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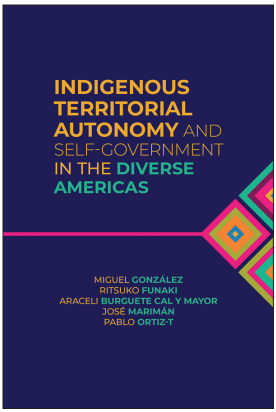

INDIGENOUS TERRITORIAL AUTONOMY AND SELF-GOVERNMENT IN THE DIVERSE AMERICAS

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The *Thaki* (Path) of Indigenous Autonomies in Bolivia: A View from the Territory of the Jatun Ayllu Yura of the Qhara Qhara Nation

Magali Vienca Copa-Pabón, Amy M. Kennemore and Elizabeth López-Canelas

Introduction

The path to formalizing Indigenous autonomy in Bolivia under the country's new Plurinational State framework is marked by legal obstacles and ongoing Indigenous struggle. On 27 November 2019, the Plurinational Constitutional Court approved Yura's draft autonomy statute,[1] which was one of the final stages in a long and arduous journey toward formal recognition as an Indigenous Autonomy.[2] Following the passage of the 2009 constitution, the subsequent 2010 Framework Law of Autonomies and Decentralization (Law No. 031) established procedures for this process. Yet, in the decade since this framework was put into effect, only three out of the 18 groups that opted for formal conversion to Indigenous autonomy have managed to meet the onerous requirements established by the law (Charagua, Chipaya and Raqaypampa).

Many Indigenous leaders in Bolivia are highly critical of the process, citing the excess in bureaucratic requirements and State supervision in all of the various stages for consolidating legal status as an Indigenous autonomy. Moreover, as we discuss below, Bolivia's autonomy law was designed within the framework of a State-centric model that limits the viability of Indigenous autonomy as a pathway to self-determination.

On 6 February 2019, Indigenous leaders from the Qhara Qhara Nation set out on a 41-day march from Sucre to La Paz in protest.[3] Protesters called for the modification or repeal of several articles of Law No. 031, especially the requirement for a second referendum vote on the Indigenous Autonomy Statutes. This procedure follows an initial referendum vote approving the contents of statute drafts, prior to their submitting to the Constitutional Court for review. As we discuss below, many of the marchers critiqued the process for going against their own norms and procedures as well as generating costly and tedious requirements that can cause significant setbacks at each stage. Moreover, many of them took a critical stance against President Morales and his political party, the Movement towards Socialism (Movimiento al Socialismo, or MAS) for using the law as an instrument of power for consolidating their own agenda of State power. Early on in Yura's path to formal recognition, internal conflicts with local social organizations generated significant setbacks. More recently, violent clashes in the Marka Quila Quila (Qhara Qhara territory located in the Chuquisaca department) with MAS-affiliated groups in their territory prevented them from consolidating collective territory rights. Leaders from both territories also denounce efforts to block direct representation as Indigenous peoples in municipal and departmental seats of government. As the marchers reached La Paz in late March 2019, media attention around the march and its demands amplified the critical voices of Indigenous groups throughout the country who denounced the shortcomings and weaknesses of State-led efforts to advance Indigenous rights.[4] The march was partially successful in pressing the MAS-led Legislative Assembly to modify articles of Law No. 031.[5] As Yura was on the path to finalizing their Indigenous Autonomy Statute drafting, these modifications would help accelerate them on the path to gaining formal legal status as an Indigenous autonomy.

What is notable about the Yura case is that it articulates a much broader strategy toward the reconfiguration of an entire nation, the Qhara Qhara Nation, an Indigenous territory situated between the departments of Sucre

and Potosí.[6] As Samuel Flores Cruz, former *Kuraka*[7] of the Quila Quila Marka explains:

> Their goal as well as ours [is that] Yura will serve as the basis to advance in the consolidation of the Qhara Qhara Nation, so other peoples can have their autonomy […] that they will use political rights from autonomy and to the benefit of the nation, so economic rights can also be granted to Indigenous autonomies. The aim is to have an impact for other [Indigenous] peoples as well […] we have taken advantage of key moments, TCO [collective land titles], autonomies, to make this our place. (personal communication, 4 October 2018)

From this perspective, Indigenous autonomy in Yura is seen not only as a pathway for its own self-determination but also for exercising political and economic rights for the Qhara Qhara nation as a whole. Yura's process of formal conversion to an Indigenous First Peoples Peasant Autonomy (AIOC) transcends the limits established by the Bolivian territorial order. In this way, its leaders are challenging the current configuration of "nations" within the Plurinational State by claiming a more direct role in State-making processes.

In this chapter, we show how Indigenous leaders from the Qhara Qhara Nation pursue this strategic agenda by combining their traditional practices and norms with new legal tools. Our methodology draws inspiration from the work of Briones, Cañuqueo, Kropff and Leuman (2007) in forging collective ways of thinking and writing about the complexities of Indigenous peoples' relationships to the State and processes of development. Focusing on the paradoxes of the simultaneous expansion of neoliberalism and multiculturalism in Argentina, they make the case for a methodology that seeks to "cross-reference accumulated experiences and reflections," that also seeks to break free from constraints of superimposed subject positions (related to gender, class, age, etc.), along with what such categories tend to imply in terms of political agenda and positionality (e.g., Indigenous activist/non-Indigenous researcher) (Briones et al., 2007, p. 269). We have taken a similar approach in our own collaborative projects over the years, as part of an open-ended critical reflection on how we might better learn from ongoing struggles and autonomous processes in Bolivia.

This chapter draws from previous research analyzing Indigenous autonomy and territorial management in relation to development processes (see Copa, Kennemore & López, 2018). The study was carried out as part of a series of investigations on civil society shaping Bolivia's Economic and Social Development Plans (PDES) as well as their relation to the United Nation General Assembly's 2030 Agenda for Sustainable Development. In planning our research, we realized the terms defining the broader framework for carrying out the study – autonomy, participation and development – were ambiguously defined. Through a series of organic conversations over the ways these terms are contested, we began to identify emerging themes, which served as a guide to organize the text. The aim was to analyze contested notions of these terms to decenter emerging hegemonic and regulatory frameworks. A major challenge that we faced with this approach was sustaining common points of reflection with the main protagonists themselves, as they engage in and contest top-down State-making processes.

The focus of the chapter is on the legal strategies of Qhara Qhara Nation leaders to center dynamic and ongoing forms of institution building "from below." To do so, we organize the text around the three main demands of their march in 2019: 1) reconstitution of ancestral territory; 2) fulfillment of the right to exercise Indigenous justice; and 3) Indigenous autonomies with self-determination. In each section, we walk the *thaki* (path) of the Jatún Ayllu Yura to gain formal recognition of their Indigenous autonomy to show how their efforts generate new and dynamic institutions that we suggest act as bridges for negotiating with the State. Following Yura's path toward Indigenous autonomy offers a window into different understandings around Indigenous autonomy that go beyond State-centric ideas of plurinationalism, which is an ongoing site of contestation and renovation under Bolivia's current administration.

The Demand for Restitution of Ancestral Territory and Self-Identification

A key demand of the Qhara Qhara Nation during their march was for the restitution of ancestral territory. The recuperation of ancestral links to territory and self-identification are both part of this demand as well as historical struggles against territorial fragmentation and dispossession. Shortly after Bolivian independence from Spain in the early 19th century, for example,

Indigenous leaders initiated campaigns to search for "ancestral documents" as a strategy to resist land privatization that outlawed their traditional *ayllu* communal landholdings. Throughout the 20th century, these leaders formed part of a movement that would be later referred to as the "*cacique apoderado* movement," a vast network of Indigenous legal activists (see Gotkowitz 2011). The strategy was based on leaders' "own legal interpretation" (Rivera 1991) of a former "reciprocity pact" with the Crown that predated the Bolivian republic (in which Indigenous leaders were allowed to keep their communal *ayllu* landholdings in exchange for paying tribute and labor to the Crown). In the specific history of the Qhara Qhara, their claims are based on arrangements with the Spanish Crown dating back to as early as 1582, when local lords petitioned for better tax and labor tribute (*mita*) deals, claiming ownership of mineral deposits from Potosí and Porco mines because they were located within their territory (Rasnaque, 1989).

The more recent movement to reconstitute ancestral territories followed the multicultural reforms in the 1990s. In Bolivia, multicultural reforms followed a series of marches led by lowland Indigenous groups. In these historic marches, the slogan "March for Territory and Dignity" generated a national discussion around demands for collective land rights (see CPICA, 1991). The marches led to multicultural reforms that recognized collective land rights, which fed into a highland "*ayllu* movement" to recuperate traditional Indigenous institutions and ancestral knowledges.[8] Qhara Qhara leaders spearheaded a large part of the movement, working with leaders from other Quechua-Aymara nations such as the Killacas, Chichas and Charcas Nations. Yura also played a central role in the formation of the National Council of Ayllus and Markas of Qullasuyo (CONAMAQ) in 1997, the national-level Indigenous organization that would go on to lead the "*ayllu* movement" to reconstitute Indigenous institutions for collective land claims. It was in this process that they decided to start the path towards the reconstitution of their ancestral territories, by pursuing status as a Community Land of Origin (Tierra Comunitaria de Orígen, TCO), the formal collective land ownership title awarded by the National Institute of Agrarian Reform (INRA). At the same time, leaders also founded the Council of Ayllus of North Potosi (CAOP) as an organization that could channel their demands to the State and articulate technical and economic support of the titling process.

In practice, the consolidation of collective land titles has been an arduous task, in many cases leading to conflict within Indigenous territories. For

example, in 2002 in Yura, a State commission headed by INRA attempted to demarcate boundary limits in the territory. However, their efforts largely failed due to an internal conflict over boundary limits with the Chaquilla community. The dispute itself was likely the result of errors from the misinterpretation of already existing and complex systems that went unrecognized in earlier land reform procedures dating back to Bolivia's 1953 land reform, which resulted in contradictory language recognizing two different landmarks (Carpalla and Negra Cuesta) as marking the boundary limits between the communities. As a result, in 2007 Yura lost financial backing of a Danish international aid organization that provided the logistical support for Indigenous communities in the consolidation of TCO titles throughout the country.

The Yura case illustrates the legacies of land reform policies that have shaped political identities and divided many communities. For example, following the 1952 Revolution and subsequent land reform in 1953, "*ex-pongos*" (hacienda workers under conditions of serfdom) formed agrarian unions to channel their demands to the State for individual land titles from expropriation of hacienda estates. The revolutionary government's discourse of "land for those who work it" was based on dominant ideologies of *mestizaje* that center on peasant identity and implemented policies of assimilation. The 1990s *ayllu* movement, in contrast, was focused on obtaining collective land titles as a form of repatriation as peoples and nations which pre-existed the Bolivian nation discussed above, a fundamental right also recognized in international human rights conventions such as ILO Convention 169.

Identity politics in these differing regimes of rights and recognition are extremely complicated and varied among highland Quechua and Aymara peasant communities. This has become increasingly more ambiguous following the passage of the 2009 constitution in Bolivia, which recognizes a new subject of rights: the "Indigenous First Peoples Peasant" (singular and without a comma). This category of rights emerged following debates among members of a "Unity Pact"[9] of Indigenous, peasant and worker's organizations during the Constituent Assembly to rewrite the constitution (2006-08). According to Schavelzon (2012: p. 93), a large part of the tension was due to the fact that many representatives of peasant organizations identified as Aymara and Quechua and thus did not want to give up recognition as "First Peoples," yet also were politically affiliated with unions and thus also identified as peasants. The debate over whether or not to insert the comma between

these categories centered on what it might imply in terms of access to specific rights or benefits (or their loss) on the basis of identifying with one or the other category of recognition.

While a great deal of the Unity Pact's proposals for plurinationalism were included in initial drafts of the Constitution, delegates' representation was filtered through the MAS political party, which was also engaged in tense negotiations with delegates representing oligarchic agro-industry interests (see Postero, 2017). As a result, modifications were made to the constitution without consultation of grassroots organization delegates in a final stage between 2008-09. This experience put us on alert, since the participation of Indigenous peoples in the Constituent Assembly, despite being the majority, was channeled through the MAS-IPSP[10] political party. As Huascar Salazar (2019) points out, this political party regime maintains old practices of political control through corporatism, patronage and the cooptation of Indigenous organizations.

In Yura, leaders are pressed to negotiate with influential local leaders who oftentimes no longer live permanently in the territory. Traditionally, these so-called '*residentes*,' or migrants who mostly live in nearby cities, have maintained community ties by complying with certain obligations to their local Indigenous peasant institutions as the basis of maintaining property rights. This might include throwing a party or serving in a one-year obligatory leadership role and can help alleviate economic poverty or competition over scarce resources within a territory. More recently, as Colque (2007, p. 141) points out, conflicting social organizations offer a way for *residentes* to refuse obligatory services to the community by claiming membership in an agrarian union with fewer rules, for example. This practice sows divisions or deepens already existing ones.

Shortly after losing sponsorship from the Danish organization for collective titling, Yura authorities discovered that local union leaders had carried out a disinformation campaign in various communities to convince members to withdraw their support for collective titling. As Tata Cenobio Fernández, former Kuraca of Jatún Ayllu Yura, explained during a seminar on Indigenous autonomy in their territory, "Those who do not want to live according to the principles of territoriality operate by spreading information [against collective land rights] that you will have to pay taxes, that you will have to survive on own resources, that you won't receive anything from State resources" (cited in Bautista, 2017).

In the case of Marka Quila Quila, the consolidation of collective territory rights was much more contentious. In 2014, state officials at the INRA departmental offices annulled collective titling procedures by refusing to recognize Quila Quila leaders as representatives of their communities. For their part, INRA officials argued that this was because there was an already-existing *personería jurídica*[11] belonging to the local agrarian union, a formal legal status that recognized them as town representatives to the municipal government. However, leaders of the Marka Quila Quila rejected this argument on the basis that the bureaucratic requirement for obtaining such as legal status was created for social organizations to participate in local development planning and thus violated Indigenous peoples' own norms and procedures for leadership and political representation. [12] Samuel Flores, ex-Kuraka of the Marka Quila Quila who was one of the main protagonists in the case, explains refusal of the legal status requirement in terms of auto-identification:

> We do not need another identity, because we, as nations, as people, self-determine [our leadership] and the State should directly act on that. But with the Decree [law requirement], the situation is the other way around, the State only sees civil society organizations and not the communities. So, having to relying on the State for legal status implies the lack of consultation at the local level, going against our rights to representation, participation and justice according to our own rules. It's a structural and bureaucratic limitation to demanding our right to land and territory. Thus, as Indigenous Peoples and Nations we depend on the State, which historically came after us, whether it's called a republic, as before, or Plurinational, as it's called now […] Indigenous Peoples and Nations have pre-existing territories and we don't need recognition, right? (cited in Kennemore, 2015, p.2)

This perspective draws attention to another dimension of ancestrality and self-identification in Indigenous struggles for territorial reconstitution, as mechanisms for direct representation for negotiating with the State.

Marka Quila Quila leaders also developed strategies for direct representation in autonomy processes at the municipal and departmental levels. These sub-national autonomies are deeply intertwined with Indigenous autonomy. In the Constituent Assembly, for example, Unity Pact proposals for

Indigenous autonomy were entangled with the demands of delegates from elite sectors of Bolivia's eastern region, many of which focus on agro-industrial production for export. Faced with the MAS government's proposed centralist development model based on the expansion of extractivism and greater capture of royalties (Espada, 2011), elites sought to establish a federalist system to protect their economic interests by calling for departmental autonomy. Given that the control of a large amount of natural resources and productive land was at stake, MAS constituents promoted the inclusion of additional other levels of autonomy (municipal autonomies, regional autonomies and Indigenous First Peoples Peasant autonomies) as a counterbalance to the political weight and power of departmental autonomies (see Postero, 2017; Schavelson, 2012). Within this framework, formal conversion to an Indigenous First Peoples Peasant autonomy, far from establishing a mechanism for the exercise of self-determination sought by Indigenous peoples, ends up as being merely functional; it serves as a channel of participation in relation to other sub-national autonomies (Copa et al., 2018, pp. 67, 68).

Following the passage of the constitution, we see another effect of the "domestication" (Garcés, 2010) of Unity Pact proposals in terms of a lack of representation and political participation on the part of Indigenous peoples in processes of drafting autonomy statutes for municipal and departmental autonomies. Since territories are situated within (and often cross) sub-national boundaries, the municipal and departmental development plans have a direct impact on Indigenous peoples' ability to manage natural resources and redistribute resources in their territories. For the Marka Quila Quila, this gap in participation and representation became evident when government officials began drafting and approving the Bylaws and Organic Statutes in their so-called "Statutory Assembly"[13] at the departmental level in Chuquisaca.

Indigenous leaders' reflections highlight a general concern about co-optation processes and party politics generating conflict and fragmentation in their territories. They remind us that their own institutions and justice systems, along with their commitment to autonomy and self-government, differ from Western democracy and its political party system.

Considering previous mishaps in pursuing their political agendas through political party representation, the Qhara Qhara Nation refused political representation through social organizations and insisted instead on self-identification as Indigenous Peoples and Nations. This strategy originated during the 2012 census, when they registered as peoples of the Qhara Qhara

Nation, demonstrating their presence in the territory. As a result of the census, the National Institute of Statistics (INE) issued Quila Quila a note certifying the existence of 1,478 inhabitants. With that, they were also granted the right to representation as minorities in the Chuquisaca Legislative Assembly. However, Chuquisaca's Statutory Assembly refused to incorporate direct representation as Indigenous peoples in the Organic Statute for Departmental Autonomy. So, in response, members of the Qhara Qhara Nation filed a complaint with the Plurinational Constitutional Court, demanding representative seats without having to be affiliated with a political party. The Court ruling was favorable, opening the possibility for the incorporation of Indigenous peoples in the departmental legislative assembly with direct representation, following their own norms and procedures for rotational leadership and consensus-based decision making.[14] Unfortunately, the draft Organic Statute was not approved in a later referendum vote, so this project of direct representation was not fully consolidated.

At the municipal level, Marka Quila Quila leaders' requests to be included in the Organic Statute of the Municipal Autonomous Government of Sucre according to their ancestral status as Indigenous peoples were met with a similar response. As in the previous case, they then filed various constitutional actions with the Constitutional Court. The leaders' main legal argument in this case was that since Marka Quila Quila had not been included in the process of drafting of the Organic Statute, it should not be admitted for review (one of the five steps for advancing autonomy status mentioned previously). These efforts led to significant advances. In addition to not admitting the Organic Statute for review, for example, the Constitutional Court declared the *personería jurídica* requirement unconstitutional and called for the modification of laws that had established it as a basis for political representation and participation in development planning.[15] Yet, the legal victories were not easy. Community leaders from the Marka Quila Quila took near constant legal actions and installed vigils of resistance in the doorways of the Court. This legal fight had the support of other Indigenous nations such as the Nations of Yampara, Killacas (Oruro-Potosí), Charkas, Suras, Kirkiawi and Karangas.

Despite their gains, access to procedures for the formal consolidation of territory through collective titling in the Marka Quila Quila remains blocked. Consequently, this also closes off legal pathways for the possibility of becoming an Indigenous autonomy. Conflicts remain between community

members and other union groups within the territory, which have resulted in several injuries and arrests. For their part, government officials with INRA annulled the entire process of collective titling, to then enter the territory to award individual land titles to union members that had been registered as collective land titles in earlier demarcation procedures. In this way, the path towards territorial consolidation in Marka Quila Quila, a process of nearly a decade of organizing and demanding collective rights, was not only blocked but reversed. As a result, clashes with trade union groups within the territory have increased, along with the number of injuries and ongoing legal persecution on the part of INRA officials. Seeking accountability and the guarantee of their rights, leaders have presented various complaints to national and international human rights bodies.

These cases offer mere fragments of the complexity of Indigenous territorial reconstitution, which are wide-ranging and vary according to a given context across Bolivia. They demonstrate the importance of self-identification as an instrument in the struggle for territory. This is not only due to State-imposed gaps that block access to procedures for formal recognition of Indigenous territory and autonomy. Rather, it is also important considering fragmentation within the Indigenous movement itself, as State mediation in autonomy processes is driven by a logic of political party co-optation that feeds off and contributes to local conflicts internal to the territories.

The Demand of Respect for Indigenous Legal Systems and the Right to Prior Consultation

In a context where formal pathways to Indigenous autonomy are blocked, Indigenous leaders have turned to Bolivia's constitutional framework for legal pluralism as a site of legal struggle and institutional innovation. A fundamental aspect of new forms of legal pluralism advanced in the 2009 constitution is article 179.II, which establishes that "hierarchical equality" between the jurisdictions of ordinary (liberal justice) judicial bodies and Indigenous First Peoples Peasant Jurisdictions (JIOC), with their varied local norms and procedures for administering justice.

Cases advanced by the Qhara Qhara Nation offer several examples of how Indigenous leaders are taking up this legal tool for demanding justice to build their own institutions. For example, in 2015, Indigenous leaders from the Qhara Qhara Nation participated in the creation the Indigenous First

Peoples Peasant Justice Tribunal of the Plurinational State of Bolivia (henceforth TJIOC), an organic institution that operates at the national level and unites Indigenous peoples and nations from across the country.[16] The TJIOC is headquartered in Sucre and has coordinated with local-level Indigenous leaders throughout the country to promote solutions to their various problems within the framework of Indigenous justice. In addition to challenging legislation as in the cases discussed above, TJIOC legal actions have shaped public policies by negotiating with the General Service of Personal Identification (SEGIP) to make it easier for Indigenous peoples to self-identify on State-issued ID cards, for example.[17] Many TJIOC leaders are trained as human rights experts and offer legal counsel to community-level Indigenous justice authorities to strengthen their jurisdiction. They also generate proposals for implementation of the law, such as for designing mechanisms for coordination and cooperation between jurisdictions.[18] Important to note is that TJIOC is just one out of many organic institutions that have emerged in recent years. There are currently hundreds of Consejos Amawticos (Spiritual Justice Councils) in the department of La Paz alone, pointing towards a wider-spread and organic movement among local communities to form their own justice institutions in their territories.[19]

A central tool in recent legal battles is a new legal figure called a "jurisdictional conflict" for contesting the competency for administering justice in a concrete case. Since 2012, the number of jurisdictional conflicts presented to the Constitutional Court have progressively increased. This has resulted in several favorable Court decisions which stand as symbolic victories for Indigenous peoples' historic demand for respect and equality for Indigenous justice in the face of the racist and discriminatory practices of the dominant justice system (see Copa, 2017). In a parallel process, social scientists and rights advocates collaborate with Indigenous leaders to systematize their legal strategies and disseminate them to other communities throughout the region, with the overall goal of supporting efforts to strengthen Indigenous self-determination.[20]

However, State institutions have significant limits in terms of regulatory design and public policy implementation. One example of this is legislation such as the 2010 Jurisdictional Demarcation Law (Law No. 073) which establishes competency and regulates the relationship between Bolivia's constitutionally recognized jurisdictions. The law is highly controversial, especially one article (art. 10) that severely reduces Indigenous jurisdiction and

subordinates it to those of the State's judicial system. Analyzing legislation such as this, a 2016 report by the Ombudsman's Office denounced the situation:

> The fact that the Plurinational Legislative Assembly has excluded NyPIOC [Indigenous First Peoples Peasant Nations and Peoples] from having jurisdictional competence over civil and criminal crimes in the Jurisdictional Demarcation Law, Labor Law, Social Security Law, Tax Law, Administrative Law, Mining Law, Hydrocarbon Law, Forestry Law, Computer Law, Public and Private International Law, and Agrarian Law, and only grants competency over matters related to the internal distribution of lands in communitiesthat have legal possession or collective proprietary rights, constitutes a huge SETBACK in terms of rights established in the CPE [Political Constitution of the State]. (2016, p. 192)[21]

Indeed, the fact that one of the central demands of leaders during the 2019 Qhara Qhara Nation march was the modification of article 10 of the Jurisdictional Demarcation Law, illustrates that it remains as a significant obstacle to guaranteeing the fundamental rights of Indigenous justice advanced in the constitution. Moreover, as the Ombudsman's Office also reported, Indigenous leaders commonly denounce that: "not only do authorities of the ordinary justice system disregard Indigenous justice, they actively persecute and repress [Indigenous leaders for exercising] Indigenous justice and it is largely disqualified by State authorities" (Ibid.).

Despite this situation, Indigenous justice authorities have made several advances in their demands for respect and equality before the law. An emblematic case in this regard is the case of Zongo, a rural Aymara community in the valleys of the Department of La Paz, where Indigenous First Peoples leaders managed to successfully challenge the Jurisdictional Demarcation Law to take over a case with criminal court and environmental court investigations underway in the ordinary courts, recognizing the validity of local norms and procedures in a local resolution to expel a miner from the territory.[22] The Zongo case is an important milestone for Indigenous justice as it generated jurisprudence that broadened the legal scope of validity to include "decisions taken with respect to situations of affectation by those who

are not Indigenous First Peoples Peasant peoples but who have committed acts in their territory and when community members or the property of the community have been affected by 'third parties', 'outsiders' or non-indigenous people" (fj, III.8 of SCP 0874/2014). Challenging the limits of the law, the Zongo Court decision established that people outside the communities can be submitted to the Indigenous jurisdiction, under its rules and procedures.

The demand for the right to exercise Indigenous Justice is also relevant for demanding the right to prior consultation according to Indigenous communities' own norms and procedures. While the constitution recognizes the right to free, prior and informed consultation on the basis of the "integrity of Indigenous First Peoples Peasant territory" (art. 403.II of the CPE), in its implementation State officials prioritize provisions benefiting the interests of two strategic economic sectors (the hydrocarbon sector and the mining sector). In the Mining Law, for example, the authorities of State institutions that oversee mining operations have the final say over its installation, making consultation a purely informative process in cases where compensation and indemnity are negotiated (Campanini, 2014). As a result, consultation procedures are distorted and do not have much significance for many Indigenous communities.

In contrast, consultation imagined from the grounds of Indigenous Justice is a truly intercultural enterprise. To analyze risks and benefits of mining operations, for example, Indigenous leaders combine local knowledge with technical language to assert rights within the framework of the law. In the case of a renewed consultation in the lowland Guaraní territory Charagua Norte, community members worked in Zonal Assemblies using socioenvironmental monitors for the management of natural and environmental resources. The consultation process facilitated the participation of all the affected communities and included requests for data from the Ministry of Hydrocarbons (see CEJIS 2012).

Similarly, in the Pokerani Community (of the Ayllu Qorqa, Jatún Ayllu Yura, Quara Qhara Nation) Indigenous leaders signed an "Inter-institutional Agreement" on 28 June 2017 with the Autonomous University Tomas Frías, for Chemistry and Mining Engineering majors to conduct research in their territory and share data measuring environmental impacts over time. One report that came out of the agreement was from a study on environmental conditions in the Pokerani Community, from the Wanqallapi River and Keuñamayu sectors of Yura. In September 2017, community members met

in a local assembly to discuss various harms caused by the mining operation such as forced displacement, destruction of fields for pasture and agriculture, opening of roads without consultation, discrimination and intimidation against community members and extraction and robbery of gold, among other claims. The resolution reached during this assembly meeting, combined with the University report demonstrating the existence of polluting elements in the water, served as the basis for an environmental complaint to the Mining Administrative Jurisdictional Authority (AJAM). Since AJAM has legal jurisdiction over the mining concessions, the complaint requests AJAM order the company to pay compensation for environmental damages to the community.

The strategies taken up in this latter case articulate efforts to exercise Indigenous justice across multiple scales. For instance, the TJIOC discussed at the top of this section played a major role in building the legal complaint and presenting it to AJAM. In doing so, this organically formed Indigenous institution gained formal recognition in subsequent litigation as a national-level institution of Indigenous justice. While the specific case is ongoing (and thus inconclusive; see López 2021), this is an advance in the demand for respect and equality of Indigenous justice in relation to the authority of State institutions over matters related to Indigenous self-determination and territorial control.

Indigenous Autonomies with Self-Determination

The barriers to accessing Indigenous autonomy and direct representation show how bureaucratic formalities become an instrument for protecting powerful political and economic interests.[23] As discussed previously with the case of the Marka Quila Quila, many of such obstacles are a result of top-down processes that institutionalize Indigenous demands to self-determination, reducing them to channels of participation within a dominant State-centric model. This is similarly reflected in procedures of State supervision and control implemented by institutional arms such as the State Service of Autonomies (SEA) of the Supreme Electoral Court and the Vice Ministry of Autonomies.

As a result of such procedures, accessing and exercising Indigenous autonomy is a tortuous road for many Indigenous peoples. As permanent Secretary of the TJIOC Samuel Flores Cruz Court points out, "Laws such as

the Autonomy Law and Jurisdictional Demarcation Law have obstacles. The requirements are tiresome and contain unnecessary formalities that are different from the direct procedures used by Indigenous peoples." From this perspective, the legal strategies deployed by Indigenous leaders from the Qhara Qhara Nation can be understood as part of a fight to overcome bureaucratic requirements that impede them from pursuing their long-standing agenda of restitution of their ancestral territory.

The Marka Quila Quila case also highlights how tensions within Bolivia's autonomy framework are rooted in earlier processes of the municipalization of the countryside and popular participation following the 1990s multicultural reforms and neoliberal decentralization. While the current centrist model of development increases State-control over natural resources within Indigenous territories, the current regulatory framework also exhibits a similar tendency to municipalize Indigenous autonomies as an administrative sub-national institution of the State.

Clearly, the policies related to strategic resources within Indigenous territories stem from a structural issue of national development that directly affects the rights of Indigenous peoples. Restrictions over Indigenous territorial management and control over nature codified in the 2009 constitution were solidified in the subsequent 2010 Autonomies and Decentralization Framework Law (Law No. 031). This legal framework grants subsoil rights to economic actors for exploration and exploitation in Indigenous territories. For example, Campanini (2014) identified 4,100 requests for mining exploration in 2008 alone, 32% of which were in Indigenous communities holding collective land titles in the highland region. Similarly, out of 20 legally recognized lowland Indigenous territories, 18 had existing contracts granting rights for the exploration and exploitation of natural resources (Ibid.).

The language used in Yura's Indigenous Autonomy Statutes reflect this legal framework. While Indigenous governing bodies are awarded a degree of control over renewable natural resources (livestock, some forestry, fishing, etc.), the central State maintains exclusive rights to non-renewable resources, managed by state authorities who oversee strategic economic sectors (mining, hydrocarbon, etc.). Furthermore, the statutes discursively locate the role of Indigenous cultural practices as guardians of nature, asked to "preserve their habitat and landscape,"[24] as if these territories were isolated spaces from extractive development policies and the intervention of various forestry, oil or mining companies. What the legal framework in Bolivia shows is a folkloric

vision of Indigenous Peoples and Nations who in practice have no veto power over extractive projects in their territories (see also Engle, 2018).

In this sense, the tendency to rely on concepts such as "territory," "development," "living well" and even "autonomy" in Bolivia is also striking. The codification of highly contested terms such as these into law create parameters that mask and impede efforts towards the full exercise of Indigenous self-determination, particularly in cases when this conflicts with the political or economic interests of powerful State and business sectors. In Ecuador, former Minister of Communication Mónica Chuji called attention to a similar phenomenon, commenting that the "philosophy of 'Vivir Bien' has been used by populist governments to cover up the expropriation of natural resources and Indigenous territories" (ANF, 2018).

This raises the question of what happens in subsequent years, as the communities work to construct an Indigenous autonomy that can serve as a pathway to self-determination. Will they be subject to the ideas and concerns emerging from the communities themselves, or will they adapt to the parameters imposed from "above"? In sum, the risk is that language around caring for the environment in the autonomy statute is already articulated to a narrowed understanding of what this implies in terms of the use of resources in the territory, namely a municipal framework (of water and waste management) aimed at guaranteeing access to health and basic services. That is, without being able to deepen Indigenous autonomy beyond the limited competency they have been awarded, to move towards a horizon of the reconstitution of Indigenous territory. From this perspective, we see how implementation gaps impede autonomy not only through an instrumentalization of the law on the part of the State but also through a "politics of subjectivity" (Briones et al., 2007, p. 270). In other words, in the Indigenous peoples' endless work to meet tedious requirements and parameters on the pathway to consolidate formal autonomy, there is little discussion around the relationship between autonomy and territorial management.

To this challenge, we can add the actual cost of consolidating Indigenous territory. In the case of Yura, for example, the withdrawal of financial support from the Danish NGO early in their process of consolidating the territory set back collective titling procedures for several years. Later, after Yura had started walking down the path towards formal conversion to an Indigenous First Peoples Peasant Autonomy in 2010, they faced subsequent financial burdens at each stage. For example, without financial backing, it is

the community members themselves who have to organize to cover expenses (transportation, food, photocopies and paperwork) when State officials come to "supervise" procedures such as referendum voting. The "costs" are also political. According to Franz Rosales, political scientist and technical advisor in the Vice Ministry of Autonomies, while the three different pathways (as an Indigenous territory, or via municipal or regional autonomy) are "open doors" to Indigenous autonomy, the "costs" are also political. "First is the money," he explained, "but then it's also very risky. You fight for nearly eight years to get the statute [drafted], then it goes to court and then comes back and in one step the entire thing can be lost"(personal communication, 21 January 2019).

Indeed, a mapping out of the external actors involved at each stage of formal conversion to Indigenous autonomy shows how institutional, financial and political factors can intersect at any given moment to thwart communities' efforts, limiting the viability of Indigenous autonomy as a pathway to self-determination (Villagomez, 2018). This was the case in Totora Marka (located in the Department of Oruro) when, after several years of struggling to get the autonomy statute drafted and approved in a preliminary stage, the final autonomic statute was not approved in the second referendum. In this case, Rosales explained, the "No" vote in the second round was likely due to a local mayor who had openly supported Indigenous autonomy but then campaigned against it, taking advantage of the extended time in the lengthy Constitutional Court review of the autonomy statute.

Procedures such as State supervision over drafting and approving autonomy statutes also go against local norms and procedures based on consensus and shared decision-making. In Yura, tensions over collective titling were addressed publicly through a series of public assembly meetings and workshops over the course of years. It is in these meetings where community members analyze issues related to territorial management and discuss ideas for creating a future for their children grounded in territory. Martha Cabrera, former Mama T'alla of the Qhara Qhara Nation who is from Jatún Ayllu Yura, led a great deal of such efforts and focused on generating greater participation in the process, precisely in efforts to avoid the setbacks of internal disputes mentioned above. On several occasions, she even traveled to nearby cities to talk with the *residentes* who were against the process, requesting they come meet with community members themselves, rather than spreading rumors. Later, when the community members who had opted for individual land

titles decided to rejoin the process of collective titling, the communities had to hold another series of meetings with the Indigenous justice councils for reconciliation.

Between 2010 and 2012, Yura developed their own strategies for pursuing Indigenous autonomy more organically, without dependence on NGO financing or social organizations, to avoid further setbacks. This involved establishing new Indigenous councils and generating momentum at the national level by pushing for legislation reform along with other Indigenous legal activists of the Qhara Qhara Nation and TJIOC discussed above. After securing the collective title and voting for Indigenous autonomy, Yura faced another decisive moment, drafting the autonomy statute. To do so, they held an assembly meeting in November 2016, where they formed two commissions to carry them down the path, a Steering Committee and a Drafting Committee. Working together, and in concert with ongoing public deliberation to find consensus, these two organically formed committees walked Yura down the final steps of the path to formal recognition as an Indigenous autonomy.

In all of these examples, it is also important to take the role of gender into account as a driving factor. Many Andean Indigenous institutions that follow the *thaki* (path) system of rotational government are governed by the Aymara-Quechua principle of *chachawarmi*, or male-female leadership in pairs (see Berman 2011). However, the reality of *machismo* and gendered violence against women in Bolivia is alarming. Berman cautions that celebratory discourses around complementarity and indigeneity act to conceal male domination within Indigenous organizations, and thus more critical analysis of such dynamics is warranted (Ibid.). In the case of Jatún Ayllu Yura, Cabrera and other female Indigenous leaders raise these discussions in their own organizations and insert themselves into active leadership roles to drive the movement forward. Similar to what Shannon Speed (2008) discusses among Indigenous women within Indigenous organizations in Chiapas, Mexico, these women combine human rights discourses with the principles and values that govern their own Indigenous institutions, to demand respect and participation in the face of intersecting forms of exclusion and violence.

Challenges of the Indigenous Autonomy Process in Bolivia

In the cases of both the Jatún Ayllu Yura and the Marka Quila Quila, the Qhara Qhara Nation demands representation as minorities in the other autonomous processes underway, in both departmental autonomy and municipal autonomy. Their demands draw attention to the lack of a decolonized institutional structure for guaranteeing political participation of Indigenous peoples in decision-making in executive and legislative branches of government. This contradicts forms of intercultural democracy advanced in the constitution, which recognizes direct democracy without the mediation of political parties. Indeed, a great deal of the challenges of the Indigenous autonomy process in Bolivia stem from the lack of direct representation in the design and implementation of its legal framework.

Here we see multiple related challenges to overcome. First, a political party system based on patronage and co-optation generates conflict and fragmentation within Indigenous territories and thus is inadequate for overseeing efforts to reconstitute Indigenous territories. Second, many Indigenous communities who follow principles of direct democracy based on public deliberation and consensus decision-making feel like their elected representatives in the MAS party have abandoned them. In the last decade of the Morales administration, representatives working in parliament were far removed from the mandates of their grassroots organizations. Third, as a result, legislation drafted and approved in the name of the MAS government's so-called "process of change" is directed at consolidating the power of a central government. This is evident in the "factory of laws" that run counter to Indigenous peoples' long-standing agenda of self-determination.[25] What the struggles of the Qhara Qhara Nation show is a dispute with formal democracy over a resistance on the part of the MAS political party to incorporate direct Indigenous representation. We feel a sense of urgency around the need for institutional bridges to articulate Bolivia's different forms of democracy, representative and communal, and aim to highlight common spaces of action and impact in the design of State institutions as Indigenous leaders seek to redirect State building back towards their project of self-determination.

Relatedly, in the area of Indigenous justice, the Zongo case draws attention to another obstacle Indigenous leaders face. The constitution mandates cooperation and coordination between judicial and administrative

authorities of the State and Indigenous authorities (art. 192 of the CPE). However, the lack of clear mechanisms for coordination and cooperation in subsequent framework laws has contributed to a weakening of Indigenous justice. Constitutional Court recognition of Indigenous peoples' legal decisions (such as a resolution to evict a miner from the territory, as in the Zongo case) does not guarantee their implementation in practice. This is due to a lack of respect and awareness on the part of lower-level State officials but also distrust among community members, as they fear legal persecution by these judicial authorities. An additional problem in implementing Indigenous laws stems from the fact that there is no form of financial or institutional support for the administration of Indigenous justice, outside of the contributions of community members who pool resources and supply food, lodging and transportation to Indigenous justice authorities. On the one hand, this practice is a fundamental part of communal organization in Indigenous communities as it breaks dependency from NGO or State funding. On the other hand, TJIOC leaders also point out, without having the same institutional infrastructure and means as other courts, especially at the national level, they are always at a disadvantage vis-à-vis the power of the ordinary justice system to maintain a hegemony as the sole arbiter of justice.

For their part, Yura leaders add that the path towards Indigenous autonomy is not only about breaking dependency for self-sufficiency but also about professional development of community members who can work in service of the ayllu. On collaboration with outside actors, Martha Cabrera, explains the need to break down asymmetrical relations and the importance of collective decision-making and action:

> If an institution comes along and wants to support us, they should know that they can only be collaborators and not be making the decisions. They can't take any actions unless they have consulted with the territory and it's approved. I emphasize the consultation because the leaders have placed too much trust in [Danish] support. At some point my authorities would say "I'll sign it [you] will manage it," but I think we were being really irresponsible in doing that. (personal communication, 5 November 2019)

The problem Cabrera draws attention to is quite common among social organizations. Since the 1990s, with the proliferation of technical experts and development NGOs working with Indigenous communities to implement multicultural reforms, local leaders spent more time outside their communities and made decisions according to their personal interests (see Postero, 2007).

Cabrera was also at the Constitutional Court the day the ruling was issued approving the constitutionality of Yura's Indigenous Autonomy Statute. Similar to the past, she explained, the leaders had to be vigilant. Two of the Court magistrates' signatures included fine-print, as "provisional" approval, with no explanation for how or why there would be any additional conditions for the decision to be formalized. This was likely an intentional tactic, Yura leaders suspected, and so they demanded it be clarified before accepting the dispatch. TJIOC leaders' acute knowledge of the legal culture and practice in Bolivia (and headquarters in the judicial capital of Sucre) acts as a form of oversight and supervision of Indigenous autonomy processes that otherwise go unchecked. In this sense, State supervision of their own referendum votes becomes all the more ironic. Moreover, for many Indigenous leaders who live in isolated communities the time, resources and technical knowledge to be vigilant of their own autonomy processes presents a huge challenge. Overcoming these asymmetries and institutional gaps for all Indigenous Peoples and Nations is part of the strategic vision of the Qhara Qhara Nation underlying their demands in the 2019 march.

New Struggles

Bolivia's political crisis was deepened following President Evo Morales' resignation on 10 November 2019. The months of upheaval around Morales' bid for a fourth term in office and accusations of electoral fraud were marked by polarization across multiple sectors of society, divisions that were widened by the racist and classist overtones of the regime of Jeanine Añez. In this scenario, representatives of the Qhara Qhara pressed their demands to the interim government, under the premise of continuing their struggle by negotiating with "any government in power."[26]

This new scenario of struggle is reflected in declarations in defense of the Whipala, the flag of Indigenous peoples and symbol of their constitutionally recognized homelands and for those urban Aymara and Quechua. The Qhara Qhara Declaration on 22 November 2019 was one of many in response to the

removal and burning of the flag shortly after Morales' resignation, sparking protests. While international media tended to portray the protests as a defense of the MAS and Evo Morales, such portrayals ignore the voices on the ground who were protesting in defense of their sacred symbol. In their statement, the Qhara Qhara Nation critiqued the use of the Whipala by political parties and criticized both the "left" and the "right" for misusing and defaming their national flag.[27] Urban Aymara collectives in El Alto organized around the banner of the "rebellion of the Whipala," which was echoed throughout the country. This pushed back on the actions of the Añez government and forced politicians, policemen and officials to publicly apologize for defaming the flag, to restore the dignity of the Whipala.

Conclusions

In this chapter, we have offered an overview of advances and challenges of Indigenous autonomy in Bolivia, from the perspective of Indigenous Peoples and Nations ongoing struggles for pathways toward self-determination. We conclude by highlighting important lessons we take from the analysis and political actions of Indigenous leaders on this path:

- The project of Indigenous autonomy is part of a strategy on the part of Indigenous peoples to strengthen autonomy processes towards a much more broadly defined form of autonomy as nations. They aim to overcome the obstacles or gaps in bureaucracy and a limited autonomy framework to strengthen their own governments. In doing so, they create new institutions to articulate with the State "from below."

- The struggles on the part of Yura's leaders shows how such gaps emerge in legal procedures in collective land titling and continue in their legal battles to gain access to Indigenous autonomy. In both moments, Yura leaders questioned government policies that generate fragmentation and setbacks, calling for the elimination of the second referendum to approve autonomy statutes and demanding equality in the exercise of Indigenous justice.

- There is a need for articulation between the institutional framework of departmental and municipal autonomies and autonomous

Indigenous institutions. A range of interlocutors emerge in these processes, as national Indigenous organizations and organic councils of the Qhara Qhara Nation create new institutions such as the TJIOC and collaborate with universities and State officials, among other examples offered in this chapter.

- The use of legal tools, such as appeals to the Constitutional Court to eliminate bureaucratic requirements for representation and participation as Indigenous peoples, and strategies for exercising the right to self-identification, as well as strategies deployed for prior consultation and strengthening Indigenous jurisdictions processes all demonstrate processes of constructing Indigenous autonomy "from below."

- Yura's legal strategies, which are directed at strengthening self-government, reducing barriers to accessing autonomy processes, and advancing toward Indigenous self-determination, make use of the legal tools offered by the Plurinational Constitution. In doing so, their experiences offer us an opportunity to reflect on ongoing efforts to re-appropriate the Plurinational State in the context of more recent shifts following the 2019 political crisis and return of the MAS government to power the following year.

In affirming that they are "materializing" the constitution, as Indigenous leaders of the Qhara Qhara Nation often do, they seek to redirect institutional processes of constructing the Plurinational State back towards their own social projects, towards self-determination. As we have shown in this chapter, their own institutions, which are based on communal forms of reproducing social life rooted in territoriality, have emerged in response to the very barriers that were imposed "from above," under the administration of Evo Morales. His fall does not signify the loss of these projects.

On the contrary, recent shifts in the political scenario in Bolivia might open critical space for renovating the plurinational project from below, through constant negotiation and refusal of State parameters, whether this State is led by the MAS party or by right-wing elites. For this reason, this chapter aims to draw attention and amplify the constant actions of autonomous spaces, where faced with the limits of a State-led "process of change,"

ayllus, collectives and others continue generating their own channels for negotiating with the State, to exercise self-determination over their territories.

NOTES

1 Autonomy statutes are basic institutional norms for all sub-national levels of government for legal autonomous status, as required by the guidelines established by the 2010 Framework Law of Autonomies and Decentralization.

2 The five stages consist of: referendum for conversion to autonomy, elaboration of the autonomous statute, constitutionality review, statute approval, and implementation of the autonomous statutes (see Villagoméz, 2018).

3 Other demands of the march included repeal of art. 10 of the Law of Jurisdictional Demarcation (Law No. 073), which severely limits the exercise of Indigenous justice, violating the recognition of "hierarchical equality" between Indigenous Justice and Ordinary Justice established in Bolivia's 2009 constitution (art. 179.II).

4 For an analysis of the march led by the Qhara Qhara Nation, see Bautista (2019) and Copa (2019).

5 Plurinational Legislative Assembly, Law No. 1198, July 14, 2019, "Modification of Law No. 031," available at: https://web.senado.gob.bo/sites/default/files/LEY%20N°1198-2019.PDF.

6 Researchers for the Regional Movement for Land and Territory have systematized the history and territorial organization of the Qhara Qhara Nation; see: www. porlatierra. org/ cases / 41.

7 Named leadership role as highest authority over territorial units *ayllus, jatun ayllus* or *markas*; following Aymara-Quechua principles of male-female complementarity, Kuracas exercise their leadership in partnership with their wives (*Mama Thallas*), serving as members of a Council Kurakas and Mama Thallas, of annually rotating leadership positions (see system elaborated within the Statute of Indigenous Indigenous Autonomy Peasant of Jatun Ayllu Yura).

8 For Yura leaders' reflections on the gains and challenges in these early processes as well as more recent efforts to convert to formal Indigenous autonomy, see Bautista, 2017.

9 The Unity Pact predated the Constituent Assembly, emerging in 2004 as a pragmatic alliance of Indigenous, First Peoples and Peasant organizations to articulate their different struggles. Then, in 2006, the Unity Pact was charged with the historic task of elaborating a proposal for plurinationalism following their popular election as delegates to the Constituent Assembly (see Garcés, 2010).

10 The IPSP (Political Instrument for the Sovereignty of the Peoples) of the party was seen as a bridge insofar as it was a mechanism that "provided support" to the liberal system of representative democracy through endorsement and support of candidates or the negotiation of alliances with political parties, flowing from the collective decisions of the bases (Yapur, 2018, p. 118).

11 *Personería jurídica* is the legal authorization for all non-profit entities representing civil society to be subject of rights and obligations and to carry out activities that generate full legal responsibility. For this reason, it is required of all social organizations, non-governmental organizations, foundations, etc., to have legal status.

12 See Flores and Herrera (2016), for a systematization of the case study of legal battles in the Marka Quila Quila case.

13 This refers to those who are in charge of the work of preparing the Autonomy Statute, normally at the departmental or municipal level. (In contrast, Indigenous communities, following their own norms and procedures, tend to collectively appoint a statute "commission" charged with this task).

14 Plurinational Constitutional Court, SCP 0039/2014 and SCP 0022/2015.

15 SCP 0242/2014 y SCP 006/2016.

16 TJIOC members include Indigenous peoples from the nations of Qhara Qhara, Yampara, Suras, Jachacarangas and Killacas-Coroma, as well as Guarani peoples from the lowland region.

17 For more on the SEGIP resolution, see Pachaguaya and Flores (2016).

18 Many of the legal battles of members of the Qhara Qhara nation serve as emblematic lessons for exercising Indigenous justice at the national-level, as illustrated by this instructional video: https://www.youtube.com/watch?v=ht-bvoawOx0&t=217s.

19 Important to note is that organizational structures and rules and procedures among these organic justice institutions are quite varied (even disputed) among different communities themselves: while the Consejo Amawtico of Chirapaca is reconstituted out of rebellious memories around the Aymara school Warisata and reaches the entire Department of La Paz (see Copa, 2017), in other instances such as the Mixed Court of Indigenous First Peoples Peasant Justice was formed following formal recognition by the Constitutional Court and thus has an organizational structure and judicial procedures that are shaped by the entanglement of State institutions in the very conflicts out of which it emerged (see Copa and Kennemore, 2019).

20 For more related case studies, see Movimiento Regional por la Tierra (https://porlatierra.org). In addition to holding meetings in Indigenous territories, materials are also produced and disseminated as part of online learning for courses on topics related to Indigenous autonomy and rural development; see Interaprendizaje del Instituto para el Desarrollo Rural Sudamérica (https://interaprendizaje.ipdrs.org).

21 Capitalization from original quote.

22 Plurinational Constitutional Court, SCP 00874/2014; for an analysis of the case, see IPDRS 2016.

23 The MAS government has used similar legal requirements to threaten several Bolivian NGOs; for an example of deploying this strategy for political ends see the 2015 interview with Susana Eróstegui, director of the research organization National Union of Institutions for Social Action Work (UNITAS), available at: http://eju.tv/2015/08/susana-erostegui. In the economic arena, similar requirements were implemented in response to actions taken by community members against the Rositas hydroelectric

plant; see https://www.noticiasfides.com/economia/tcp-exige-personeria-juridica-a-las-comunidades-indigenas-que-rechazan-proyecto-rositas-392191.

24 Art. 88, No. VIII, subsections 1 and 2.

25 During a national-level seminar with Indigenous leaders to strengthen Indigenous jurisdiction, one presenter estimated that more than 1,700 laws were passed in the legislative and executive branches (by decree) under Morales' three terms in office (15 years) (hosted by APDHB-UNITAS, La Paz, 16 November 2018)

26 During the October-November 2019 political crisis, authorities of the Qhara Qhara Nation also asked President Morales to resign; See the ANF news story available at: https://www.noticiasfides.com/nacional/politica/nacion-qhara-qhara-a-evo-34deja-de-enviar-indigenas-como-carne-de-canon-para- your-interests-34-402246.

27 *Correo del Sur*, 2019, available at: https://correodelsur.com/politica/20191122_rechazan-que-la-wiphala-se-use-para-hacer-politica.html.

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