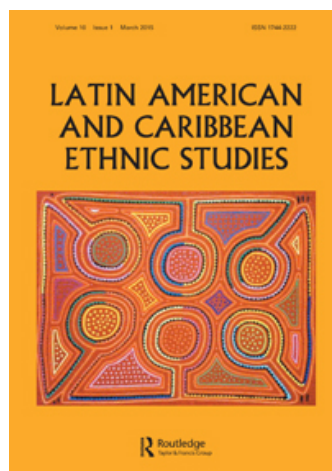


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# New Institutions of Indigenous Self-Governance in Bolivia: Between Autonomy and Self-Discipline

Jason Tockman, John Cameron and Wilfredo Plata

*This article analyzes the novel legal and policy framework for indigenous autonomy in Bolivia since the approval of the 2009 Constitution, with a focus on the specific contents of the country's first five approved statutes of indigenous autonomy. The statutes not only appear to internalize Bolivia's restrictive framework for indigenous autonomy, but also reveal internal tensions between liberal principles and the supposed norms of indigenous self-governance, thereby challenging common assumptions of indigenous attitudes toward autonomy and highlighting the practical objectives of many local actors. Moreover, they indicate an acceptance by many local actors of the national redistributive-developmental economic program pursued by the Morales Government. While acknowledging important variations among the statutes, we observe a distinctively Bolivian hybrid model of indigenous autonomy, and posit that within that model, the approved statutes can be located on a continuum between poles of more communitarian and more municipal. The article analyzes the statutes' provisions for territorial control and prior informed consultation and consent in the context of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and explores how indigenous autonomy in Bolivia contributes to broader debates about post-liberalism and post-neoliberalism in Latin America.*

**Keywords:** Indigenous rights; autonomy; United Nations Declaration on the Rights of Indigenous Peoples; normas y procedimientos; liberalism; Bolivia

This article analyzes the first five statutes of Indigenous First Peoples and Peasant Autonomy (*Autonomía Indígena Originaria Campesina* – AIOC) that have been produced by indigenous peoples in Bolivia in the context of the country's legal framework for indigenous self-government. After decades of political struggles, in 2009, the Government of Bolivia promulgated a new constitution that formally recognizes the rights of indigenous peoples to autonomy in accordance with their own 'norms and procedures.' In 2010, the government approved the Framework Law of Autonomies and Decentralization (*Ley Marco de Autonomías y Descentralización* – LMAD) that provides specific legal rules for the creation of new institutions of indigenous autonomy. Central to the creation of indigenous autonomies is a

requirement for each qualifying indigenous territory or municipality to convene an 'autonomous assembly' with the mandate to draft an 'autonomy statute' that outlines the basic design of future institutions of indigenous autonomy. To date, the autonomous assemblies of seven indigenous municipalities have completed their statutes of autonomy. Analysis of these texts provides important insights into how indigenous autonomy in Bolivia will function as well as the ways in which indigenous peoples at the grassroots in Bolivia understand autonomy and what they hope to gain from it. The text of the statutes also provides clear evidence of the outcomes of central government efforts to restrain and control indigenous autonomy. While various observers have critically analyzed the constitutional and legal framework for indigenous autonomy in Bolivia (Garcés 2011; Portugal 2011), our focus here is on the agency of indigenous peoples within that framework and the ways in which they have articulated their own visions and institutional designs for self-governance. The five autonomy statutes that we examine are from Chargua, Mojocoya, Pampa Aullagas, Totorá, and Uru Chipa (Asamblea Autonómica Guaraní en Charagua 2012; Asamblea Autonómica Indígena Originaria Campesina de Mojocoya 2012; Asamblea Autonómica Indígena Originaria Campesina de Pampa Aullagas 2012; Asamblea Autonómica Indígena Originaria Campesina de Totorá Marka 2011; Nación Uru Chipaya 2012).

While the autonomy statutes vary in important ways, collectively they not only comply with and appear to internalize Bolivia's restrictive legal framework, but also reveal internal tensions between liberal principles and the supposed ideals of indigenous self-governance, thereby challenging assumptions about indigenous attitudes toward autonomy. Indeed, the text of these autonomy statutes reveals a high level of pragmatic willingness to work within the confines of a legal framework that remains fundamentally liberal and municipal, as well as an engagement with liberal principles and institutions that indigenous peoples are often assumed to reject. Analysis of these first statutes is particularly important, because they represent a key reference point for many other indigenous groups that are watching the autonomy process unfold before making decisions about whether or not to engage in it.

This article compares and contrasts the first five approved autonomy statutes in relation to each other, the framework for municipal governance in Bolivia, and the rights to self-determination recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>1</sup> In the article, we make three central arguments. First, a comparison of the autonomy statutes reveals an emerging model of indigenous autonomy that is specific to Bolivia – a hybrid model that combines the country's municipal system with indigenous norms and procedures. Within that model, we observe variation between a more communitarian form of self-governance at one end of a continuum and a more liberal-municipal model at the other end. Second, this emerging model emphasizes the legitimacy of the state, the Political Constitution of the State (*Constitución Política del Estado* – CPE), and the national legal framework for indigenous autonomy, and makes few references to specific internationally recognized indigenous rights. The text of the statutes partly reflects and reproduces Bolivia's significant legal and political restrictions on indigenous autonomy, but it also points toward the ambivalence of many of the indigenous actors involved toward the arguably essentialized interpretations of the indigenous

norms and procedures that many observers expected them to pursue (e.g. Albó and Romero 2009; Colque 2009). Indeed, in many ways, the statutes reflect an appropriation of liberal principles and particularly of municipal modes of governance by indigenous peoples – which they have learned to work with since the 1994 Law of Popular Participation (LPP) established municipal governments throughout the country. Third, we argue that an understanding of the content of the statutes requires background understanding of the power relations within which they have been created, in particular the strong influence of government bureaucrats, lawyers, and consultants in the drafting of the statutes and the high legitimacy of the Constitution in the current political context in Bolivia.

We begin by explaining Bolivia's legal and policy framework for indigenous autonomy. We then analyze the specific contents of the first five approved statutes. That discussion sets the stage for our assessment of the designs of the autonomy statutes, with a particular focus on power relations within and between the future indigenous autonomies and the Bolivian state, and the ways in which the statutes relate to debates about post-liberalism and post-neoliberalism in Bolivia and Latin America. We conclude with some theoretical considerations about the meaning of the statutes in the context of debates over hybridity, essentialism, governmentality, and appropriation.

The analysis presented in this paper focuses primarily on the written text of the final versions of the autonomy statutes that have been submitted for approval to Bolivia's Plurinational Constitutional Tribunal (*Tribunal Constitucional Plurinacional* – TCP), but it is also based on observation of the deliberative processes that produced the statutes as well as on interviews and informal conversations with many of the actors involved in those processes between 2009 and 2013. Tockman and Cameron are North American scholars, while Plata is a Bolivian researcher with the NGO, Fundación Tierra.

### **The Legal and Political Framework for Indigenous Autonomy in Bolivia**

While Bolivia's 2009 Constitution recognizes the rights of indigenous peoples to autonomy over their ancestral territories, it clearly conditions such recognition on preservation of the unitary state. Articles 2 and 290 specify that, although the design of indigenous self-governments can be based on indigenous norms and procedures, it must also comply with the Constitution and secondary laws. In this context, AIOCs should be understood as administrative units that comply with and reproduce the unitary state. In no way does indigenous autonomy represent a form of separation from the Bolivian state; rather, the Constitution incorporates indigenous modes of governance more deeply into the state structure. The jurisdiction of indigenous autonomies in Bolivia corresponds closely with municipal governments – although with additional authority over indigenous justice and greater discretion over the design of local government institutions. Notably, indigenous autonomy does not confer jurisdiction over nonrenewable natural resources, which remain under central state control. In this context, indigenous autonomy in Bolivia should be understood as a new form of local governance which might permit enhanced management of agriculture and renewable natural resources that are not deemed of strategic importance by the state.

The Constitution provides three paths for the formal establishment of indigenous autonomy. The first and primary path is through the conversion of a municipality into an AIOC. The second is the conversion of legally recognized Indigenous First Peoples Peasant Territory (*Territorios Indígenas Originarios Campesinos* – TIOCs).<sup>2</sup> The third route is through the creation of an autonomous region, which is composed of two or more AIOCs and/or municipalities; however, before composing an autonomous region, the separate territorial entities that are to comprise it must have already been established as autonomous territories (LMAD, Articles 19 and 22), and regions may not transcend subnational (departmental) boundaries (CPE 2009, Article 280), which is similar to the *mancomunidades* or regional associations of municipalities found throughout Latin America.

To date, the government has offered one opportunity for the creation of AIOCs through the municipal path. Of Bolivia's 339 municipalities, 11 have been authorized to begin the process of converting to indigenous autonomy. On 3 August 2009, President Evo Morales issued Supreme Decree 231, officially initiating the legal process for the conversion of municipalities. Importantly, this occurred prior to the establishment of a legal framework for indigenous autonomy that would go beyond the ambiguous rights established by the Constitution. It was not until the passage of the LMAD in July 2010 that the legal framework for AIOCs became clear. In 2009, indigenous groups thus found themselves having to decide whether to pursue a new legal status that was still unspecified. Nonetheless, 18 municipalities initiated the process of conversion, which entailed both a narrow timeline and onerous bureaucratic requirements. Municipalities were required to expedite a formal request to the government to hold a referendum on conversion, which was to coincide with the 6 December 2009 national elections. Those requests required the signatures of at least 10 per cent of the adult population of the municipality, evidence of precolonial occupation of the territory under consideration, and the ratification of a municipal council ordinance in favor of conversion. Of the 18 municipalities that had expressed interest in indigenous autonomy, only 12 were able to navigate these bureaucratic requirements. In most of these cases, logistical and technical support from NGOs or regional indigenous organizations was a key factor in submitting applications.<sup>3</sup> The referenda succeeded in 11 municipalities, while one voted against conversion (Curahuara de Carangas). The 11 municipalities that voted to become AIOCs are all rural, and each has a majority that identify as indigenous; they are also spread across the country's three major regions (the Andean highlands, central valleys, and Eastern lowlands) and are populated by varying indigenous groups, alternately with majorities that are Aymara, Quechua, Guaraní, and Uru. In these municipalities, indigenous actors expected to be able to select their new authorities according to their own norms and procedures. However, the central government imposed conventional elections in April 2010, in which political parties participated as central players to choose executive and legislative authorities that would oversee the conversion to indigenous autonomy. Next, 'autonomy assemblies' were elected to draft 'autonomy statutes' – establishing the new rules of local self-governance. Before going into effect, autonomy statutes must be submitted to the aforementioned TCP to ensure constitutional compliance, and then achieve approval in a

**Table 1** The status of AIOC processes as of April 2014.

| Municipality<br>(department)        | Status of statute   |
|-------------------------------------|---|
| Totora (Oruro)                      | Final revised version of statute approved by TCP on 13 September 2013. Referendum request submitted to the Electoral Tribunal of Oruro on 7 February 2014   |
| Charagua (Santa Cruz)               | Decision of the TCP (December 2013) required technical revisions to the statute. A revised version of statute was re-submitted to TCP on 21 January 2014. No decision from the TCP has been issued on the revised statute |
| Pampa Aullagas (Oruro)              | AIOC statute submitted to the TCP on 31 October 2012. No decision from TCP  |
| Mojocoya (Chuquisaca)               | AIOC statute submitted to the TCP on 12 November 2012. No decision from TCP   |
| Chipaya (Oruro)                     | AIOC statute submitted to the TCP on 23 November 2012. No decision from TCP   |
| Huacaya (Chuquisaca)                | AIOC statute submitted to TCP on 21 November 2013. No decision from TCP   |
| Tarabuco (Chuquisaca)               | AIOC statute submitted to the TCP on 20 November 2013. However, the TCP claims that for technical bureaucratic reasons, the statute is not under review by the TCP; thus, the process is at a standstill                  |
| Jesús de Machaca (La Paz)           | AIOC process stalled for much of 2011–2013. Re-initiated in March 2014  |
| Charazani (La Paz)                  | AIOC process stalled for much of 2013. Re-initiated in March 2014   |
| Chayanta (Potosí)                   | AIOC process has been stalled since 2010  |
| Salinas de Garci<br>Mendoza (Oruro) | AIOC process has been stalled since 2010  |

second local referendum. As of April 2014, seven municipalities had submitted finalized statutes to the TCP (see Table 1).

TIOCs, meanwhile, waited for more than 3 years from the Constitution's recognition of their right to become AIOCs for any legal clarification. On 10 May 2012, the Supreme Electoral Court (*Tribunal Supremo Electoral*, TSE) approved Resolution 0075/2012, *Reglamento de Supervisión del Acceso a las Autonomías Indígena Originario Campesinas*, which established the regulatory framework for TIOC conversion. Two of us observed an explanation of that framework by the Ministry of Autonomies to more than 100 indigenous representatives at a seminar in Cochabamba on 25 April 2013. Using a PowerPoint presentation, a Ministry staff member highlighted the steps TIOCs and municipalities would need to traverse to convert to AIOCs – 14 and 15 steps, respectively (Ministerio de Autonomías 2013). During the heated discussion that followed the presentation, the staff member warned that TIOCs and municipalities that did not carefully follow those steps could encounter difficulties: 'What we recommend is that you do not begin the next stage without completing the previous steps, or you might waste a lot of money and effort.'<sup>4</sup> Numerous TIOC representatives in attendance voiced their clear frustration with what they perceived as complex and onerous bureaucratic requirements, which appeared to be deliberately intended to impede their access to indigenous autonomy.<sup>5</sup>



To date, the municipal path to indigenous autonomy has been of greatest interest to indigenous peoples in the highland region, as they represent more than 50 per cent of the population in 215 of the 252 highland municipalities and more than 90 per cent of the population in 73 of those municipalities (Albó and Romero 2009; Colque 2009). Meanwhile, in the lowlands, indigenous peoples have expressed more interest in the TIOC route to indigenous autonomy, because they represent minorities in almost all lowland municipalities (Albó and Romero 2009). Nine TIOCs have formally initiated conversion to AIOC status; five of these are situated in the lowlands, while four are in the central valleys.<sup>6</sup> However, Salgado (2011) has argued that only 8 out of the 60 legally recognized TIOCs in lowland Bolivia actually meet the government's onerous conditions for conversion into AIOCs. To date, only one TIOC – Raqaypampa in the Cochabamba Department – has submitted a completed statute of autonomy to the TCP.

Despite the restrictions on the exercise of indigenous autonomy, it is clear that many indigenous organizations accept the legal framework and are willing to work through it in order to expand their political and legal power. Indeed, the proposal for indigenous autonomy developed by the *Consejo Nacional de Ayllus y Markas de Qullasuyu* (CONAMAQ), the largest indigenous organization in the highland region, takes the existing legal framework as its starting point. It is also becoming apparent that many indigenous groups are opting not to pursue indigenous autonomy as they watch the process unfold at both the national level and in the 11 municipalities. For example, five of the seven municipalities in the overwhelmingly Aymara province of Ingavi in the Department of La Paz have decided not to pursue conversion to AIOC status, choosing instead to continue governing through municipal institutions. The contents of the first five indigenous autonomy statutes play a crucial role in ongoing debates within indigenous groups around Bolivia about whether or not to pursue indigenous autonomy, as they present the clearest evidence to date of the possibilities and limits for autonomy in the current legal and political context. The Bolivian Government has clearly restricted access to indigenous autonomy through a series of political, bureaucratic, and legal strategies in order to protect its control over natural resources and to avoid weakening the power of the Movement Toward Socialism (MAS) party (see Cameron 2013; Fabricant and Gustafson 2011; Tockman and Cameron 2014). In this context, few Bolivian observers expect that large numbers of indigenous municipalities will be able to convert to indigenous autonomy, which is thus likely to remain more a symbolic plurinational ornament on a liberal-republican state than a substantive step toward decolonization.

#### *Autonomous Assemblies and Autonomy Statutes*

Despite multiple statements throughout the LMAD which affirm the right of indigenous peoples to self-government in accord with their own 'norms and procedures,' the Law imposes specific elements of institutional design that appear to have no connection to any indigenous norms, instead reinforcing liberal principles and municipal institutions. Most notably, Article 62 requires that statutes of indigenous autonomy include a system for the division of authority between executive, legislative,



and deliberative branches of self-government, as well as the specific design of each branch.

The creation of autonomous assemblies and the nature of the deliberations within them have varied considerably in the 11 municipalities. The establishment and functioning of the assemblies was relatively easy in some municipalities, such as Mojocoya, where close to 100 per cent of the local adult population belongs to a single socio-political organization (the *Sub-central Campesina*), and where understandings of autonomy are relatively homogeneous. However, in many other municipalities, local populations are divided into multiple sociopolitical organizations based on different geographic, ethnic, and political identities. In this context, pursuit of AIOC is often a strategy by particular local communities or factions seeking increased political power and state resources in relation to other communities and factions. As a consequence of these multiple competing identities, motivations, and visions for indigenous autonomy, political conflicts within many of the autonomous assemblies have also been intense. For example, in Tarabuco, the division between communities organized as *ayllus* and those organized as *sindicatos* (peasant unions) has hampered even basic agreements on the content of the statute. In Jesús de Machaca, deliberations broke down completely for more than two years, and in both Chayanta and Salinas de Garci Mendoza, conflicts were so intense that local organizations could not agree on the composition of autonomous assemblies in the first place (see Cameron 2013).

Within the autonomous assemblies, the number of representatives varies from 29 to 106, with provisions for gender parity in some but not all cases. Once established, the autonomous assemblies were obliged by law to choose an executive leadership and to establish written rules (*reglamentos*) to guide their operation. To produce the autonomy statutes, the assemblies convened dozens of multiday meetings, which involved both the elected representatives of the respective indigenous municipalities, as well as large numbers of technical personnel from the Ministry of Autonomies, NGOs, and private consulting firms contracted by the government to provide technical assistance to the assemblies. In some cases, these external actors represented more than 30 per cent of meeting participants.

The behavior of government technocrats and consultants had a significant impact on the autonomy deliberations and on the content of the statutes themselves. Indeed, we believe that the interventions of these outside actors seriously limited the development and articulation of the ideals of indigenous self-government, as articulated in Bolivia before 2009 and in the UNDRIP. In some cases, this influence was perhaps unintended, while in others, it was clearly deliberate and patronizing.

In the course of the deliberative assemblies, we noted five specific ways in which government technicians and private consultants contracted by the central government influenced the content of the autonomy statutes. First, they provided a common format for all statutes of autonomy that exceeded the level of detail outlined in the LMAD. As a consequence, the five autonomy statutes are remarkably similar in both structure and content. For example, during one of the first meetings of the Autonomous Assembly in Tarabuco, staff from a consulting firm contracted by the Ministry of Autonomies distributed a two-page model for the autonomy statute with nine proposed chapter headings and the topics for 25 articles already outlined.<sup>7</sup>

Second, technical staff tended to focus their interventions on the legal requirements for indigenous autonomy and the compliance of the statutes with the Constitution and national laws – rather than encouraging the discussion of local norms, procedures, and visions for indigenous autonomy. Third, perhaps because many of the technicians had professional backgrounds in municipal government, many of their examples and suggestions reflected an implicit bias in favor of municipal governance systems. Fourth, most technicians privileged Spanish, and in many cases, effectively changed the language of discussion, thus excluding the assembly members who lacked a strong grasp of Spanish, which included disproportionately higher numbers of women. Finally, technicians actually wrote and edited much of the text of the autonomy statutes. In some cases, such writing was done publicly and transparently with data projectors to display the text as it was written and edited, but in other cases, they worked behind closed doors and even in their urban offices – far from the oversight of the autonomous assemblies. For example, in April 2012, officials from the Ministry of Autonomies made changes to the autonomy statute of Mojocoya after it was approved by the autonomous assembly – an intervention that was deeply resented by local leaders and completely violated the legal framework for indigenous autonomy.<sup>8</sup> Significantly, the two decisions that the TCP (2013a, 2013b) had issued at the time of writing (on the statutes of Totorá and Charagua, respectively) clearly indicated that the elected judges in the TCP interpreted the rights to indigenous autonomy in the Constitution in a much less restrictive manner than bureaucrats in the Ministry of Autonomies, as they did not declare as unconstitutional numerous clauses and articles which those bureaucrats had warned would be rejected by the TCP.

All of the autonomy assemblies – except that of Huacaya – chose to divide the work of writing the text of the statutes among different commissions with responsibility for specific topics. With some variations, each commission covered one of six or seven areas: visions of autonomy; structure and organization of government; the legal system; social control; areas of jurisdiction; finance and administration; and economic, social, and cultural development. The work of preparing the statutes moved back and forth between the specific commissions and plenary sessions of the entire assemblies, with government technocrats and consultants participating in both. In both settings, in most of the autonomous assemblies, the participation of female representatives was minimal, even in cases in which gender parity was achieved in the initial selection of the representatives. Attendance of representatives elected to the assemblies was often low, and in many cases, the meetings were delayed for many hours before the minimum number of representatives required to establish a quorum were present. Few resources were available for transportation to the meetings and many representatives lived many hours away from the meeting sites; the multiday format of the meetings also meant that members were forced to give up earning opportunities in order to participate.

All of the autonomous assemblies convened meetings to explain the contents of the statutes to community members who were not formal participants in the deliberation process; however, the quality and frequency of those meetings varied widely. In some cases, such as Mojocoya, the so-called ‘socialization’ sessions were conducted primarily by consultants and NGOs with little involvement of assembly members; the

attendance was poor, time spent in meetings was short, and there was little serious discussion. In other cases, such as Totora, the socialization process was driven by the Assembly itself and appears to have generated more substantive feedback. Nevertheless, available evidence suggests that many inhabitants of the municipalities undergoing conversion to AIOC still have little understanding of the meaning and implications of 'autonomy.' For example, Fundacion Tierra (2011) found that in Mojocoya, 67 per cent of the respondents to a November 2011 survey said they had no knowledge of indigenous autonomy, and in Tarabuco, that proportion rose to 80 per cent. The key point here is that the autonomy statutes reflect the work of relatively small groups of people who were elected by their communities, but who – it appears – were not able to explain basic elements of the statutes to their fellow community members. As a result, it is quite possible that in the second round of referendums on the AIOC statutes, many people will vote without even a minimal understanding of what they are deciding.

Lastly, it is important to emphasize that although the deliberations that produced these five statutes were not always easy, they were not characterized by serious conflicts. In many of the other six cases, intractable conflicts have arisen in the basic design elements of future indigenous self-government institutions that could lead to paralysis of the autonomous assemblies and in some cases the rejection of the autonomy statutes themselves. These conflicts emerged from and reinforced preexisting internal divisions across sectors within the municipalities – for example, between different groups of communities competing for economic and political power, as in Jesús de Machaca and Tarabuco, as well as the inability to resolve contentious questions, particularly the governance structure and physical location of the seat of local government.

### **Autonomy Statutes and New Institutions of Indigenous Self-governance**

We turn now to the content of the five statutes of indigenous autonomy produced between 2010 and early 2012 and focus our analysis principally on three central issues related to the institutional design of future indigenous autonomies: (1) the structure of government; (2) the selection of authorities; and (3) indigenous justice.

#### *The New Structures of Indigenous Self-government in Bolivia*

A comparison of the autonomy statutes of Charagua, Chipaya, Mojocoya, Pampa Aullagas, and Totora points to the emergence of a distinctly Bolivian model of indigenous autonomy. Although there are some important differences between the five statutes, the basic elements of the institutional design of the proposed autonomous governments are remarkably similar, largely as a result of the restrictions and requirements imposed by the LMAD. We use the word 'model' here with caution; however, given the reticence of the Bolivian Government toward indigenous autonomy, it may make little sense to speak of a model of indigenous autonomy that faces serious restrictions for future replication.

It bears emphasizing that the framework for indigenous autonomy in Bolivia focuses primarily on the local level and corresponds closely with the design and the

jurisdiction of municipal governments. The legal framework for indigenous autonomy does allow for larger-scale regional autonomies, but only on the basis of already existing AIOCs formed through municipal or TIOC conversion. Some indigenous peoples, such as the Asamblea del Pueblo Guaraní (APG) and the Nación Karangas, clearly aspire to a much larger system of regional autonomy that corresponds with precolonial territories (CONAMAQ 2012), but the only existing legal mechanism for autonomy is based on the administrative jurisdiction and territorial limits of municipal governments. The first five completed statutes of autonomy comply with municipal territorial limits and do not represent efforts to construct forms of autonomy that extend beyond already existing municipal boundaries.

### *Deliberative Assemblies*

Overall, the emerging model of indigenous autonomy in Bolivia represents a hybrid system of government that incorporates elements of *ayllu* and *sindicato*-based decision-making with elements of municipal governance established by the LPP. While the emerging model of self-government in Bolivia shares much in common with the municipal system, it also contains some important innovations that mark a distinctively new form of governance. The most important innovation is the creation of deliberative assemblies – or the formal recognition of deliberative assemblies that already exist – as the highest level of political authority within their respective jurisdictions, i.e. above the legislative and executive branches. While deliberative assemblies already existed in all five municipalities, they possessed only moral authority and had no formal legal or political power. In fact, four of the five statutes – those of Totora, Chipaya, Charagua, and Pampa Aullagas – also propose that the deliberative assemblies serve as the highest level of the local system of justice.

The exact number of representatives who will participate in the deliberative assemblies is not specified in most of the statutes, but it can be estimated to be between 25 and 200, depending on the number of communities in each AIOC and the specific numbers of representatives allocated to each community and organization. The creation of formal deliberative assemblies is intended to ensure that decision-making in AIOCs is more inclusive and representative than in municipal governments, and to foster a higher level of community control over executive decision-making and the daily management of AIOC governments. Both indigenous leaders and academics have highlighted the value of deliberative forms of democracy in which decisions are based on discussion and debate among large groups of people, rather than small executive bodies (Van Cott 2008). While the provisions relating to deliberative assemblies in the autonomy statutes represent important practical steps toward such a model of deliberative democracy, as we note below, this heightened level of community control can also generate new difficulties.

It also remains unclear whether the deliberative assemblies – with part-time, unpaid members – will serve as effective counterweights to the legislative and especially executive branches of local self-governments, which will benefit from full-time, paid authorities and professional staff and control both the budgets and quotidian operations of AIOCs. Moreover, some of the proposed deliberative assemblies will meet only three or four

times a year, as in the case of Charagua and Chipaya, respectively, and the largest number of meetings proposed for any of the deliberative assemblies is 12 per year (Pampa Aullagas, Article 13). The central question is whether the moral authority exercised by these occasional deliberative assemblies meetings will be strong enough to effectively direct day-to-day decision-making in the legislative and executive bodies. The experience of efforts to create an 'indigenous municipality' in Jesús de Machaca between 2004 and 2009 suggests that it is very difficult to balance the power of volunteer, part-time deliberative bodies with that of the mayor and municipal council (see Cameron and Colque 2009). Despite the moral authority of the deliberative assembly (or *cabildo*) in Jesús de Machaca, over time, the balance of power shifted in favor of the mayor's office and municipal council, as the *cabildo* lacked the expertise and time needed to engage effectively with the rapid pace of decision-making in municipal government (Cameron and Colque 2009). Indeed, since 2010, the mayor and municipal council have found ways to exert significant influence over the *cabildo*, if not outright control it. In short, it is not clear that the formal legal status granted to the deliberative assemblies will be sufficient to overcome the imbalance of power with legislative and executive organs. It is crucial to recognize that the daily demands of governance and bureaucratic decision-making impose their own logic and the need to make decisions quickly, which has frequently undermined the democratic ideals of even the most committed leaders (see Michels [1911] 1962).

#### *The Selection of Local Government Authorities*

A second important innovation in the five autonomy statutes are new mechanisms for the selection and election of government authorities, which are, to a greater or lesser degree, based on indigenous practices. The statutes propose two basic mechanisms that can be located along a continuum from communitarian democracy at one end to a mixture of communitarian and representative democracy at the other. In four of the five statutes (Totora, Chipaya, Pampa Aullagas, and Charagua), authorities will be chosen according to local 'norms and procedures,' which typically involve public voting by designated community representatives rather than universal secret ballots. By contrast, Mojocoya's statute proposes a voting system based on a mixture of 'norms and procedures' and universal, secret suffrage. In Mojocoya, candidates for the legislative and executive organs will be initially selected according to local 'norms and procedures' (public voting by representatives of the peasant unions) and then subsequently elected through universal secret voting.

The proposed mechanisms for the selection of officials in other statutes that are still under debate (Jesús de Machaca, Charazani, Tarabuco) can be similarly placed on a continuum between communitarian democracy and a hybrid of communitarian and representative democracy. The constant element in all cases is that local 'norms and procedures' play an important role in the selection of officials. These procedures mark a clear distinction from the election of mayors and municipal councilors through universal secret voting, which prioritizes individual rights and undermines the moral authority of communitarian forms of democracy practiced by indigenous and peasant organizations. Although we do not want to overstate this point, the incorporation of non-liberal or

'extra-liberal' 'norms and procedures' into the mechanisms for selecting authorities is one of the main ways in which the creation of AIOCs can be understood as establishing plurinationalism in Bolivia and responding to the 'post-liberal' challenge in Latin America identified by Yashar (2005).

The proposed communitarian systems for selecting authorities in the five statutes also seriously restrict the opportunities for political parties to participate. Although political parties are not explicitly prohibited in any of the statutes, it is difficult to envision how they could penetrate community-based processes involving sequential obligations of community service, the rotation of authority between communities, and procedures such as voting by forming a queue behind preferred candidates. Thus far, the hybrid system proposed in Mojocoya represents an exception, in which political parties could perhaps more easily enter into local politics by aligning with candidates after they are selected through local norms and procedures. Of course, this does not mean that candidates cannot keep commitments to political parties or that national political parties will not seek alliances with specific candidates within indigenous autonomies.

### *Indigenous Justice*

The five autonomy statutes include very few details on how systems of indigenous justice will actually operate within the future indigenous autonomies. It is possible that the lack of detail represents a deliberate strategy by the members of the autonomous assemblies to protect their systems of justice from state intervention, although we did not observe any discussions that suggested such deliberately strategic behavior. Despite the lack of detail, two basic institutional mechanisms for indigenous justice can be identified in the five statutes. In four of the statutes (Totorá, Pampa Aullagas, Chipaya, and Charagua), the newly recognized deliberative organs have jurisdiction over indigenous justice, and the specific details of how justice is to be administered are left undefined, but subject to local 'norms and procedures.' By contrast, the statute of Mojocoya – as well as the draft statute of Charazani – requires the creation of a new Council of Indigenous Justice, which is distinct from the deliberative assembly. Interestingly, the statutes of Mojocoya and Charazani also propose new and separate institutions for managing 'social control' (i.e. accountability over public officials, plans, and budgets), while the other four statutes simply ascribe that jurisdiction to their respective deliberative assemblies.

### *Consent and Consultation*

Finally, there is a surprising difference in how the statutes refer to the rights to consultation and consent prior to extractive and other 'development' activities in their respective territories, or administrative or legislative measures that could affect them. All of the statutes claim some right to free, informed, and prior *consultation* in advance of such activities and measures. However, only Mojocoya's statute claims a right to prior *consent* – which is recognized by the UNDRIP but not by Bolivia's Constitution, despite the fact that all 46 articles of the UNDRIP are also officially

national law in Bolivia (Law 3760). Nevertheless, Mojocoya's statute is ambiguous in this regard, postponing until later the specifics of how consent is achieved. It states only that the *future* AIOC government should develop its own 'mechanisms for free, prior and informed consent for legislative measures by the authorities of Mojocoya or other levels of government that will irreversibly affect our history, life, habitat, territory, culture and environment' (Article 15). It is not clear why Mojocoya's statute, which is by far the most 'municipal' in all other respects, in this instance expressed a different position on self-determination, which resonates more closely with the text of the UNDRIP, while the other four statutes are silent on this issue – following the CPE (we elaborate on this point below).

Overall, while the five statutes of indigenous autonomy introduce important innovations that signify some departure from municipal governance, they also reproduce much of the municipal system established by the LPP in 1994. Most significantly, despite changes in the names of specific institutions, the five statutes all propose systems of governance that include legislative and executive organs that are remarkably similar to municipal councils and mayors' offices in the municipal system. In some cases, the statutes introduce changes in the numbers of representatives to be elected to legislative bodies, as well as new mechanisms for electing them, but in all the statutes, the basic functions attributed to the legislature effectively remain the same as in the municipal system (following the LMAD). As for the executive bodies, none of the statutes suggests any change in the systems of public administration and provision of basic services, other than greater degrees of oversight by the deliberative assemblies. The emerging model of indigenous autonomy in Bolivia focuses primarily on innovations in the design of political institutions of local governance, selection procedures, and judicial decision-making – the latter of which remain largely undefined – but not in bureaucratic management.

#### *Toward a Model of Peasant Indigenous Autonomy in Bolivia?*

Our reading of the five autonomous statutes suggests that there are two basic subtypes within the hybrid model of indigenous autonomy being created, which appear at two poles on a continuum between *more communitarian* and *more municipal*. The statutes on the more communitarian end of the continuum include Chipaya, Charagua, Pampa Aullagas, and Totora, while Mojocoya's statute reflects a model of indigenous autonomy that is closer to the municipal system. In addition to its strong municipal characteristics, the model of indigenous autonomy proposed in Mojocoya also includes significant elements reproduced from the norms of peasant *sindicatos*, which have been incorporated into local 'norms and procedures' since they were first established under state tutelage in the 1950s. In this sense, Mojocoya's statute could be understood as a double-hybridization that synthesizes on the one hand, municipal and indigenous structures, and on the other, syndicalist and local indigenous 'norms and procedures.' Mojocoya's many distinctions from the other four statutes evaluated here may suggest that it is simply an outlier, and that the 'normal' AIOC model under construction is more communitarian. However, if we expand our cases to include other AIOC statutes at



advanced stages of development, we see that most of the draft AIOC statutes more closely resemble that of Mojocoya. The draft statutes of Charazani, Tarabuco, and Raqaypampa (as a TIOC) all lay at the more municipal end of the continuum. Somewhere in the middle of the continuum, we can place both of the draft statutes that have been developed in Jesús de Machaca.<sup>9</sup>

### **Indigenous Autonomy in Bolivia vs. Rights Recognized by the UNDRIP**

This section compares the emerging model of indigenous autonomy in Bolivia with the rights of indigenous peoples recognized in the UNDRIP, with special emphasis on three issues: the source of indigenous rights; the right to free, prior, and informed consent; and the concept of territory. Overall, we find that the five autonomy statutes articulate conceptions of indigenous rights that are much more restricted than those recognized in the UN Declaration.

#### *The Source of Indigenous Rights*

Article 2 of Bolivia's 2009 Constitution states 'Given the pre-colonial existence of indigenous, first nations and peasant nations and peoples and their ancestral control of their territories, their free determination is guaranteed in the framework of the unity of the State, which consists of the right to autonomy, to self-government...' The particular importance of Article 2 is that the source of indigenous rights to autonomy lies not in the Bolivian State or the Constitution, but rather in indigenous peoples' precolonial control of their territories. As a result, the state of Bolivia can only recognize rights that exist prior to and separate from it; it is not the source of those rights (see Albó and Romero 2009).

However, despite the possibility of claiming rights based on their prior existence and ancestral territorial control, the five autonomy statutes all voluntarily limit the exercise of indigenous rights to those recognized by the Constitution. Indeed, Article 1 of the autonomy statutes of Charagua, Mojocoya, and Charagua and Article 2 of the autonomy statute of Chipaya claim that the exercise of indigenous autonomy is subject to the CPE, without any reference to internationally recognized rights to autonomy. The statutes of Pampa Aullagas and Mojocoya go even further to emphasize the 'strict compliance' of indigenous autonomy not only to the CPE, but also to national laws (Article 1 in both cases). Only Totora's statute avoids explicit declaration of subordination to the CPE and national laws, although it still effectively recognizes the Constitution as the primary source of legitimacy of indigenous rights.

All of the statutes make at least some reference to internationally recognized indigenous rights, and in some cases, include specific references to the UNDRIP and ILO Convention 169. However, none of statutes recognize the differences between the CPE and the international legal instruments. Rather, all the statutes clearly reflect the limits on the exercise of indigenous autonomy imposed by the CPE and Bolivian law. For example, the autonomy statute of Charagua makes 30 references to the CPE as the source of authority and legitimacy of indigenous rights and

only two references to ‘international conventions’ (Articles 13 and 29) but without any specific reference to the UNDRIP or ILO 169.

However, some of the statutes do still claim rights beyond those recognized by the Constitution. For example, Article 9 of Charagua’s statute provides that the autonomous government will ‘defend and guarantee those rights established in the Constitution *and those rights not included in the Constitution that are related to Guaraní cosmovision*’ (emphasis added). Although similar claims to extra-constitutional rights can be found in the statutes of Totorá, Chipaya, and Mojocoya, these need to be understood in the context of more ubiquitous statements in each of the statutes which recognize the authority of the Constitution and national laws.

### *The Right to Prior Consultation vs. Prior Consent*

This emphasis on the Constitution as the framework for exercise of indigenous autonomy is particularly important when the Constitution itself restricts indigenous rights that have been recognized internationally – in particular the right to free, prior, and informed consent and the rights related to the control of ancestral territories. The UNDRIP recognizes the rights to ‘free, prior and informed consent’ in six specific articles (Articles 10, 11, 19, 28, 29, 32). Most important for the control and management of natural resources in indigenous territories is Article 32.II, which states that: ‘States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their *free and informed consent prior to the approval* of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources’ (emphasis added).

Notably, none of the five autonomy statutes makes any reference to the obligations of states outlined in the UNDRIP to ensure free and informed consent of indigenous peoples prior to the extraction of natural resources from their territories. By contrast, four of the statutes refer only to the right to prior consultation, which is recognized by the Constitution (Articles 30, 290 304, 352, 403). The emphasis on the right to prior consultation, but not consent, is curious because the UNDRIP recognizes both – and the right to prior consent is clearly much stronger. In fact, with the exception of a single reference in the autonomy statute of Mojocoya (Article 15.I), none of the five approved statutes makes any mention of the internationally recognized obligation of the Bolivian state to guarantee the free and informed consent of indigenous peoples prior to the extraction of natural resources from their territories.<sup>10</sup>

### *Autonomy and Territory*

The concept of territory in most indigenous cosmovisions extends far beyond the physical surface of the earth to include the sky, water, and subsurface resources, as well as the connections between these material elements and spiritual beliefs. As Maria Eugenia Choque explains, ‘...the fundamental issue in the question of decolonization is the recognition of indigenous peoples’ right to control their natural resources... Rights to land and territory are issues of immense importance in the

exercise of indigenous rights' (2006, 29, 33). This understanding of the territory as including control over natural resources is supported by Articles 26, 27, and 32 of the UNDRIP. Articles 26.II and 32.I are worth quoting here. Article 26.II provides that: 'Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership...' Similarly, Article 32.I affirms: 'Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.'

By contrast, the Constitution reflects a much narrower interpretation of indigenous rights over ancestral territories. Despite recognition of the right to autonomy based on ancestral occupation in Article 2, other articles in the Constitution undermine indigenous territorial control – and indeed the concept of territory itself. The most important limitation is Article 349.I, which reserves for the central government the control of natural resources, especially nonrenewables, including those within indigenous territories. With regard to hydrocarbon resources, Article 359.I specifies: 'The hydrocarbons, in whatever state they are found or form in which they are, are the inalienable and unlimited property of the Bolivian people. The State, on behalf of and in representation of the Bolivian people, is owner of the entire hydrocarbon production of the country and is the only entity authorized to sell them.'

The constitutional affirmation of the State's control of nonrenewable resources represents a serious abrogation of the indigenous concept of territory, which is at the center of many struggles for indigenous autonomy. President Morales has also been emphatic that the right to indigenous autonomy does not include the right to control subsurface resources.<sup>11</sup> In his speech at the 27 December 2011 ceremony in which he formally received the autonomy statute of the Uru people of Chipaya, Morales emphasized the central state's jurisdiction over all subsurface resources in Bolivia – including those within recognized AIOCs:

It is in the Constitution, natural resources are the property of the Bolivian people under the administration of the Plurinational State...In some regions, some brothers say that because they have indigenous autonomy the natural resources belong to them...[These] especially hydrocarbons and [mineral] resources belong to the national Government. (Los Tiempos 2011, translation by Tockman)

Recognizing the Constitution as the primary source of authority for indigenous rights to autonomy, the five autonomy statutes implicitly accept this narrow interpretation of the concept of territory. In fact, in four of the five statutes, there are no other statements suggesting claims to territorial control that challenge the Constitution. Only Totorá's statute – which was approved by the TCP in 2013 – includes a specific definition of territory that contests the control of natural resources by the central government. Article 52 of Totorá's statute states: 'Land and territory for native peoples are defined as: the Alax Pacha (sky), Qhaya Pacha (space), Aka Pacha (ground), Manqha Pacha (subsurface). The combination of all these elements is the Pachamama or Mother Earth, which constitutes the habitat of native peoples.' When this article is interpreted in the context of the rest of Totorá's autonomy statute, it clearly suggests that the indigenous inhabitants of Totorá view themselves (and not

the central government) as the legitimate authority over the management of natural resources in their territory. This position is supported by the UNDRIP, but could also lead to difficult conflicts with the central government over the control of natural resources, as mechanisms for comanagement and the sharing of rents have not yet been clearly defined.

The absence of strong references to the indigenous rights recognized in the UNDRIP could have several explanations. It may represent a pragmatic effort by members of autonomous assemblies to secure the approval of the Constitutional Tribunal and to avoid conflicts with the central government. It could also reflect the influence of the lawyers and staff from the Ministry of Autonomies, who put heavy emphasis on compliance with the Constitution during the meetings that produced the autonomy statutes. From one perspective, the lack of references to strong assertions of indigenous rights, as found in the UN Declaration, seems to be a missed opportunity for the expansion of indigenous autonomy over indigenous territories. However, because human rights are inalienable and cannot be voluntarily waived, indigenous peoples in Bolivia still retain the rights to their ancestral lands, even if they do not specifically claim these rights in their autonomy statutes.

### **Institutional Design, Democracy, and Power Relations**

The contents of the indigenous autonomy statutes cannot be understood outside of the relations of power within and between the indigenous communities that created them, or between the indigenous communities and the Bolivian state. As institutional economist Douglass North argued regarding the impact of power relations on institutional design, institutions 'are not necessarily or even usually created to be socially efficient' but rather are 'created to serve the interests of those with the bargaining power to devise new rules' (1990, 16).

It should not be surprising that of the 11 municipalities that voted in favor of converting to indigenous autonomy in December 2009, the first five to have approved the final versions of their respective statutes experienced relatively few internal conflicts. By contrast, the other six municipalities have faced serious internal conflicts over the design of self-government (see Cameron 2013). However, it is important to note that even when conflicts have not been intense, visions and hopes for indigenous autonomy can vary widely. As a result, the autonomy statutes inevitably represent the results of negotiation and compromise rather than any homogeneous conception of indigenous governance systems and local norms.

However, even more important in shaping the autonomy statutes is the balance of power between indigenous communities and the central government – in particular the technical staff employed and contracted by the Ministry of Autonomies. Over the course of hundreds of hours of meetings of different autonomous assemblies, we observed government lawyers, technical staff, and consultants repeatedly emphasize the need for the autonomy statutes to comply with the Constitution and national laws. In a manner reminiscent of the exercise of the 'will to improve' by bureaucrats in rural Indonesia, examined by Tanya Li (2007), Ministry of Autonomies staff maneuvered to shape discussions within the autonomy assemblies in ways that put

certain ideas off limits, while focusing attention on other options in ways that ultimately had a significant influence on the design of the statutes. It was not always clear whether these manipulative interventions reflected explicit instructions from senior government officials or simply the legalistic worldview of the frontline staff. Questions about the role of the state and its agents in shaping indigenous autonomy in Bolivia thus remain an important topic for future research.

### *An Alternative to (Neo)liberal Governance?*

Recent social, political, and economic changes in Latin America have led some observers to argue that a movement beyond liberalism and/or neoliberalism is occurring in the region (Escobar 2010; Macdonald and Ruckert 2009; Radcliffe 2012). Such observations generally reject a clean break with liberalism or neoliberalism, as the ‘practices, grammars, and logics of neoliberal governmentality’ have proven durable (Radcliffe 2012, 248). Rather, these scholars indicate a shift toward new forms of politics and political institutions ‘that cannot be fully contained within the liberal form’ (Arditi 2010, 159). Indeed, these readings tend to emphasize that the region is experiencing a ‘discontinuity within continuity,’ in which progressive policies and practices have been enacted in response to internal contractions primarily born of neoliberal turn (Macdonald and Ruckert 2009, 6). Looking at Bolivia, Postero (2007) and Escobar (2010) have, respectively, argued that some indigenous movements and other popular sectors are pursuing post-multicultural or post-liberal forms of citizenship. Escobar adds that the MAS government is on a distinct track, embarked on an ‘alternative modernization project’ that remains Eurocentric and developmentalist (2010, 4). The construction of indigenous autonomy in Bolivia directly contributes to this debate, in at least four ways.

First, the constitutional and legal framework for indigenous autonomy gives official recognition to deliberative assemblies as the highest level of political authority within the future AIOCs. Although many of these assemblies have existed for a long time, they were never legally recognized. As noted above, four of the first five autonomy statutes seek to advance a significant relocation of power from local executive authorities to the new deliberative organs, which also act as the highest level of authority over indigenous justice and ‘social control.’

Second, the autonomy statutes propose new and arguably non-liberal mechanisms for electing public authorities. With the exception of Mojocoya, the statutes articulate communitarian systems for selecting authorities within deliberative assemblies, based on local ‘norms and procedures.’ Even Mojocoya’s statute – the least communitarian of the five – proposes a mechanism for selecting authorities that combines the selection of candidates in a deliberative assembly followed by universal secret voting.

Third, the indigenous autonomy statutes recognize new collective rights and responsibilities that represent further steps beyond the liberal regime of individual rights. For example, the statutes of Totora and Chipaya recognize the legal right to land access, while Mojocoya’s statute goes further to establish a right to ‘equitable access to land’ (Article 15). The only exception is the statute of Pampa Aullagas, which does not articulate any rights beyond those recognized by the Constitution. At

the same time, post-liberal obligations have also been expanded in all five autonomous regions. For example, Totora's statute obliges residents to 'comply with all established communal obligations,' engage in community work, hold positions of authority (*cargos*), and to '[m]ake economic contributions that are aimed at the common good for the collective benefit' (Article 17). Similarly, the Pampa Aullagas statute requires that residents fulfill community leadership roles and 'carry out communal labor' (Article 11).

The five statutes also include a programmatic orientation toward mixed economies in which market forces are embedded in other socioeconomic norms, suggesting, at least in theory, the emergence of a post-neoliberal economic system at the local level. The statutes articulate a model in which the private sector operates alongside – and often subordinate to – collective, associative, and community-based economic structures. An illustrative example is the statute of Chipaya, which states, 'the autonomous government will prioritize community-based economic enterprises to strengthen the economic position of families, communities, and ayllus in the Uru Chipaya Nation.' The economic provisions in the five statutes are clearly incompatible with neoliberal economic principles, which have been considerably weakened in Bolivia. However, neoliberalism is, of course, much more than a set of economic policies; its proponents have worked for more than two decades to promote the ontological primacy of the individual as the central focus of economic organization. In contrast to the neoliberal discourse, the five statutes reflect the central state's discourse, which emphasizes collective and community-based modes of economic organization and production.

However, while the creation of indigenous autonomies in Bolivia marks a step away from liberal and neoliberal policies, it does not imply an abandonment of liberal and neoliberal principles. Although the Plurinational State falls well short of its stated ambitions of decolonization, in various ways the initiatives to establish indigenous autonomies do suggest a modest, gradual movement toward post-liberal or post-neoliberal forms of economy and governance.

## Conclusion

In this article, we have examined the responses of indigenous peoples in Bolivia to the new constitutional framework for indigenous autonomy through an analysis of the written text of the first five statutes of indigenous autonomy. We see in those statutes – and in the debates within the autonomy assemblies that produced them – reflections of the ambivalence of at least some indigenous actors toward the arguably essentialized and romanticized interpretations of indigenous norms and procedures that many outside observers expected them to pursue. The acceptance of the government's framework for indigenous autonomy by the indigenous autonomy assemblies undoubtedly reflects the unequal relations of power between the central government and indigenous communities, but cannot be explained entirely by the constraints of existing political opportunities. The statutes also highlight a significant degree of appropriation of municipal modes of governance by indigenous peoples, who have learned to work with them since the LPP was implemented. There is thus a fine line between Foucauldian-inspired arguments

about indigenous autonomy as a new mechanism of governmentality in which indigenous agents accept as their own the program and objectives of the state, and recognition of the ways in which indigenous peoples have appropriated and hybridized externally imposed republican institutions – such as peasant *sindicatos* and municipal governments.

Yet, the texts of the autonomy statutes reflect, at least in part, an acceptance and internalization of the national redistributive-developmental economic model pursued by the Morales Government on the part of the local actors involved in the indigenous autonomy process – for example, through the absence of claims for the right to prior consent, weak definitions of territory, and silence on internationally recognized rights that are not included in the Constitution.<sup>12</sup> Put otherwise, in the specifically Bolivian context, we observe a governmentality that is marked by both pragmatism and hybridity, as indigenous peoples have secured in the new institutional arrangement a number of practical gains (e.g. greater control of local budgets, the physical relocation of the seat of government) and the ability to exercise pre-colonial norms alongside, or interwoven with, liberal-republican ones. In this practical hybridization, we observe how indigenous peoples, in their continued struggle for equality and autonomy, sometimes employ liberal tools toward communitarian ends.

Finally, the autonomy statutes draw attention toward the disconnect between the identity-focused discourses of indigenous rights to self-governance prevalent among national-level indigenous federations and international forums on indigenous rights, on the one hand, and the much more practical interests of local-level indigenous organizations on the other hand. For example, local actors in Mojocoya were absolutely clear that the primary motivation for the conversion of the municipality to AIOC status was to protect the relocation of local government offices from the village of Mojocoya to the town of Redención Pampa. Debates in other autonomous assemblies made clear that increased control over financial resources and a redistribution of those resources among existing communities was a key inspiration for conversion to indigenous autonomy. In this context, researchers, policy makers, and allies of indigenous peoples need to be careful to understand the hopes and aspirations of grassroots indigenous actors for indigenous autonomy – which often contrast with the culture and rights-based language found in the UNDRIP and in the discourses of nationally and internationally prominent indigenous activists.

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Congress of the Latin American Studies Association; the authors are grateful for the helpful feedback from participants at these conferences, as well as from Santiago Anria.

## Notes

- [1] The article examines the five autonomy statutes that had been approved by local Autonomy Assemblies as of November 2012. Two other statutes were completed and submitted to the Tribunal Constitucional Plurinacional (TCP) subsequent to the field research for this article (Huacaya and Tarabuco). The final text of this article was submitted for publication in April 2014.
- [2] What are now called 'TIOCs' were previously known as First Peoples Communal Lands (*Tierras Comunitarias de Origen*—TCO); the change in terminology occurred pursuant to the 2009 Constitution (Transitory Disposition 7), and the subsequent Supreme Decree 727 of 6 December 2010.
- [3] From confidential interview with NGO staff person who promoted indigenous autonomy in various municipalities, 18 April 2012.
- [4] Field notes, Cameron, 25 April 2013, translation by Tockman.
- [5] Ibid.
- [6] From interview with Ministry of Autonomies official involved in oversight of TIOC conversion, 7 November 2014.
- [7] Field notes, Cameron, September 2011.
- [8] From confidential interview with an NGO staff member who had worked closely with statute that was changed, 20 October 2012.
- [9] Two autonomy statutes have been produced in the municipality of Jesús de Machaca as the result of serious conflicts between the two indigenous moieties in the municipality over the system of representation in the future system of self-government.
- [10] The emerging international legal norms on the right to prior 'consent' generally restrict it to instances involving the physical relocation of indigenous communities, the deposit of contaminated materials, and the construction of military bases, and specify that it does not constitute a right to 'veto' (see ILO 2013).
- [11] The 2013 draft text of a proposed law on prior consultation includes a general framework for negotiation for sharing the rents of nonrenewable resources, but no specific guidelines (Propuesta de Anteproyecto Ley Marco de Consulta).
- [12] Similarly, the 2007 letter from the Assembly of Guaraní People to the Civic Committee of Tarija reprinted in Fabricant and Gustafson (2011, 191–194) highlights the willingness of the Guaraní people to accept the national distribution of hydrocarbon resources from their territory. As Fabricant and Gustafson emphasize, the letter is 'a clear illustration of how indigenous peoples...have chosen to pursue articulation and solidarity with a plurinational state rather than make demands for radical self-determination and absolute control over natural resources' (2011, 191).

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**Jason Tockman** is at the Department of Political Science, University of British Columbia, C425-1866 Main Mall, Vancouver, BC, V6T 1Z1, Canada. Email: [tockman@alumni.ubc.ca](mailto:tockman@alumni.ubc.ca).

**John Cameron** is at the Department of International Development Studies, Room 339, Henry Hicks Building, Dalhousie University, 6299 South St Halifax, NS, B3L 3G1, Canada. Email: [john.cameron@dal.ca](mailto:john.cameron@dal.ca).

**Wilfredo Plata** is at the Fundación Tierra, Calle Hermanos Manchego N° 2566, Zona de Sopocachi, La Paz, Bolivia. Email: [w.plata@ftierra.org](mailto:w.plata@ftierra.org).

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