration of public firms and the natural patrimony – which can justifiably be read as including mineral resources (*Anteproyecto de Ley de Consulta Previa* 2013).<sup>316</sup> Although the government claimed that it secured support for the draft law from indigenous organizations in Cochabamba in August 2013, the legislation was rejected by CONAMAQ, CIDOB, and other indigenous organizations, who have insisted that, consistent with the international norms found in the UN Declaration, the law must ensure that the process of consultation include an unequivocal and binding right to prior consent, *consentimiento*, in other words the capacity of peoples *to reject* projects and policies that affect them (CIDOB et. al. 2013). In fact, in late 2012, CONAMAQ and CIDOB had presented their own version of a Prior Consultation Law, proposing language that broadly ensured the rights to prior consultation and consent for a wider range of projects and policies, including natural resource exploration and exploitation activities, infrastructure projects, and any other measure that could affect indigenous peoples or their territory (*Bolpress* 2012). The distance between these the government and indigenous confederations’ conceptions of consultation – principally, the binding character of consent, and the scope of the right to consultation’s applicability – has meant that no legislation has been approved and the policy remains unresolved. Meanwhile, on May 1, 2013, the government approved the one-page *Ley de*

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<sup>316</sup> Article 35 also proposes to guarantee the right to free, prior and informed consultation for resource extraction activities; however, this appears to stand alone in a separate chapter (VII) of the legislation (*Anteproyecto de Ley de Consulta Previa* 2013). Considering the exemptions of Article 11, it remains uncertain whether the “purpose of arriving at an agreement or achieving consent” language will be applied to mining or hydrocarbon concessions, or if the standard of consultation will be weaker in those instances.

*Avasallamiento*, Law of Subjugation (Law #367), which made it a criminal act to occupy a mining area through threats, violence, deception or other means that deprive private mining companies or the state from exercising mineral rights to which they are in legal possession, punishable by 4 to 8 years in prison. That legislation was denounced in particular by CONAMAQ, who perceive it as favouring multinational companies over consultation with affected indigenous peoples (AINI 2013a). Joel Alvarado, the Mallku of International Relations for CONAMAQ, argued: “The Law of Subjugation totally annihilates the Law of Prior Consultation because it already begins to penalize that person who raises their voice and says ‘I defend my natural resources’” (AINI 2013a, author’s translation).

From this analysis of the legal framework for indigenous autonomy in Bolivia, two conclusions can be drawn. First, quite distinct from the official and widespread discourse of plurinationalism and indigenous rights, since the 2009 approval of the CPE there has been a progressive limiting of indigenous rights through secondary laws. Second, we observe a commensurate growth in opposition by indigenous organizations, most notably CIDOB and CONAMAQ, which have distanced themselves from the MAS government, with the attendant effect of fracturing of the temporary alliance between *indígena/originario* and peasant organizations. This expanding cleavage was illustrated in a November 2013 declaration signed jointly by CIDOB, CONAMAQ, APG, and the National Confederation of Indigenous Women of Bolivia (CNAMIB), which reads: “...through many mobilizations and resistance struggles by highland and lowland indigenous peoples initiated in 2004... the consolidation of a Plurinational State was achieved, with the hope of change and decolonization to end the colonial, capitalist state that pillages resources; today the Government, having held the command of the presidency for 8 years, has forgotten the economic, educational and political objectives, and to the contrary

has initiated a divisive and criminal plan against indigenous peoples, principally their authorities and leaders, who demand compliance with the Plurinational Political Constitution of the State, approved by a wide majority” (CIDOB et. al. 2013: 1, author’s translation). Since 2010, these and other indigenous groups have increasingly employed marches, protests and other forms of contentious politics, which have been most famously expressed in the prominent political battle over the proposed highway through the TIPNIS.

### **The TIPNIS**

In Bolivia, the struggle over indigenous rights in general and questions of consultation and consent in particular are nowhere more evident than in the government’s protracted efforts to construct a highway from Villa Tunari (in the department of Cochabamba) to San Ignacio de Moxos (Beni department), bisecting the Isiboro Sécore Indigenous Territory and National Park (TIPNIS), which is home to Yuracaré, Tsimane (Chimán) and Mojeño Trinitario indigenous peoples.<sup>317</sup> This infrastructure expansion project, according the government, is a critical piece in its ambition to better integrate the country, as it would connect the central departments of Cochabamba and Beni by converting a poor and inaccessible dirt road into a highway. However, opponents of the road, including many local indigenous residents and communities, see the highway as a colonial project imposed from La Paz, with the intent of expanding *coca*-grower settlements, and which will have potentially devastating effects including deforestation, pollution, and invasion of their territory by colonizers from other parts of the country. They have

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<sup>317</sup> The struggle over the TIPNIS has been the most visible resource-related issue political issue to generate significant protest by indigenous peoples, yet it is not an isolated instance. Another site of major conflict between state development plans and indigenous peoples was Morales’s support for mining concessions to South American Silver Corporation, near Mallku Khota in Potosí (see Chapter II).

argued that they are not against the highway, but that it should be routed around the national park and indigenous territory, not through it.

What most surprised many domestic and foreign observers about the government's highway construction plan is that the highway had been approved through Law #005 (signed by President Morales on April 7, 2010), financing had been secured for the road, and construction had been initiated on the first two phases (*tramo I* and *tramo III*) by the Brazilian firm OAS,<sup>318</sup> even though the project had never been subjected to consultation with local indigenous communities that would be affected, despite the TIPNIS status as an indigenous territory (a TIOC), and in direct contravention of ILO 169 and the 2007 UN Declaration, both of which Bolivia supported and prominently advocated for in international fora. Yet the question of securing free, prior and informed consultation or consent, as provided for in UN Declaration articles 19 and 32.2, was absent from the government's plans, as reflected in President Morales 2011 domestic declarations that the highway would be built "*sí o sí*" (Lora 2012),<sup>319</sup> and "whether you want it not, we are going to build this road" (*La Jornada* 2011).

Those opposed to the highway began to plan for what would be the eighth major march by indigenous peoples, following a tradition of protest in Bolivia that has its origins in the 1990 March for Territory and Dignity, among the foremost referents for lowland indigenous peoples in Bolivia. Under the leadership of the Subcentral TIPNIS, in alliance with CIDOB, the Assembly of Guaraní Peoples, and more than a dozen smaller indigenous organizations, road opponents united around a series of 16 demands, including the suspension of road construction, follow-through on government commitments to land titling, the right to participate in and be

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<sup>318</sup> *Tramos I* and *III* are located to the south and north of the TIPNIS, respectively; the most controversial portion of the road is the 177-kilometer segment known as *tramo II*, on which construction had not yet begun in 2011 when the TIPNIS became a highly contested issue.

<sup>319</sup> *Sí o sí* literally translates as "yes or yes," but the actual meaning is closer to the English phrase "like it or not."

consulted in mineral and hydrocarbon exploitation and in the drafting of a Forest Law, a halt to hydrocarbon development in the Aguaragüe National Park, the expansion of health and education programs and multi-lingual curricula, and various other issues related to social and economic development (Fundación Tierra 2012c). Demand #7 dealt directly with the issue of indigenous autonomy, insisting that the conversion of indigenous territories (TIOCs) into indigenous autonomies (AIOCs) not be dependent on the support from departmental authorities – which often opposed indigenous autonomy (Fundación Tierra 2012c). As the Fundación Tierra notes, these demands illustrate that land and territory continue to be “core demands” (Fundación Tierra 2012c: 12).

In his defense of the road, Morales accused local indigenous leaders of deceiving, *engañando*, their communities into opposing the highway, and indicated that the same leaders have themselves been deceived by environmental NGOs and foundations, further suggesting interference by right-wing groups and external interests (*La Jornada* 2011).<sup>320</sup> Morales leveled a range of accusations against those that opposed the road, from having a closed mind to being manipulated by the “Right” to being traitors: “If they deny this project, they are traitors...” (*Correo del Sur* 2011).

In response to the highway plan and the state’s failure to consult with affected communities before commencing with construction, local indigenous leaders, in collaboration with CIDOB, organized the VIII Indigenous March, which traversed 602 kilometers from Trinidad to La Paz (Colque 2012). Leaving from Trinidad (Department of Beni) on August 15, 2011, the march progressed westward toward the Andes Mountains, eliciting support from many municipalities and opposition in others, especially as it passed through San Ignacio de Moxos on August 19, and a month later at Villa Yenny, where their advance was halted by 200 police officers on

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<sup>320</sup> These remarks can be viewed online at: <http://www.youtube.com/watch?v=HP9UvctqjA0>.

September 20 (Fundación Tierra 2012c). On September 24, Foreign Minister David Choquehuanca arrived to facilitate dialogue between the government and the marchers, but his mission turned in a minor confrontation as several women took Choquehuanca by the arms and compelled him to march with them for five kilometers. Some in the government accused the marchers of having briefly taken the Foreign Minister hostage, although Choquehuanca himself did not make this claim. The following day, while marchers were camped at the San Lorenzo de Chaparina property, police commenced a violent assault on the marchers shortly after 5pm, with the aim of disbanding the VIII Indigenous March.<sup>321</sup> They set off tear gas canisters, covering the camp with a cloud of gas, chased down marchers – in particular, the identifiable leaders – beating many of them with sticks and their fists, and then put them on busses which drove to other towns so as to disperse the marchers and bring an end to their movement. According to the Fundación Tierra (2012), 74 people were injured in the assault.

President Morales distanced himself from the police intervention, denouncing it as “a violence, an excess, an abuse,”<sup>322</sup> and announced that there would be an inquiry into the repression. However, the police action had an immediate effect of deepening public support for the March, which resumed a few days later and continued until it reached La Paz on October 19 – 66 days after it had commenced. Arriving in the capital, the marchers were received by “nearly half a million citizens... with hugs and tears” (Fundación Tierra 2012c: 173), and the mobilization prevailed in compelling Morales to back down on October 24, and sign Law #180, the Law of Protection of the Isiboro-Sécure Indigenous Territory and National Park – TIPNIS,

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<sup>321</sup> In response to the state repression of the VIII Indigenous March in Chaparina, several high-ranking government officials tendered their resignation, the highest profile being Defense Minister Cecilia Chacón. In her letter of resignation, Chacón explained, “I made this decision because I do not agree with the method of intervention ordered by the government and I can not defend or justify it, as there exist other alternatives in a framework of dialogue, respect for human rights, non-violence, and defense of Mother Earth” (2011: 1, author’s translation).

<sup>322</sup> President Morales’s remarks can be viewed at: <http://www.youtube.com/watch?v=5cVIIG7TX8g>.

which declared that the highway would not be built through the TIPNIS, which the law declared a “*zona intangible*” – an untouchable zone.

Two months later a pro-highway march was mobilized by the *cocalero*-based Indigenous Council of the South (*Consejo Indígena del Sur*, CONISUR), which is aligned with President Morales. This second march, supported not by CIDOB and CONAMAQ, but by CSUTCB and Bartolinas, called for the highway to be constructed through the TIPNIS, and the abrogation of Law #180; it departed from Isinuta, Cochabamba, on December 20, 2011, and arrived in La Paz on January 30, 2012 (Opinión 2012a). In response to the CONISUR march, the National Assembly approved and President Morales signed the Law of Consultation of Indigenous Peoples of the TIPNIS (Law #222) on February 10, 2012, which elaborated a process of consultation that had as its objective: “To achieve an agreement between the Plurinational State and the Mojeño-Trinitario, Chimane and Yuracaré peoples...” regarding the construction of the highway and the “untouchability” of the TIPNIS (Law of Consultation of Indigenous Peoples of the TIPNIS 2012). Those who opposed the highway, perceiving the overdue consultation a disingenuous strategy to shift the debate and manufacture a pro-highway political climate, proceeded to mobilize yet another march in defense of the TIPNIS – the IX Indigenous March – calling for compliance with Law #180, abrogation of the consultation and numerous other demands; after 61 days, the march arrived in La Paz on June 27, 2012 (Caero Rodríguez 2012).

On April 9, 2012, yielding to domestic and international pressure,<sup>323</sup> the government terminated the contract with OAS, halting construction, and commenced a process of “consultation” in compliance with Law #222. From July 29 to December 7, 2012, the

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<sup>323</sup> For example, on September 21, 2011, 61 foreign NGOs – such as Focus on the Global South (India, Thailand and Philippines), Rainforest Action Network, and the Council of Canadians – sent a letter to President Morales expressing their solidarity with the VIII Indigenous March and calling for the government to hold a binding consultation with local communities, who, they argued, should have the right to veto the project (Letter to President Morales 2011).

government conducted the “consultation” of the 69 recognized TIPNIS communities (SIFDE and TSE/OEP 2012), although many indigenous leaders and community members refused to participate in a process that they believed to be little more than the pretense for approving the project, and even set up barriers to block government access to their communities. In one of two official government reports on the “consultation,” the Intercultural Service for Strengthening Democracy (SIFDE) found that 55 of the 69 TIPNIS communities supported the road (79.7%), and three opposed it (Puerto Totorá, San Miguelito, and Concepción de Ichoa), while 11 communities boycotted the process;<sup>324</sup> all but one community that participated (Concepción de Ichoa) supported lifting the TIPNIS’s “intangible” status established by Law #180 (SIFDE and TSE/OEP 2012).

As the government sought to build support for the highway through the “consultation,” it simultaneously attempted to neutralize its strongest critic on the TIPNIS and other issues. On July 11, 2012, the MAS engineered a political takeover of CIDOB when, under the leadership of Melva Hurtado Áñez, a pro-government group orchestrated a questionable election of Hurtado, to serve in tandem with the sitting leader of CIDOB Adolfo Chávez until the end of the Chávez’s term in 2015; confrontations by those loyal to the leadership of Chávez were repelled, establishing what is often referred to as the “parallel CIDOB” (*El Día* 2012). Hurtado immediately declared her support for the government’s consultation in the TIPNIS (*El Día* 2012).

Meanwhile, the process that the government has characterized as a consultation was being criticized as tainted with irregularities, according to local community leaders, who have alleged intimidation, threats of judicial action, the co-optation of local leaders, the distribution of gifts

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<sup>324</sup> According to the SIFDE-TSE/OEP report (2012), the 11 TIPNIS communities that declined to participate were: Coquinal, Villa Fátima, Nueva Lacea, San Vicente, Santa Lucía, Galilea, Paraíso, San José de Patrocinio, Santa María de la Junta, Nueva Vida, and San Ramoncito.

and promises of development in exchange for support of the highway, and the suspension of fuel deliveries into the region (FIDH and APDHB 2013). One of the harshest denunciations of the “consultation” came from Bolivia’s human rights Ombudsman Rolando Villena, who argued, “The consultation that was planned and executed in the TIPNIS took place unilaterally, without coordination or support from the indigenous nations that possess the territory, and with an authoritarian and colonial view, without the slightest respect for the constitutional principles that recognize a series of rights of indigenous nations over their territory” (*Página Siete* 2012: 4, author’s translation).

The most exhaustive review of that process was conducted by a 15-member commission convened by the Bolivian Permanent Assembly on Human Rights (APDHB) and the Catholic Church, which surveyed 35 communities and one *centro de gestión*, administrative centre, in the TIPNIS in November and December of 2012. Among the Commission findings in the 36 locations they visited were the following: that the government had only been able to “effectively achieve” a consultation in 19 communities; that the consultation occurred “without any advanced notice” in 14 communities; that in 17 communities the government had offered gifts and development projects during previous visits; that 20 communities expressed that they had suffered some sort of pressure or deception during the government’s visits and consultation meetings; and that “30 communities indicated that they do not accept the highway construction” (Inter-institutional Church-APDHB Commission 2013: 78-81; author’s translation).<sup>325</sup>

Moreover, 22 communities reported that the government framed the debate as a Manichean choice between on the one hand, an anti-development “untouchable” demarcation that

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<sup>325</sup> The veracity of these observations notwithstanding, it is important to note that the communities reached by the government “consultation” and the Inter-institutional Church-APDHB Commission did not precisely coincide (Albó 2013a). For example, the Church-APDHB Commission was able to visit and include in its assessment all of the 11 communities that the official government brigade did not reach.

accompanied the no-highway option, and, on the other, all forms of social and economic development, which necessarily included a highway through the core of the TIPNIS (Albó 2013b): “the government explained that the term untouchable is synonymous with proscriptions on traditional activities such as hunting, fishing, gathering, as well as the maintenance of small parcels for the self-sufficient production of food, in addition to the legal effect, which would be to prohibit communitarian development projects” (Inter-institutional Church-APDHB Commission 2013: 79; author’s translation). The Commission’s findings also served as the basis for a more expansive “Verification Report” by APDHB and its international partner, the Worldwide Human Rights Movement (*Federación Internacional de Derechos Humanos*, FIDH), which concluded: “Effectively, the consultation process was *not free nor informed* and did not respect the principle of good faith. Moreover, the project’s financing protocol was signed two years before said consultation *in clear violation of the prior character* that is required, in accordance with Bolivia’s constitutional and international obligations” (FIDH and APDHB 2013: 21, author’s translation, emphasis added).

In April 2013, the government announced that highway construction would be suspended until 2015 (Cárdenas Morales 2013; FIDH 2013). Suspension of the highway has drawn attention away from the issue until after the October 2014 presidential and legislative elections.

### **Whither indigenous rights**

This chapter, like Chapters II and III, indicates that even as novel rights have been embedded in the Constitution and new political spaces have been opened for indigenous self-governance, significant obstacles remain in the practice of indigenous rights in Bolivia. The analysis undertaken thus far enables us to now take stock of where indigenous rights gains have been

made, and critique where practice falls short of discourse. The following paragraphs analyze the specific ways that indigenous rights have been enhanced and constrained in Bolivia, and concludes that the state's limitations to indigenous rights since 2009 have generally impeded indigenous peoples from achieving the self-determination that they seek. It closes by assessing why this is the case.

On the side of accentuated indigenous rights, Bolivia has advanced in several respects since 2005. Collective rights have been expanded by the Constitution, which, it is reasonable to assume will have real effects in subsequent judicial decisions. Communitarian justice has been legalized, even though its scope for resolving conflicts is not as broad as some indigenous peoples would prefer. Although none of the AIOCs have yet come into existence, the statutes that have been designed in most of the converting municipalities articulate new spaces of indigenous self-governance. Most notably, participants in autonomous assemblies have been empowered to deliberate what self-governance will entail, including what processes will be employed to make decisions and select authorities, how local governance will be structured, and what local institutions and authorities will be called. Meanwhile, indigenous people and peasants have been elected and appointed to many local and middle-level government positions, and, as in the case of the presidency, a few higher ones. As a consequence, indigenous peoples have achieved better representation in the public sphere, and indigenous proposals and grievances are more likely to get a fair hearing, even if they do not translate into policy. Taken together, these gains in participation, representation and rights for indigenous peoples in a span of less than 10 years are considerable. Of course, the impact of these changes in practice will depend on whether and how they are implemented by the Morales administration and future governments.

This study also details numerous and significant obstacles that remain in the fulfillment of indigenous rights in Bolivia – a finding that will surprise only those who had expected that the lineages of colonialism, both structural and cognitive, may be vanquished expeditiously by declaring it thus. What is much more noteworthy is that these limitations have been increasing since 2009. In the realm of the AIOCs, the processes of accessing and constructing indigenous autonomy have been burdened by onerous bureaucratic rules and procedures that have blocked some municipalities and indigenous territories and delayed others. Five years from the Constitution’s authorization of indigenous autonomy, not a single AIOC has navigated all of the steps to win final approval. The processes of elaborating indigenous autonomy, meanwhile, have encountered intrusions by the myriad of state and NGO agents that have influenced the future content of self-governance. Beyond the AIOCs, indigenous self-determination more generally has been legally constrained in numerous ways. The *Ley Deslinde* restricts the practice of communitarian justice to lesser crimes and conflicts. The possibility of establishing indigenous autonomy at the *regional* level, which would be necessary to restore many pre-colonial indigenous territories, has been virtually proscribed. Indigenous peoples, even those that navigate the long process of accessing indigenous autonomy, do not gain control of the non-renewable natural resources underneath their territory. The right to consultation often remains elusive, and the government appears unwilling to guarantee the right to free, prior and informed consent for a range of activities, including resources extraction and infrastructure development. Lastly, although state violence against indigenous peoples has declined since 2005, the violent crackdown at Chaparina and Morales’s accusations that indigenous leaders are traitors illustrate how Morales and the MAS’s disposition with regard to indigenous peoples has shifted along with their changing role from an oppositional social force to an elected government.

Why have indigenous rights not advanced more – in a country where, by most domestic and international accounts, the majority are indigenous, the president also identifies as indigenous, and the language and symbols of indigenous recognition are widely accepted? The evolution of the program and priorities of the MAS government is central to understanding its policies with regard to indigenous rights. These programmatic developments are a reflection of the MAS's shift from oppositional party to elected government, as it responds to demands for poverty reduction and economic growth in a complex constellation of political forces. When the MAS first came to power in 2006, it functioned as a political instrument of various social movements. Although it was founded by *cocaleros* in the late 1990s, by the time the MAS assumed power, it could count as its base essentially all of the country's progressive forces, aggregated into a “‘big tent’ alliance of Left-populist forces” mobilized against neoliberalism (Centellas 2013: 95). Some of the MAS base of 2006, it would turn out, was more of a strategic alliance than political allegiance. Once in power, as policies and programs were executed and the MAS sought to exercise its hegemonic aspirations, long-standing indigenous-peasant cleavages re-emerged, fracturing the Unity Pact. In its present iteration, this cleavage can be described as between those for whom indigenous mobilization has principally been a political event (i.e. *cocaleros*, CSUTCB, Bartolinas) and those for whom indigenous mobilization is mainly cultural (CONAMAQ, CIDOB, APG). This national dynamic, most vividly captured in the TIPNIS debate, has been expressed at the local level in the tensions over construction of the AIOCs. It was expressed lucidly by Celso Padilla, President of the APG:

We want to tell the government that this is the Plurinational State. There are 34 peoples here [in the lowlands]. We want to say to President Evo Morales that the State is made up of these peoples. One must not concentrate the power only in the CSUTCB, in the ‘Bartolinas,’ and in the intercultural communities. These people are those who have raised you up and carried you to power. Why have you forgotten so quickly? (Fundación Tierra 2012c: 55, author's translation).

The earlier discussion of the legal framework illustrates a clear pattern of the progressive circumscription of indigenous rights since the approval of the 2009 Constitution. This programmatic shift is the context for the limited number of municipalities and TIOCs that have embarked on indigenous autonomy, and the difficulties local agents have encountered in constructing them. As discussed above, there has been only modest progress in the construction of indigenous autonomy in Bolivia. The processes of converting to AIOCs has been marked by lack of support by the government in general, excessive intervention by government and NGO *técnicos*, and the lengthy tangle of requirements communities must navigate. However, underlying all of these observations are the central government's ambivalence toward indigenous autonomy – an ambivalence borne of its own foundations and its core constituency: *campesinos* and *cocaleros*.

The distinct modes of identification – as *indígena/originario* or *campesino* – have proven to be highly durable dispositions that are profoundly politically consequential. In fact, one of this dissertation's central findings is that the tensions surrounding indigenous autonomy can be traced back to the critical juncture of the MNR's post-Revolution attempts to eliminate indigenous identities. Geographical and historical factors – such as the prominence of haciendas – influenced how identities were transformed across Bolivia's rural landscape, and whether communities took a more *indígena/originario* path or a more *campesino* one. Over the course of a few generations, those varying identities crystalized into distinct interpretive frames for understanding and engaging with a wide range of political questions, including the Constitution's new provisions for indigenous autonomy.

## Chapter V. Conclusion

In this final chapter, I return to the theoretical questions of indigenous rights, democracy, citizenship and the overarching theme of institutions and power relations, as outlined in the first chapter. Informed by the empirical discussions of Chapters II and III and the analysis of indigenous rights in Chapter IV, I am now prepared to elaborate some final theoretical conclusions about the cyclical relationship of institutions and power relations in the construction of indigenous self-governance; the coexistence, complementarity, and tensions among dimensions of democracy; and the form and content of citizenship in “plurinational” Bolivia. Finally, I address a series of questions related to indigenous rights in Bolivia: the pragmatism that underpins much of indigenous politics, state efforts to governmentalize indigenous protagonism, and the politicization of indigenous identities. I offer some tentative suggestions with regard to the trends in indigenous politics, and I make recommendations related to country compliance with the UN Declaration on the Rights of Indigenous Peoples. Where applicable, this Conclusion makes comparisons with other country contexts.

### **Institutions, power and hybridity**

The “new” institutions of indigenous autonomy in Bolivia have been built on pre-existing institutional foundations. They are constructions that bring together institutional forms of distinct origins: liberal-municipal traditions and indigenous *normas y procedimientos propios*. The outcome is an institutional hybridization, or what Rivera Cusicanqui calls *ch'ixi*. These novel institutional forms are not informal institutions because they are officially sanctioned by the state, and accepted as a part of the Bolivia’s political architecture. Inasmuch as these institutions

incorporate functions of the state, indigenous autonomy governmentalizes indigenous protagonism toward state objectives. This is not to say that the preferences and goals of indigenous peoples are not also achieved through the realization of indigenous autonomy. The review of autonomy statutes in Chapter III highlights some of the ways that autonomous assemblies have used AIOC elaboration to bring new processes, structures and names into the state's political architecture. We can thus see how, even as these processes entail a drawing of indigenous peoples into the project of the state, the state is also modified.

In Chapter III, we observed how a distinctively hybrid model of indigenous autonomy is being elaborated in Bolivia, which is a fusion of the municipal and the communitarian, liberal and indigenous forms of governance. A preponderance of features come by way of the liberal-municipal structure established by the LPP (executive and legislative features, territories based on republican boundaries, external control of resources, focus on consultation over consent, and deference to a central state), although these are fused with communitarian features (highest authority given to deliberative bodies, valorization of indigenous principles and culture). While the pilot indigenous autonomies maintain these features in common as a consequence of the specific legal framework in which they are being designed and the prevalence of *técnico* intervention, they also vary across a continuum that is at one pole liberal and at the other communitarian – which emerge as two subtypes within Bolivia's hybrid model.

The presence of two subtypes is, first and foremost, a legacy of the 1952 Revolution, a critical juncture in Bolivia's history that has had such lasting causal effects in shaping social and political trajectories that they are still evident today. In the state-building aftermath of the Revolution, new identities were constructed as the state sought to assimilate indigenous peoples as *mestizo* peasants. More than 50 years later, whether municipalities would elaborate more

liberal or communitarian AIOCs is a consequence of the Revolution's machinations. A path dependent pattern was established, both in the ways that communities were organized (within indigenous systems of self-governance, e.g. *ayllus* and *cabildos*, or within peasant union structures) and how people identified (principally with an indigenous nation or as a peasant). Those distinct local modes of identification would eventually shape the future AIOCs, yet through process tracing we see that a second factor, this one socio-territorial, has had a significant effect. As a consequence of the decentralization reforms of 1994, the territorial delimitations of converting municipalities have, in general, not reflected ancestral territories, aggregating particular constellations of political agents. These two factors account for the particular correlation of indigenous political forces at the time that new institutions are created, and, consequently, the forms or subtypes that those institutions have taken.

The Bolivian case illustrates how institutions at the local level can be shaped by two factors: modes of identification and socio-territorial frontiers. In terms of the former, that the character of new institutions can vary according to somewhat nuanced modes of identification is an interesting insight into the literature on institutions, supported by and lending support to sociological institutional perspectives. In fact, sociological explanations are best-suited to account for the centrality of identity and culture not only in the construction of new institutions of self-governance, but also in the identity-driven transformations that shaped Bolivian politics between 2000 and 2005, as well as in the extensive use of cultural symbols and resource nationalist frames upon which the new Constitution's institutional design and the government's unfolding programmatic orientation since 2006 are predicated. In the realm of the indigenous self-governance, the collective processes of deliberative assemblies showcase the reproduction of existing institutions – alternately, indigenous norms or union practices – which appear to local

agents as natural or self-evident cultural rules (what Bourdieu called *doxa*) and have been replicated by assembly members in the “new” institutions. The specific institutional frameworks from which they are drawing vary from one municipality to another, and, as a consequence, the outcomes are distinct – for the most part, a bifurcation into the two identified subtypes. The observed reproduction indicates that autonomous assemblies have not been untethered and freely choosing agents, grabbing the most advantageous of options from a buffet of norms, nor the collective outcome of the sum of individual utility maximizers, as might be suggested by a rationalist perspective. Rather, assembly members have looked for guidance in existing or past practices – alternatively peasant union or indigenous norms and procedures<sup>326</sup> – albeit mixed with the liberal-municipal ones required by law. DiMaggio and Powell propose that such institutional arrangements have a strong tendency to reproduce themselves either because people “often cannot even conceive of appropriate alternatives (*or because they regard as unrealistic the alternatives they can imagine*)” (1991: 11, emphasis added). Although I concur with them by assessing that cognitive constraints have produced the distinct forms of indigenous autonomy, the content of assembly deliberations suggests that the better explanation of these constraints is found in DiMaggio and Powell’s parenthesized text: assembly members generally *could* conceive of alternatives, but regarded them as unrealistic.

In terms of socio-territoriality, it is not surprising that local institutions are shaped by varying geographical factors. As Kingsbury observes, “The kinds of autonomy regimes which indigenous peoples operate or aspire to vary enormously, influenced in part by the geographical and demographic setting” (2000: 28). Institutions are grounded in a specific place, in which there

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<sup>326</sup> When knowledge of the past has been lost, assembly members have occasionally resorted to Googling the details of their ancestors’ histories, as was done in Mojocoya; however, this does not constitute a fishing expedition where any search result will suffice, but is guided by collective understandings transmitted, often orally, across generations.

is a particular correlation of political forces. In Bolivia, the precise geographical boundaries that enclosed the groups of people that negotiated indigenous autonomy are principally a product of the 1994 Law of Popular Participation. The LPP created the municipal governance structure (a municipal council, an *alcalde* and his or her staff, an oversight committee) by which local-level politics has been contained for two decades, and is thus the setting in which local political battles are fought. The significance of the LPP's municipal decentralization is underlined by two of this dissertation's observations. First, the legal framework that converting municipalities must follow includes legislative and executive organs, reflecting the existing municipal structure. These features are found in all of the autonomy statutes. Second, as analyzed in Chapter IV, a principal reason that more municipalities have not converted to AIOC appears to be the satisfaction that indigenous agents have experienced with gains – material and/or representative – under the municipal system. This may simply speak to inertia or an unreflective comfort with a familiar system. More likely, in the Bolivian context of contentious politics, we are witnessing the reproduction of municipal structures as a consequence of path dependent patterns, maintained at a local level by “information trust and shared expectations” (Krasner 1999: 79), and pursued by the central government due to its vested interests in partisan politics and costs sunk into a municipal structure (Stinchcombe 1968).

Chapter II revealed the different ways that statute elaboration unfolded across the pilot AIOCs, producing distinct outcomes. One reading of those cases is that the spatial characteristics of a given space may be less consequential than its correlation with prior territorialities. Although the cases studied here are not extensive enough to make this case definitively, it appears that where there is a spatial consistency between a community's understanding of contemporary indigenous territory and that which is being constructed anew (as in Chipaya,

Totora, Pampa Aullagas, and Mojocoya), there will be a smoother process of institutional construction than where there is spatial inconsistency (such as in Huacaya, Chayanta, Tarabuco, Charazani, and Salinas de Garcí Mendoza).<sup>327</sup> This is because greater coherence and certainty regarding spatial delimitations generates less friction among social groupings engaged in the elaborations of institutions. In other words, the indigenous group with the most symbolic power will have an easier time defining those institutions – be they more liberal-municipal (e.g. Mojocoya) or more communitarian (Chipaya, Totora, etc.) – where geographic boundaries are considered social facts.

In these observations, we see how power relations and institutions are cyclically constituted. Paraphrasing Marx's prose in this dissertation's opening epigraph, indigenous agents have designed institutions of self-governance, but not "just as they please in circumstances they choose for themselves" (2002: 19). Previous generations of institutional norms weigh heavily on them in the form of cultural rules. In this instance, much less nightmarish than depicted by Marx, symbolic systems have provided indigenous and peasant groups with distinct cognitive scripts that have generated different institutional designs. I characterize this institution-power cycle by the term "instituting power," which emphasizes the dual nature of contemporary political change evident in much of Latin America. On the one hand, an institutionalizing type of power is that technology of government in which the state undertakes institutional reform to reorient the distribution of power in society. New "rules of the game" are established and a distinct correlation of social forces is engineered toward particular goals, such as economic development, poverty reduction, and the centralization of authority. This may be accomplished through a Foucauldian governmentality that enlists a given society's array of social sectors to

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<sup>327</sup> The evolution of the process in Jesús de Machaca does not support this assertion; nor does Charagua – unless the referendum on the statute is voted down.

embrace and reproduce the state's or dominant group's goals – securing, in Antonio Gramsci's formulation, their “spontaneous consent” (1971: 12) – or, alternately, through simple imposition, although the latter is likely to require continuous reinforcement from above to ensure the new rules are sustained. On the other hand, instituting power describes the effective mobilization of pressure by indigenous groups and other social forces on the state to construct new institutions that address their demands for political inclusion and rights. Both are evident in the construction of new institutions of indigenous self-governance in Bolivia.

Lastly, this dissertation reveals how institutional hybridity is both constructed and structural. It is constructed in that the fusion of cultural norms has emerged from particular events of human history. It is hybridized construction that occurred during the deliberative assembly meetings themselves, but also, and perhaps more significantly *prior to* them. That is to say that while participants in these processes were agents that actively drafted texts that fused norms, the norms themselves, the laws that governed the processes, and the social agents involved are all situated within complex cognitive frames of understanding that were always already hybridized. Yet institutional hybridity is also structural in that the novel hybrid institutions, if and when they come into being, will constitute self-perpetuating patterns of social organization, guiding social behaviour in the future AIOCs – much like the indigenous and peasant union norms that precede them.

### **Diverse democracy**

Democracy in Bolivia can be characterized using Boaventura de Sousa Santos's concept of demodiversity; in fact, the 2009 Constitution explicitly adopts “participatory, representative, and communitarian forms of democracy” in Article 11. The diversity of democratic forms is

expressed in numerous ways in Bolivian politics. In terms of representation, legislators are elected at the state's various levels (nationally, departmentally, municipally). Participation occurs through the occasional recall or referenda held, and in the Constituent Assembly process of 2006-2007. Communitarian democracy is practiced at the level of the community, and within the incipient AIOCs, which is now sanctioned by the Constitution. Bolivia's demodiversity does not entail a simple delegation of dimensions of democracy to distinct levels of government (i.e. representation nationally, communitarian locally). Elections and representation occur at every level, including municipally; the system of justice incorporates communitarian processes and structures alongside the "ordinary" ones; and seven "special" indigenous circumscriptions in the Plurinational Legislative Assembly (ALP) are chosen exclusively by indigenous people. Within the AIOCs, demodiversity is also expressed. As mandated by law (the *Ley Marco*), deliberative assemblies (e.g. Chawkh Parla, Ñemboati Reta, Magno Cabildo) coexist with executive and legislative bodies. More specifically, in Mojocoya and Charazani, the election of authorities is designed to combine universal secret balloting with *normas y procedimientos propios*.

Latin American accounts of the diverse forms of democracy – in the secondary literature and my own research – suggest that these dimensions of democracy can be complementary and mutually reinforcing.<sup>328</sup> For example, in Brazil, two important participatory democratic innovations have been implemented since 1989 – participatory budgeting and national public policy conferences – in ways that “strengthen democracy by broadening the role of citizens,” yet without “diminishing the role of political representation and its institutions” (Pogrebinschi 2012: 54). Alicia Lissidini (2012) has documented how in Uruguay participatory democratic mechanisms of popular consultations (referenda and plebiscites) contributed to the strengthening

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<sup>328</sup> The present study has primarily dealt with the communitarian and representative dimensions of democracy, giving less attention to forms of non-communitarian participation.

of that country's system of political representation. So it is in Bolivia, where the communitarian democracy unfolding in AIOC construction provides indigenous agents with new avenues for participation that, by all accounts, augment, rather than conflict with Bolivia's system of representation. However, this investigation indicates that communitarian and participatory democracy have faced numerous obstacles when they sought expression beyond the local level, and that representative democracy continues to account for most significant political outcomes. For example, candidacy for the seven indigenous circumscriptions in the ALP (a smaller number than indigenous organizations had proposed) has been mediated by political parties, namely the MAS. With respect to Bolivia's judiciary, despite a putative non-hierarchy, the "ordinary" system of justice retains primacy (as its name suggests), with communitarian justice relegated to relatively minor crimes and conflicts by the *Ley Deslinde*. And, as this study has documented, access to indigenous autonomy, by which communitarian democracy can be enhanced, faces numerous obstacles: onerous and lengthy requirements, excessive intervention by government and NGO *técnicos*, national and municipal-level opposition, and lack of necessary resources and support. While new institutions of communitarian democracy may complement or enhance practices of representative democracy, in Bolivia there is a clear hierarchy of representative *over* communitarian (and participatory) democracy, to the detriment of the latter forms. Such a narrative supports Santos and Avritzer's assertion that representative democracy dominates other democratic forms. Although the diverse dimensions of democracy are often compatible, in Bolivia we also see that new tensions have emerged between democratic forms following the official acceptance of communitarian democracy.

If there is less space for communitarian democracy than some would prefer, it is not negligible. In the pilot AIOCs, this is most significantly expressed in the state recognition of

deliberative bodies and modifications that have been made to the means by which authorities are selected, both of which distinguish them from municipalities. In terms of authority selection, as elaborated in Chapter III, the first autonomy statutes articulate two distinct ways that authorities are chosen. In the majority of the statutes (of Totorá, Charagua, Chipaya, Pampa Aullagas, and Jesús de Machaca-MACOAS) authority selection will occur exclusively according to *normas y procedimientos propios*, leaving aside the liberal norm of the individualized universal vote, as practiced municipally (and departmentally and nationally). In the other statutes (of Mojocoya, Charazani, and Jesús de Machaca-MACOJMA) candidate selection occurs through comparable communitarian procedures, while the actual election of authorities is handled by universal secret balloting. Although the latter approach mixes representative and communitarian democracy, it also signifies a shift away from a strictly liberal logic.

### **Citizenship by contentious bargaining**

How should contemporary Bolivian citizenship be conceived, and what does this suggest about rights of citizenship in Latin America today? Considering one of the major findings of this dissertation is that Bolivian politics and society is so thoroughly characterized by hybridity, it is unlikely that Bolivian citizenship can be neatly described by either a pluralistic-liberal form or a corporatist-communitarian one. State discourse has posited citizenship as “plurinational,” which inclusively aggregates multiple nations into a unitary state, possibly suggesting an updated form of corporatism. Yet, as the analysis of Chapter IV indicates, Bolivia’s still-incipient plurinationalism is not the guiding force in state-society relations. In practice, citizenship is a more mixed affair, combining a corporatist-communitarian emphasis on social rights with a liberal-pluralism that prioritizes political and civil rights. However, between corporatist-

communitarian and liberal-pluralism, Bolivia can be located closer to the latter category, indicating that the country is better understood as multicultural than plurinational. State-society relations in Bolivia are defined here as politics by contentious bargaining, which is marked by three features: (1) pluralism, (2) cyclical mobilization by a broad array of social sectors, and (3) state policy making by reaction.

Although plurinationalism is evident in various political structures and processes, it is the multiculturalism of the 1990s – rebranded as “interculturalism” – that characterizes the more through-going nature of Bolivian politics. On the plurinational side, a plurality of nations is expressed through the autonomous assemblies constructing AIOCs, the communitarian system of justice – insofar as it can resolve some local disputes –, and the seven indigenous circumscriptions of the Plurinational Legislative Assembly. However, as plurinationalism rose to the level of state policy, it needed to be as tamed, moderated and domesticated (Garcés 2011). Plurinationalism *in practice* is much more about a politics of recognition of cultural features and the advancement of state interests than about political power of indigenous nations, their self-determination, their control of territory (including natural resources), or the right to free, prior and informed consent. A similar picture has emerged in Ecuador, where the 2008 Constitution uses the term “plurinationalism” (again, alongside “interculturality”), yet, as Carmen Martínez Novo, argues, plurinationalism was “emptied of meaning through conditions, the reinforcement of the state, and secondary legislation” (2013: 119). Consequently, although Ecuador allows indigenous peoples to develop autonomous indigenous territories, greater constitutional weight is placed on individual’s cultural rights; unlike Bolivia, indigenous territories are not a part of the official state organization and are not eligible for public budgets (as are other territorial units, such as municipalities) (Martínez Novo 2013). Like Bolivia, Ecuador does not allow indigenous

peoples to control nonrenewable natural resources nor recognizes their right to free prior and informed consent in relation to projects or policies that affect them (Martínez Novo 2013; Zibeche 2009). In Bolivia, as Centellas asserts, the Constitution and secondary laws “recognize the cultural rights of Bolivia’s indigenous majorities, but grants them political rights only within a rural context” within existing “political boundaries that had not historically taken them into account” (2013: 104). The practice of plurinationalism, in Bolivia as in Ecuador, is similar to the multiculturalism of the 1990s: while it promotes indigenous cultures and their recognition, it carefully parses out political control. Moreover, actually existing plurinationalism in Bolivia is oriented toward marshaling indigenous movements’ energies in the service of state goals. Where we can say that Bolivian plurinationalism is quite distinct from multiculturalism is that it is not wedded to a neoliberalism project.

However, like its predecessor, plurinationalism has proven unable to contain social movements’ demands, which frequently overflow into the streets and bring urban commerce and transit to a standstill. As outlined in Chapter II, since 2010 mobilizations have proliferated across Bolivia, including the *Gasolinazo* protests over increased gas prices; indigenous marches against the highway through the TIPNIS; protests against South American Silver Corporation in Mallku Khota; violent clashes between police and cooperative miners mobilized against the draft Mining Law; demonstrations over regional issues in Potosí, El Alto, and elsewhere; soldiers marching in La Paz with demands of decolonization of the armed forces; and sectoral protests by labour groups, from medical professionals to teachers, over wages and government policies. In this regularization of protests, strikes, marches, and blockades, we see Tarrow’s cycles of contention. State-society relations in Bolivia are comprised of a dynamic tension of cyclical social movement mobilization, paired with the state’s reaction to social pressures. I thus characterize

Bolivia's contemporary interest intermediation as one of contentious bargaining that is concomitantly plural, cyclical and reactive.<sup>329</sup>

How liberal, then, is contemporary Bolivian citizenship? It is a commonplace observation that the political, economic and social changes occurring in Latin America suggest some sort of movement beyond liberalism. For example, Benjamin Arditi contends that experimentation with post-liberal politics is evident in those “modes of expression of the popular will that seek a voice in the allocation of public resources rather than the designation of public authorities” – such as Venezuela's *Caracazo* in 1989; participatory budgeting practiced in Brazil and elsewhere; the Zapatista insurrection in Mexico in 1994; the 2000 Water War in Cochabamba, Bolivia; and Argentina's recovered factories, *fabricas recuperadas* (2010: 162-163). Further, few would contest that a rigid adherence to market fundamentalism has waned, and many scholars have claimed that in some parts of the region the shift can be characterized as post-neoliberal and/or post-liberal (Sader 2008; Grugel and Riggirozzi 2009, Macdonald and Ruckert 2009; Cameron and Hershberg 2010; Gustafson 2010). This tendency generally consists not of a rupture or clean break with liberal modes of political organization or the ideology and policies of neoliberalism – and much less capitalism – than, as Arditi characterizes, “something that cannot be fully contained within the liberal form” (2010: 159), or what Macdonald and Ruckert describe as “the discontinuity within the continuity” in which progressive policies have been implemented in response to the internal contradictions of the neoliberal turn (2009: 7). The present investigation into the construction of indigenous autonomy speaks to these questions in several ways.

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<sup>329</sup> Holston's (2008) notion of “insurgent citizenship” is also helpful for explaining how Bolivian movements and communities have sought to fulfill rights through mobilization, yet such a notion is more applicable to the period before 2006. Since that time, the political field has shifted significantly, as the state has institutionalized or pacified some insurgent positions, and undermined formerly legalized privileges.

First, in Bolivia there is an official recognition of deliberative, communitarian spaces of decision-making. While many communities, particularly those that are more rural and remote, have long maintained collective spaces of decision-making – in *ñemboatĩ*, *cabildos*, or peasant unions – until their recognition under the 2009 Constitution these maintained only moral authority, in contrast to their present authority, which is not only moral, but also political and legal. The institutions currently being constituted, re-constituted, or merely sanctioned are entering the state architecture as official structures of authority. Communitarian decision-making is expressed by both the working of the autonomous assemblies themselves as they elaborate autonomy statutes, and, in turn, in the proposed structures of governance that are elaborated by those statutes. Although it remains to be seen how effectively each deliberative assembly will be able to serve as a counterweight to the AIOC’s executive, their expanded legal authority is important. Second, as discussed above, the manner by which authorities are selected depart from a liberal frame – to a greater or lesser extent. In the majority of cases, the statutes propose modes of selection of authorities that are entirely communitarian, while several cases mix communitarian modes of selection with liberal voting. Yet all of the statutes reviewed indicate at least a partial movement away from the liberal norms of election. Finally, the collective rights and responsibilities enunciated in the first autonomy statutes speak to the question of citizenship in an important way, in that these generally extend beyond the citizenship regime provided for in the 2009 Constitution. This is evident in the statutes of Chipaya and Totora, where community members gain the legal right to access to land, while those of Mojocoya enjoy the right to equitable access to land. Chipaya’s statute provides community members with the right to communitarian economic production, and youth the right to participate in deliberative organs. In fact, only in the statutes of Pampa Aullagas and Charazani are no rights articulated beyond those

of the Constitution. Meanwhile, post-liberal responsibilities are spelled out in all of the autonomy statutes, except that of Jesús de Machaca-MACOJMA. In Chipaya, community members are obligated to participate in collective work and community meetings, respect local indigenous authorities, and comply with *ayllu* decisions; in Titora, they are required to make economic contributions directed toward the collective benefit and “practice punctuality in communal work”; in Charazani, they must “fulfill social obligations and other activities that are directed toward the collective good”; and in Pampa Aullagas, residents must do community work and “fulfill and honor” communitarian roles (author’s translation).

These observations appear to confirm that there is something more than just a liberal citizenship at play in Bolivia. While Bolivia is still closer to a liberal-pluralist orientation than a corporatist-communitarian one, citizenship can be described – at least where indigenous autonomy is being constructed – as post-liberal because it is no longer contained within a strictly liberal frame.

### **Indigenous rights**

This dissertation’s findings indicate that factors such as a population in which the majority self-identify as indigenous, as does the President, and an ever-present discourse of indigenous rights, decolonization and plurinationalism, do not liberate a country from the common tensions that states face in relating with indigenous peoples that live within and across their borders, and the constraints indigenous peoples experience as they seek to exercise internationally recognized rights. Bolivia is by no means unique in this regard. Tensions and limitations around indigenous rights are also observable in contemporary Ecuador (see Martínez Novo 2013), Peru (see Tockman 2009; Baldwin and Meltzer 2012), and Guatemala (see Rull 2012), which, along with

Bolivia, are the countries in the Western Hemisphere with the highest percentage of people that identify as indigenous – all above 40 percent (IADB 2006), as well as in Mexico (see Eisenstadt 2013), which has the highest total number of indigenous people in the hemisphere – more than 14 million (IADB 2006). Indeed, as described below, indigenous peoples often fare worse in other Latin American countries. In Bolivia, the practices of indigenous rights since 2006 are marked by both gains and setbacks, with a preponderance gradually shifting toward the latter since 2010.

This study has focused most of its attention on one dimension of indigenous rights – indigenous autonomy – which, in Bolivian can be characterized by hybridity and pragmatism, with a strong orientation toward governmentality. While this text has already provided a significant discussion about hybridization, some observations are warranted about pragmatism and governmentality. In terms of pragmatism, the local-level efforts that articulate indigenous rights appear to be more oriented toward gradual gains in local control than the far-reaching demands and ideas that are often articulated at a regional or national level, such as the vision of *ayllu* and *marka* reconstitution promoted by CONAMAQ. Agents involved in AIOC construction often participated with a view to address practical governance matters, such as relocating the local seat of government, gaining greater control of local budgets, securing greater financial resources or royalties from resource extraction, exerting more control over local development projects, and modifying the processes by which authorities are selected (Vadillo and Costas 2010; Mondor 2011). Modest modifications to the processes and structures of self-government appeared to be a higher priority than more robust assertions of self-determination, such as primary control over nonrenewable natural resources or the right to prior informed consent. Thus, in the Bolivian context, indigenous autonomy is much closer to self-governance

than self-determination. Those with a broader vision of recuperating pre-colonial territories – either in the highlands or lowlands – have generally been disappointed with what AIOC construction permits.

However, the pragmatic and partial gains in indigenous rights in Bolivia should be read in contrast with other countries of the region, where indigenous peoples face more difficult situations. As noted above, tensions and constraints to the exercise of indigenous rights continue throughout the region; in several countries, violent or deadly confrontations between the state and indigenous groups are common, with the casualties almost always heavier on the indigenous side. To be sure, Bolivia has experienced some clashes between the national police and indigenous peoples, most notably the September 25, 2011 repression of the VIII Indigenous March, yet that police crackdown was uniformly condemned by a shocked populace precisely because it was an unusually extreme act of state brutality in the country's post-2005 political era. In contrast, police assaults on indigenous protesters are more common and severe in Peru (Anaya 2009a; Tockman 2009; Baldwin and Meltzer 2012); the killing and imprisonment of indigenous Mapuche activists under Pinochet-era anti-terrorist laws in Chile is routine (Stavenhagen 2003; Aylwin 2009; Tomaselli 2012b); and provisions for territorial autonomy are more limited in Ecuador than in Bolivia (Martínez Novo 2013). In Brazil, a series of mega-dams are being constructed in indigenous territories, including the Belo Monte in the Xingu River Basin; the largest dam complex under development in the world, Belo Monte may displace 20,000 to 40,000 people, including 10 indigenous groups (Anaya 2009b; Diamond and Poirier 2010).

While Bolivia's indigenous autonomies have gained greater leverage over some mechanisms of self-governance, they have also incorporated within them a great range of state functions. The

legal mandate of the AIOCs, which is affirmed by the statutes that have been elaborated, enlists indigenous autonomies in the administration and management of a complex range of municipal affairs. This includes economic, social and political development; management of renewable natural resources in accordance with the Constitution; elaboration of territorial organization and soil use plans, in coordination with the central state; maintenance of the electrical network within the AIOC; maintenance of local roads; administration of protected areas; local taxation; housing; sports; and more than a dozen other competencies (CPE, Article 304). Financing for these competencies is provided by the central government, and AIOCs are constitutionally and legally obligated to carry them out. What we see being enacted in the AIOCs can thus be understood as a penetrating governmentality, in which indigenous peoples are becoming more deeply wedded to and embedded within the architecture and the goals of the state. However, the inverse can also be said: by incorporating indigenous norms and procedures into its own structures and processes, the Bolivian state is being transformed, if only in a handful of cases at the present time.

Additionally, we are now able to make some insights into the politicization of indigeneity, and speak to the question of the origins of that politicization – be they exogenous or endogenous to Bolivia’s specific historical and cultural context. In fact, we see evidence of both domestic origins and the diffusion of international norms. Speaking to exogenous factors, there is significant evidence that international norms and discourse (of ILO 169 and, later, the UN Declaration) have been reproduced locally by local indigenous agents as they articulated their grievances in the streets. Indigenous groups have often received material support from international NGOs conversant in the contemporary discourse of indigenous rights (Postero 2007). For example, Lucero notes that one of the early leaders of CIDOB had travelled to

international conferences during which he “began to learn the transnational vocabulary of indigenous activism” (2008: 91). Moreover, all 46 articles of the UN Declaration were incorporated into Bolivian law in November of 2007 (Law #3760). Thus, it does appear that the conceptions of indigeneity and indigenous rights in Bolivia are at least partially “stimulated by globalized discourses surrounding indigenous identity,” as Canessa argues (2012: 207). However, this provides only a partial explanation of what we observe in Bolivia. On the endogenous side, new indigenous rights provisions of Bolivia’s 2009 Constitution (i.e. the right to self-determination, *libre determinación*, pre-colonial existence of indigenous peoples, the creation of indigenous autonomies) have their origin chronologically *prior* to the approval of the UN Declaration. Although there is a longer genealogy of all of these terms, in the Bolivian context they were elaborated by the Unity Pact and submitted to the Constituent Assembly in August 2006, and were significantly incorporated into the constitutional text, which was approved in Oruro in December 2007 (Garcés 2011). The UN Declaration’s approval a few months earlier – in September 2007 – occurred near the end of this process, with Bolivia’s new Constitution at a very advanced stage of deliberation. Thus, the Declaration, on its own, is unlikely to have accounted for the specific pro-indigenous provisions of the Constitution. Additionally, these constitutional and legal reforms were only possible after the election of a president that came to power on a pro-indigenous agenda, suggesting domestic influences. Finally, it bears noting that Bolivia’s politicization of indigeneity has its own discursive flavour, expressed in the language of plurinationalism, which is not significantly present in the global discourse on indigenous rights.

### *Looking forward*

Future divinations are, by their nature, unlikely to predict events with much accuracy, yet I will briefly hazard a few expectations about indigenous politics in Bolivia. Numerous observers have noted the outcomes of Law of Popular Participation, by which local power was devolved but not always in the manner anticipated by the MNR Party that sponsored that devolution (Arbona 2008; Gustafson and Fabricant 2011; Postero 2013b). Arbona, for example, argues: “The decentralisation process thus had unintended consequences as it created relatively autonomous governance spaces that in turn facilitated the formation of social movements. These movements have come to express political discourses (and actions) that the state has found itself unable to neutralise” (2008: 28). It is reasonable to anticipate that the political program being advanced by the MAS will similarly have unintended consequences (as well as intended ones). Even as the MAS has often acted to limit the very spaces of indigenous autonomy that they played a key role in opening, the expectations that have been engendered by the political reforms since 2006 may fuel new rounds of contestation over indigenous rights, taking advantage of novel “autonomous governance spaces” or discourses once advocated by the MAS. Whether this will continue to move the political field toward greater inclusion and representation, or foreclose further gains as tensions between indigenous and peasants groups flare remains to be seen.

Speaking to those tensions, for decades cultural and political cleavage has been the ordinary state of relations between indigenous communities and peasant unions. In a historical context, the Unity Pact between peasant and indigenous groups that extended from 2004 to around 2009 is shown to be more of an exception than the rule. It now seems that the two have again arrived at their “normal” resting place. In view of this, and of the pitched tensions between the two in recent years over issues such as the TIPNIS and agrarian reform, it appears that the cleavage is

likely to remain, if not worsen. Considering the peasant base of Morales and the MAS, and the latter's support for the parallel CIDOB, it is also difficult to see how the party can mend relations with CIDOB and CONAMAQ. This portends a further distancing of the indigenous confederations from the MAS, and a deepening of contention around indigenous rights in Bolivia in the years to come.

### *Lessons for the UN Declaration on the Rights of Indigenous Peoples*

Approved in 2007, the UN Declaration signifies the current international consensus on indigenous rights (Lightfoot 2010). In passing Law #3760 – a one-paragraph decree that simply elevates to the level of law the Declaration's 46 articles – Bolivia became the first country to adopt the Declaration into law (Gustafson and Fabricant 2011). As such, observations that arise from the Bolivian case may be instructive to the other countries seeking to implement the commitments they have made, as well as for future reviews of the Declaration.

First, the Bolivian case highlights the kinds of difficulties countries can encounter in implementing the UN Declaration's rights to consultation and consent. The country's Constitution recognizes the right to consultation in numerous articles (most importantly Articles 30.II.15, 304.I.21, and 403.I), but not the right to consent, a pattern that is reflected in numerous secondary laws. The draft Law of Consultation incorporates an important element of consent, but the language is considerably weaker than that of the UN Declaration and has been rejected as inadequate by the country's leading indigenous confederations. Moreover, we observe in Bolivia that the Constitution's privileging of consultation over the higher standard of consent has in most cases been reproduced at the local level by indigenous peoples drafting autonomy statutes. The right to consent is only claimed in two of the first eight statutes, those of Mojocoya and Jesús de

Machaca-MACOJMA, and only in the latter case does the statute articulate what consent entails in any detail. The reason for the general omission of consent in the statutes may be that in a place such as Bolivia where the Constitution is perceived as having legitimacy among indigenous peoples, the official preference for consultation is accepted and replicated at the local level by indigenous groups, eliding the UN Declaration's more restrictive provisions for consent. Although this does not relinquish indigenous peoples' internationally recognized rights to free, prior and informed consent, it illustrates how local adoption of national rather than international norms can complicate indigenous peoples access to those rights.

Second, geography matters. Indigenous self-determination in general and institutions of self-governance in particular can face obstacles where indigenous territorial jurisdictions are legally required to coincide with contemporary boundaries of colonial origins (e.g. municipalities, departments) – rather than pre-colonial regional geographies (e.g. *markas*, *capitanías*). As Centellas emphasizes, “indigenous communities are constrained by political boundaries that had not historically taken them into account” (2013: 104). Beyond the strictly legal impediments that may be created (e.g. that TIOCs cannot feasibly cross departmental boundaries), legal frameworks that replicate colonial geographies can be problematic because they produce an incongruity between the cartography understood or imagined by those seeking to exercise self-governance and the colonial-based geography under consideration. As a consequence, indigenous groups may be discouraged from participating in state-sanctioned self-governance processes. Lack of participation may be due to the ancestral and/or spiritual connections that many indigenous peoples have to specific territories, an essential component of land that is less salient for non-indigenous peoples. In other words, geographical incongruity could generate a spatial-cognitive impediment among indigenous agents themselves. CONAMAQ's modest

interest in the AIOC process seems to reflect such an account. Territorial incongruity can also generate questions of legitimacy about indigenous claims to territory where multiple ethnic groups occupy a particular geography, as seen in Charagua, or where there has been significant migration to and from a region by indigenous and non-indigenous people. The greatest tension is likely to be produced where colonial settler communities have established a presence in the contested territory; however, this can also present a problem where more than one indigenous nation are aggregated within a given geography. Therefore, beyond the obvious importance of territorial control for indigenous peoples to secure self-determination or self-governance, the specificity of that territory is important. Legal frameworks for indigenous self-governance will generally be more effective where they minimize this incongruity. This observation reflects the UN Declaration's protection of indigenous rights to "land, territory and resources which they have traditionally owned, occupied or otherwise used or acquired" (Article 26, see also Articles 25 and 27). The additional insight provided here relates to the practical implementation of self-determination in complex geographical contexts.

Finally, the Declaration's non-binding character has facilitated Bolivia's denial of indigenous territories and AIOCs' control of non-renewable natural resources. Despite having legally adopted the entirety of the UN Declaration, Bolivia's constitutional and legal framework does not otherwise recognize indigenous peoples' right to own, use, and control non-renewable natural resources on lands that they have traditionally owned or used, contravening Articles 25, 26, 27, 28, and, especially, 32 of the UN Declaration. To the contrary, Bolivia's Constitution and laws militate against control by indigenous peoples (or any other group) of non-renewable natural resources – minerals and hydrocarbons – which has been reaffirmed in official statements by government officials, including President Morales. This indicates the need for an

accountability mechanism within the UN to ensure country compliance with the right of indigenous peoples to control the natural resources on lands that they have traditionally owned, occupied or used.

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## **Appendix: Methodology and research considerations**

### **Methodological approach**

This dissertation is based upon primary field research in Bolivia which spanned nine months, from August 12, 2011 to May 11, 2012, as well as a follow-up research trip in October-November 2013. From a base in Cochabamba, due to its centrality to the municipalities where I planned to do research, I frequently travelled to the municipalities on which my research centred, as well as the cities of La Paz and Sucre. Between 2011 and 2013, I undertook ten field research trips to Tarabuco (4), Mojocoya (3), Jesús de Machaca (1), Curahuara de Carangas (1), and Charagua (1), for a duration of two to six days apiece. See Chapter II for case selection criteria. Research methodologies included interviews, observation, and analysis of primary and secondary texts.

All interviews were semi-structured, and I employed snowball sampling. In total, I conducted 72 interviews, a few of which were done in small groups of two or three people. Research subjects included: indigenous people involved in local processes of constructing indigenous autonomy in Tarabuco, Mojocoya, Jesús de Machaca, and Charagua; community leaders involved with or familiar with of these processes; scholars and other experts with particular knowledge about indigenous politics; representatives of indigenous or peasant organizations; staff members of non-governmental organizations that accompanied AIOC construction; elected officials; and government bureaucrats and consultants from relevant agencies, mostly significantly the Ministry of Autonomies, and secondarily the Vice Ministry of Decolonization (within the in the Ministry of Culture). A precise breakdown of the types of research subjects is provided in Table A.1.

**Table A.1. Interview subjects and number of interviews**

|  |           |
|--|-----------|
| <b>Indigenous participants in AIOC processes</b>           | <b>21</b> |
| <i>Jesús de Machaca</i>                                    | 8         |
| <i>Charagua</i>  | 7         |
| <i>Mojocoya</i>  | 3         |
| <i>Tarabuco</i>  | 2         |
| <b>Community leaders from converting municipalities</b>    | <b>10</b> |
| <b>Representatives of indigenous/peasant organizations</b> | <b>7</b>  |
| <b>Scholars/experts on indigenous politics</b>             | <b>12</b> |
| <b>Staff of accompanying NGOs</b>                          | <b>5</b>  |
| <b>Government bureaucrats and consultants</b>              | <b>13</b> |
| <i>Ministry of Autonomies</i>                              | 9         |
| <b>Elected official</b>                                    | <b>1</b>  |
| <b>Other</b>   | <b>3*</b> |
| <b>Total interviews</b>                                    | <b>72</b> |

\*Includes one community member from Tarabuco that was not involved in the AIOC process, and two community leaders from Curahuara de Carangas.

In addition to my own identification of interviewees, in course of snowball sampling, I obtained recommendations for research subjects from NGOs, as well as from those with whom I had already conducted interviews. Free and informed consent was obtained prior to all interviews, in accordance with the ethics provisions outlined in UBC’s ethics review for this project. Consent was secured by way of the interviewee’s signature on a consent form, or, when she or he preferred, verbally. Research subjects were provided with a description of the project, plans for publication, and contact information in the case of complaints with my conduct (all in Spanish), and informed that they could decline to answer any question or terminate the interview at any point. All interviews were done in Spanish, with the exception of one in English, in which the research subject, a former government official, was fluent. Most interviews were recorded (digital, audio), always with the interviewee’s consent, and subsequently transcribed. All were encoded for confidentiality, and strict guidelines have been followed in the use of research subjects’ names. In this dissertation, I have identified interviewees by name only when the likely benefits of disclosure of their name are greater than foreseeable risks to the individual, as

determined by two criteria: (a) failure to disclosure her or his name would significantly diminish both the veracity and intelligibility of my research findings, and (b) the potential risk of harm to the subject could not possibly exceed causing them discomfort (in other words cause no other social, economic or physical harm) – and when the interviewee consented to have their name used.

While in the municipalities converting to indigenous autonomy, as well as in Curahuara de Carangas and during various trips La Paz and Sucre, I engaged in observation of meetings, demonstrations, conferences and other events relevant to the research endeavor. Observations were recorded through written field notes, and occasionally by digital photograph. All events that were observed were of a public nature. Among the most important of these were two multi-day meetings I attended in Tarabuco, during which members of that municipality's Autonomous Assembly were engaged in the drafting of their autonomy statute, or having discussions toward that end. I attended both plenary sessions and committee working group meetings, as well as meetings of NGO staff accompanying the process, and held in tandem with those of the Autonomous Assembly. Also highly informative, in Mojocoya, I attended *socialización* meetings during which that municipality's draft autonomy statute was shared with community members and feedback was solicited. The data gathered from these meetings – in Tarabuco and Mojocoya – significantly contributed to several of this dissertation's findings, such as the roles of NGO and government consultants in statute elaboration, the procedures employed by the assemblies, and the demographics of participants. In both municipalities, Fundación TIERRA – which at all points of contact appeared to maintain a strong and positive relationship with local community leaders – played an important role in making possible my attendance at those

meetings, as well as translation of portions of the proceedings from Quechua into Spanish, particularly in Tarabuco.

On several occasions in Mojocoya and Tarabuco, observation became *participant* observation, when I was in some manner involved in aspects of the events that I attended. On a few occasions, I assisted Fundación TIERRA with note-taking for the purpose of drafting meeting minutes, or wrote analyses for their publications. At a April 21, 2012 meeting of five NGO staff people and a government consultant, which met concurrently with a session of Tarabuco's Autonomous Assembly (in an adjacent building), I twice intervened in the discussion when it appeared that their review and modification of the Assembly's draft statute language risked making substantive alterations to the Assembly's text. As described in Chapter II's discussion of Tarabuco, on both occasions the consultants present briefly debated the issue at hand, concurred with my suggestion, and reverted to the Assembly's original language. When the consultants' changes to the text appeared less substantive or innocuous, I merely observed and took notes of the proceedings. I reflect on the ethical implications of my participation below in the discussion of the position of the researcher.

A final method was analysis of both primary and secondary texts. This entailed the close reading of a wide range of primary documents, including the Constitution, secondary laws, agency rules, court decisions, especially those of the Plurinational Constitutional Court (TCP), draft and final versions of autonomy statutes, meeting minutes from sessions of autonomous assemblies tasked with drafting statutes, government publications (both those generated for internal purposes and for general circulation), and position papers and declarations by organizations. Secondary texts include articles and reports by other scholars, NGOs, agencies and think tanks, as well as mainstream news stories and online publications.

### **Issues related to data collection and analysis**

In the course of undertaking field research, several questions emerged that merit brief attention: case selection, consent, and reciprocity. In terms of case selection, as implementation of the research project advanced, local dynamics emerged that suggested some alteration in this study's primary cases. Principally, the municipality of Mojocoya was added as a primary case, while Chayanta was removed. The change involved the substitution of one rural, Quechua-dominant municipality in Bolivia's central valleys for another of the same description, and was based on three considerations. First, the process in Mojocoya was advancing rapidly, whereas it had never gotten started in Chayanta; thus there was more data to study, including a draft autonomy statute. Second, once I began to collaborate with the Fundación TIERRA, which was accompanying the process in Mojocoya, I was able to draw on their connections in the municipality, as well as secure transport to Mojocoya with the organization. Finally, at the time of my research, Mojocoya was engaged in the *socialización* of their statute, the observation of which promised important insights into the elaboration of new institutions of self-government. The other primary case that was eventually removed from the research project was Chipaya, territory of Uru peoples, due to reasons of access. On two occasions, I planned research trips to the remote municipality but was prevented from completing the trip – once in May 2012 due to flooding of the roads from La Paz, and once in November 2013 due to time constraints, limited transportation options, and inability to reach community leaders by phone. Conducting research in Chipaya would have likely yielded additional insights into the construction of indigenous autonomy, considering theirs is among the most advanced municipalities in the process of conversion. Instead, the present analysis of Chipaya depends upon a review of relevant texts (Chipaya's autonomy statute, Ministry of Autonomies publications, news stories, and other

secondary literature) and interviews with those with particular knowledge about Chipaya, including an elected official that represents the municipality and a NGO staff person that observed the process of statute elaboration that took place in Chipaya.

In each of the five municipalities where primary research was undertaken – Jesús de Machaca, Curahuara de Carangas, Tarabuco, Mojocoya, and Charagua – free and informed consent was secured prior to undertaking research in the municipality. Consent was always secured in person through a discussion about the research project with a prominent indigenous leader within the municipality, although the person granting consent varied significantly, as do the correlation of forces among the distinct municipalities. In Tarabuco, consent was secured from both the leadership of the *ayllus* and the peasant union, the main two municipal bodies that claimed to represent indigenous peoples. In Charagua, consent to do research was granted by three of the five directors of the Autonomous Assembly drafting the autonomy statute (all are Guaraní). In Jesús de Machaca, the president of that municipality's Autonomous Assembly granted consent. In Mojocoya, where there are no *ayllus*, I secured consent from the municipality's *Alcalde* (who had also served as one of the Autonomous Assembly's directors), and was subsequently warmly received by the former president of the Autonomous Assembly, who granted an interview, as did four of the five Municipal Councilors. In Curahuara de Carangas, which voted against converting to AIOC status and thus had no Autonomous Assembly, I also solicited and obtained consent from the *Alcalde*, who is Aymara and the municipality's highest-elected executive authority. One might argue that an elected *Alcalde* or Autonomous Assembly president is not the appropriate person to grant a researcher permission to conduct an investigation – that consent could only be granted by those indigenous authorities chosen through deliberative assemblies, e.g. the *jach'a mallku*, representing the *cabildo*. Indeed,

my preference was to speak to such an authority, when feasible. However, due to the fragmented and conflictual organization of indigenous peoples within several of the municipalities, in addition to the practical difficulties in communicating with and gaining an audience with certain indigenous authorities, I sometimes turned to the other credible indigenous leaders of the municipality. On a single occasion, one community member (of Jesús de Machaca) questioned the acceptability of obtaining consent from the community leader that had granted it in that municipality; however, another indigenous leader of Jesús de Machaca – who had previously held the position of *jach'a mallku* – insisted that the person who granted consent was a recognized community leader, and qualified to make such a judgment. Moreover, the man that objected to the other's granting of consent agreed to participate in the research project, and consented to being interviewed himself.

In designing this research project, the principle reciprocity was a crucial guide. Reciprocity was exercised at three distinct phases of the research. First, as I obtained consent in a municipality, I inquired with local authorities if there were particular ways that I could support the local processes of elaborating statutes. Some requests were easy to fulfill, such as small cash donations, and a contribution of a digital audio recorder. I quickly learned that *coca* leaves are a standard currency of reciprocity in much of Bolivia, exchanged at greetings and during meetings, and always carried plenty for sharing. Second, the aforementioned feedback meetings were important opportunities for participants to provide input at a middling stage; the feedback from indigenous agents usefully contributed to modifications in this dissertation's analysis. Lastly, so as to make available the dissertation's analysis and conclusions available to participants and communities (as well as indigenous and peasant confederations, NGOs, academic and government officials), a summary is being published in Spanish, Aymara and

Quechua. This return of information is offered to those involved in AIOC processes with the hope that it will productively or provocatively contribute to the debates over indigenous self-governance in Bolivia.

### **The social and subjective view of the researcher**

“...what philosophers, sociologists, historians, and all those whose profession it is to think and/or speak about the world have the most chance of overlooking are the social presuppositions that are inscribed in the scholastic point of view... that is, the social conditions of possibility of the scholastic point of view... This is a fundamental epistemological question since it bears on the epistemic posture itself, on the presuppositions inscribed in the fact of thinking the world, of retiring from the world and from action in the world in order to think that action.” (Bourdieu 1990: 381-382)

Social and cultural reflexivity is important in the course of research in a foreign country, both to promote better analysis the subject of study, and to account for bias that the investigator brings to the research – bias that can be generated by either one’s subject or social position, or both. In terms of subject position, it may be the case that, say, a North American, middle-class, non-indigenous person, with distinct cultural perspectives and a “epistemological horizon” (Hylton and Thomson 2007: xxii) that is different from that of many research participants, may fail to grasp part or the entirety of the phenomena that she or he is observing. That North American investigator may not understand the full and nuanced significance of *chachawarmi* or the Andean cross. She or he may be confused by pre-colonial notions of space and time (as in the cyclical turning over of world, expressed by the Aymara-Quechua term, *pachakuti*) that – the significant uptake of ideas about modernity notwithstanding – continue to influence how many indigenous people in Bolivia understand their world.

The research design for this project sought to control for cultural and epistemological misunderstandings through a number of measures. In setting up field research that spanned 10 months in Bolivia, I sought to ensure enough time to be both well-informed to make observations, and sufficiently connected with Bolivians of various social worlds that could help to check the many biases brought by the researcher. Toward that end, I also held nine feedback meetings with 11 Bolivians representing the most significant groups in the AIOC processes – indigenous participants and leaders, NGO staff people, government officials, and scholars of indigenous politics – in October and November of 2013. I shared with each of those participants a summary and preliminary findings of the research project, and sought their critical observations about my observations about indigenous rights and the institutions of indigenous self-governance under construction in Bolivia. All of the feedback received was evaluated, and on several occasions led to modifications in the text or analysis in later iterations of this dissertation. For example, in response to a critique offered by a NGO staff person accompanying the AIOC processes in Chuquisaca, I revised my observations about the participation of women in the processes of AIOC elaboration.<sup>330</sup> In another conversation, a Bolivian scholar with whom I shared my preliminary findings pointed out that I had mischaracterized the process of selecting National Assembly candidates to fill the seven indigenous circumscriptions; he observed that I had described the selection process as “direct” when in fact it occurs through universal secret balloting, and that I had not acknowledged the important role of political parties, especially the MAS, in candidate selection.<sup>331</sup>

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<sup>330</sup> The NGO representative commented that my analysis did not account for the non-participation of women in indigenous deliberative spaces (i.e. even when present, women generally do not speak); from meeting in Sucre, October 25, 2013.

<sup>331</sup> The same academic constructively encouraged me to be more reflective about the power dynamics between indigenous leaders and *la base indígena* (essentially, indigenous community members), and their respective preferences; from meeting in Cochabamba, October 23, 2013.

Finally, by collaborating with a NGO that accompanied the AIOC process, the Fundación TIERRA, which, by all accounts, was well-respected by local indigenous agents, I sought to identify a community of researchers and consultants within which I could embed myself and with whom I could maintain a regular dialogue about the processes we jointly studied. These measures have been employed to strengthen the analysis and limit misinterpretations, but it is unlikely that no errors are contained in these pages. To be sure, close collaboration with one or another social group poses the risk of introducing another bias, this time one of selection, by which the data collected could be skewed in a particular direction if all of the research subjects are drawn from one sector or political persuasion. For example, if I collaborated with and obtained the names of potential interviewees from only one or two NGOs, research subjects may, consequently, be disproportionately urban or have more formal education or training than the general population, generating tendentious or unrepresentative observations. Partially for that reason, I sought to control for this by identifying interviewees through a range of different means, including but not limited to NGO contacts.

However, as illustrated by this section's epigraph, a perhaps greater problem of reflexivity looms in the recognition of the social and economic conditions that make possible what Bourdieu calls a "scholastic point of view" (Bourdieu 1990).<sup>332</sup> Put otherwise, what epistemic presumptions enable the scholastic gaze, which may tell us more about the scholar herself than the object of study? While the scholar has the leisure of "retiring from the world and from action in the world in order to think that action," research subjects are engaged in the "urgency of a practical situation" (Bourdieu 1990: 381-382). Failure to theorize the theorist, thus, risks the possibility of misdiagnosing practical action by superimposing an abstract vocabulary of, say, democracy, institutions, or power. Do academic predilections for theoretical explanation cloud

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<sup>332</sup> Here, Bourdieu borrows from an earlier critique of scholarly perception by John Austin (1962).

accurate portrayal of practical action, based as it is on the economic and social conditions of the research subject, who we have already noted may be reading from a considerably different cognitive script from that of the scholar?

Several measures have been built into the research design to try to correct for the intellectualist biases the researcher brings to the research endeavor. Triangulation of methods aims to achieve multiple vantage points by which to assess observed phenomena. Close attention to process (tracing) has sought to ensure that the scholarly view is inductively informed by empirical observations. And the feedback sessions that were included in this study were designed to hold the research findings accountable to the perceptions of agents involved with the processes under analysis. If rendered successfully, this step enables subjects of other positions but with specialized knowledge about the research topic, to place the scholar and the academic field under scrutiny, critically objectifying the latter and neutralizing some of bias inherent in the scholar's view (Wacquant 1992). To be sure, these strategies, remain largely internal to the academic field. In fact, in the latter mechanism, one might argue that participants in feedback meetings were effectively asked to see local processes from the "scholastic point of view." This may account, in part, for why several of those that participated in the feedback sessions appeared reluctant to offer any substantive criticisms of the preliminary research findings and analysis (although other participants were content to suggest alternate readings). Judgment of the effectiveness of these measures in addressing the gap between the logic of theory and the logic of practice lies in the hands of the reader.

Finally, the ethics of intervening into processes under investigation merits attention. As mentioned above, in the course of my research in Tarabuco, I observed NGO staff members as they met, discussed the Autonomous Assembly's draft statute text, and prepared to alter several

portions, possibly modifying intended meanings: on one occasion by adding “in the following order” to clarify the rotation of the executive authority among three principal organizations there, and on another by changing the statute’s terminology for people with disabilities. The points I raised in both instances were accepted, and the modified language was reversed to the Assembly’s original text. Was my participant observation appropriate, as it seems to have had a real effect on another country’s internal politics? One might question my role, pointing out its coherence with the long history of colonially minded scholars and practitioners that have gone to Bolivia to “help,” but have intervened toward self-interested and exploitive ends (including the extraction of local knowledge without soliciting consent and offering nothing in return). Conversely, one might note that accompanying NGOs themselves, as well a government ministry’s agents, were already intervening – in fact, quite extensively – into local questions of indigenous self-governance; or that my presence was but one more outsider that played an insignificant role. A more defensible postulation is that the principle guiding my comments was that those accompanying the process should, above all, act to further indigenous self-determination. If, as Bolivia’s Constitution and the UN Declaration alike recognize, indigenous peoples’ existence and their right to self-determination are historically prior to the Plurinational State of Bolivia (as well as its predecessor, the Republic of Bolivia), the kind of participation that I engaged in can be viewed as a sort of counter-intervention in support of the self-determination of those involved in elaborating Tarabuco’s autonomy statute.