



## DOING DEMOCRACY DIFFERENTLY: INDIGENOUS RIGHTS AND REPRESENTATION IN CANADA AND LATIN AMERICA

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## Bolivia: Advancing Indigenous Governance as a Distinct Order of Government

*Indigenous governments must function for plurinationality to succeed.*

—René Laime Yucen, Vice Ministry of Indigenous Autonomies<sup>1</sup>

Bolivia was the first country in the world to incorporate the 2007 United Nations Declaration on the Rights of Indigenous Peoples into its constitution (Albó 2010; Schilling-Vacaflor and Kuppe 2012). This move was facilitated by Bolivia's constitutional reform process, which aimed to "re-found" the country under the leadership of its first Indigenous-identified president, Evo Morales (2006–19) and his political party, the Movement toward Socialism (MAS). Even though Indigenous peoples constitute the majority of the population in Bolivia (62 per cent), they suffer social, economic, and political exclusion (Retolaza Eguren 2008, 312). Born in 1959 in the agricultural department of Oruro to Aymara parents, Morales grew up in abject poverty. Only two of his six siblings survived past childhood. In 1982, after a devastating drought in the highlands, he and his family relocated to the Quechua-speaking valley region of Cochabamba, where they began to cultivate coca, the principal ingredient used in the production of cocaine. Confronted with US-enforced eradication programs, the growers defended coca production as part of Indigenous culture and traditions. By the 1990s, Morales had become the undisputed leader of the coca growers' movement. In 1999, he and his supporters formed the MAS and successfully competed in municipal elections.

In 2002, he was narrowly defeated in the first round of that year's presidential elections. The ultimate victory for the MAS came during the December 2005 elections, when the party captured 54 per cent of the national vote, the only party to win an absolute majority since the country's transition to democracy in 1982 (Rice 2011a, 277–8).

Now that Indigenous peoples have arrived at the presidency, what Indigenous and democratic governance innovations have been implemented? What lessons and challenges does the case of Bolivia provide about advancing Indigenous rights and representation in new democracies? This chapter suggests that Bolivia constitutes an important example of Indigenous self-government as a third order of government (Abele and Prince 2006), or what Tockman (2006, 154) has termed “a distinctly Bolivian hybrid model of [I]ndigenous autonomy.” In a third-order model of Indigenous governance, Indigenous nations “join” the state and its political system. While Indigenous governments may enjoy more power within this system as a result, they are still subordinate to the state (Abele and Prince 2006, 579). Bolivia's 2009 constitution modified virtually every aspect of the Bolivian state in ways favourable to Indigenous peoples, even officially renaming the country the Plurinational State of Bolivia. The new constitution and its secondary laws created more spaces for Indigenous participation and inclusion by establishing three levels of autonomous, non-hierarchical sub-national governments with legislative capacities: departmental, municipal, and Indigenous (Komadina 2016; Zegada and Brockmann Quiroga 2016). Although the model of the state that underpins the new regime remains unitary, the state is gradually shifting in power and practice toward a functioning intercultural democratic form of government that rests on Indigenous autonomy (Exeni Rodríguez 2012; Postero and Tockman 2020). As indicated by the chapter's epigraph—which comes from a unit head in the Vice Ministry of Indigenous Autonomies—the success of Bolivia's experiment in plurinationality is inextricably linked with the strength of its Indigenous governments.

The broadening of democracy to include Indigenous peoples in Bolivia has brought a wider range of political options for Indigenous activists, who no longer face the strategic dilemma of whether or not to push for change from within the institutions of the state. This dynamic, I argue, has had a profoundly democratizing effect on the country's political system and is one of the major advantages of the third-order-of-government approach. In order to trace this development, the chapter unfolds first with an overview of the

rise of Bolivia's powerful Indigenous rights movement and its demand for plurinationality. This section details the evolution of the Bolivian political system from a "pacted" democracy to an intercultural one. Following the general trend in Latin America throughout the 1990s, Indigenous movements in Bolivia played a central role in the country's social upheavals. Through the use of parallel or solidarity protest events, Indigenous and popular groups have been effective in shutting down the entire country until their demands are met (Anria 2019; Rice 2012). The chapter then turns to an examination of the new institutional architecture in Bolivia under the governing MAS party. It explores such democratic and Indigenous governance innovations as the creation of special reserved seats in the new Plurinational Legislative Assembly for minority Indigenous nations, the creation of Indigenous autonomies, and the mainstreaming of Indigenous rights throughout all levels of government. The final section of the chapter looks at the challenge of implementing Indigenous rights to autonomy and self-government in the context of state ownership and control over subsurface mineral resources. It does so by examining resource conflicts between highland and lowland Indigenous groups and the state, as well as between the Morales administration and the country's formerly dominant or elite groups (Canessa 2018). The chapter concludes with a discussion of the merits and limits of state efforts at decolonization in Bolivia and the key lessons learned from this case study.

## **Plurinationality and the Indigenous Movement**

Bolivia is a small, landlocked country of 12.22 million inhabitants (as of 2022) in the heart of South America. With a per capita gross domestic product of just US\$3,143 in 2020, it is one of the poorest countries in the Western Hemisphere.<sup>2</sup> Bolivia is the only country in South America with a majority Indigenous population. The Andean mountain range dominates the Bolivian landscape, dividing the country into the windswept highlands, or *altiplano*, and the tropical Amazonian lowlands. The country's dominant Indigenous groups are the Aymara people of the highland plateau region and the Quechua people of the highland valley region. In the Bolivian lowlands, there are over thirty minority Indigenous groups, including the Guaraní, Chiquitano, and Mojeño peoples (Canessa 2018; Lucero 2008). Organized resistance by the populace has long been a part of the country's politics—culminating in the Bolivian National Revolution of 1952. Throughout much of the twentieth century, the militant labour movement that grew out of Bolivia's

mineral export economy was a major actor in the political life of the nation (Collier and Collier 2002; Rueschemeyer, Stephens, and Stephens 1992). The neoliberal-inspired “shock therapy” program of 1985 dramatically curtailed the power of organized labour. The consolidation of market reforms in the 1990s further demobilized civil society (Conaghan and Malloy 1994). The late 1990s, however, saw a dramatic surge in protest activity on the part of new social and political actors, most notably Indigenous peoples, that ultimately led to the unravelling of the neoliberal economic model and the search for new avenues of participation and inclusion for those traditionally marginalized in Bolivian democracy (Rice 2012).

Bolivia, like much of Latin America, has long suffered from exclusionary governing structures. Political parties in Bolivia have generally served more as vehicles for the capture and circulation of state patronage among political elites than as organizations expressing the interests of society (Gamarra and Malloy 1995). Bolivia’s neoliberal governments of the 1980s and ’90s relied heavily on political pacts between the major parties to impose draconian structural adjustment programs. Shortly after launching his New Economic Policy (NEP) in 1985, President Víctor Paz Estenssoro of the National Revolutionary Movement (Movimiento Nacional Revolucionario, or MNR) negotiated the so-called Pact for Democracy. The pact provided legislative support for the new policy in exchange for a share of state patronage for the main opposition party, the National Democratic Action (Acción Democrática Nacionalista, or ADN) led by former dictator Hugo Bánzer Suárez, as well as a mechanism to ensure the rotation of the presidency between the two parties (Gamarra 1994). Defenders of the pact argued that since the arrangement was between the top two finishers in the presidential elections, then a majority of the electorate was duly represented. However, the opposition, headed by Jamie Paz Zamora of the Movement of the Revolutionary Left (Movimiento de la Izquierda Revolucionaria, or MIR) charged the two leaders with attempting to establish a hegemonic party. In a round of political bargaining, the MIR’s electoral reform proposal favouring minority parties was accepted in exchange for the official opposition’s mild resistance to the NEP. Together, the MNR, ADN, and MIR coalitions came to dominate elections throughout the 1990s, rotating in and out of power. While the ability to form coalitions gave the party system a measure of stability, it also effectively shut out non-coalition parties from access to the state. As a result, Bolivia’s pacted

democracy generated the potential for frustrated opposition groups to resort to extra-systemic means of affecting change (Rice 2011a).

In an attempt to draw in excluded sectors of the polity, the government of President Gonzalo Sánchez de Lozada of the MNR undertook a number of important electoral reforms in the mid-1990s. A key reform initiative was the 1994 *Ley de Participación Popular* (Law of Popular Participation, LPP), which was one of several new pieces of legislation designed to incorporate increasingly mobilized Indigenous peoples into the legal and political life of the country (Kohl 2002; Postero 2007). The reforms served the dual goal of cutting back on the central government's expenses and responsibilities by downloading them to the local level while co-opting resistance to neoliberalism by shifting the focus of popular struggles to local issues rather than national ones (Arce and Rice 2009; Veltmeyer 2007). The LPP instituted the first-ever direct municipal elections, significantly strengthened local governments, and provided Indigenous organizations with key powers of municipal oversight. The newly created oversight committees sought to formalize traditional Indigenous institutions and include them in the political system through a top-down process of controlled inclusion. Although the LPP was not based on a model of citizenship as agency, the reforms had a number of unanticipated benefits. In addition to creating opportunities for the emergence of local political systems, the reforms aided in the development of new local leaders and movements, including Evo Morales and the MAS (Laserna 2002). The more favourable set of institutional opportunities led to a shift in strategy on the part of Bolivia's Indigenous and popular movements from direct action tactics to electoral competition. According to Gutiérrez Rojas (2003, 184), the presidential elections of 2002, which the MAS lost by a narrow margin, were historic in that they marked the first time in Bolivian history that Indigenous peoples voted for Indigenous candidates.

The MAS managed to project itself onto the national political stage during a period of social mobilization in the early 2000s by moving the focus of resistance beyond the local level to a national critique of the neoliberal economic model and of a political system that produced strong barriers to genuine participation. The victorious Water War of Cochabamba in 2000 against the privatization of that city's water supply marked the first in a series of massive civil uprisings that led to a rupture in the national political system and the dissolution of the neoliberal consensus (Kohl and Farthing 2006; Olivera and Lewis 2004). The period of social mobilization reached its

peak with the Gas War in the capital city of La Paz in October 2003, which led to the ouster of President Sánchez de Lozada, who was then in office for a second time. The underlying factors in the mass mobilization included the social costs of economic restructuring, the control of strategic sectors of the economy by transnational capital, and the loss of legitimacy on the part of the nation's democratic institutions (Bonifaz 2004; Suárez 2003). The crisis highlighted the complete disconnect between the state and society. The protest cycle ultimately opened the door to Morales's presidential victory. As noted by Exeni Rodríguez (2012, 222), "One of the fundamental lessons of Bolivian political culture is that the most creative democratic moments occur through extrainstitutional mobilization. Important adjustments and expansions in institutions cannot be explained without this 'politics in the streets.'" Levitsky and Roberts (2011, 408) have suggested that Morales was not only a political outsider, but a regime outsider who won on a pledge to abolish the established political order and re-establish the country along more inclusive, participatory lines.

The 2005 presidential win by Morales and the MAS marked the end of Bolivia's neoliberal state and its pacted form of democracy. The 2009 constitution became the tool used to transform the state. Indigenous and popular-sector input was central to the democratic gains secured in the new constitution. The publicly elected constituent assembly that drafted the document counted on the active participation of civil society organizations, political parties, and governing officials. Among the representatives elected to the constituent assembly, 55.8 per cent self-identified as Indigenous (Sieder and Barrera Vivero 2017, 11). In a concerted effort to influence the direction of the new constitution, Bolivia's main Indigenous and peasant organizations came together as part of the so-called Unity Pact to draft their own proposal (Zegada et al. 2011; Tapia 2011).<sup>3</sup> The document put forward by the Unity Pact introduced the concepts of communitarian democracy, decolonization, plurinationality, and Indigenous autonomy, which were subsequently taken up by the MAS and incorporated in the new constitutional text, albeit in reduced form. The Unity Pact member organizations envisioned a form of democracy in which Indigenous communities would govern themselves at the local level while being actively involved in national decision-making processes, particularly with regard to the development of natural resources within their territories (Hilborn 2014). Plurinationality, a key demand of the Indigenous movement, recognizes the plurality of nations within a state (Tockman 2017). It replaces,

at least conceptually, the unidirectional relationship between the state and Indigenous groups with a bilateral or government-to-government relationship based on mutual respect and consideration (Becker 2011; Walsh 2009). Tapia (2011) has suggested that the Unity Pact served as the space for imagining and designing a plurinational state, while the MAS was tasked with narrowing it to fit within the confines of a liberal state.

## **Indigenous and Democratic Governance Innovations**

The MAS is the most successful Indigenous-based political party in Bolivia's history.<sup>4</sup> In its first electoral outing, in the 1999 municipal elections, the MAS captured 11 mayoral victories, 8 of which were in the department of Cochabamba. By the national elections of 2002, the MAS had greatly increased its support base, garnering 21 per cent of the national vote and winning 27 seats in the legislature and 8 seats in the senate (Van Cott 2005, 86). In 2005, the MAS took many political analysts by surprise when it captured a majority share of the presidential vote (54 per cent). Following the 2005 elections, the MAS held a majority of seats in the legislature, with 72 out of 130 lower-house seats going to the party. However, the MAS narrowly missed winning a majority in the senate when it secured only 12 out of the 27 seats (Gamarra 2008). Morales and the MAS won another convincing victory in the presidential elections of December 2009, garnering 64 per cent of the vote. This time, the MAS won a two-thirds majority in both the national legislature and the senate. In 2014, Morales was elected to a third term (technically, his second term under the rules of the new constitution) with 61 per cent of the vote. In 2019, Morales made a disastrous attempt to run for a fourth presidential term. Disputes over the transparency and legitimacy of the vote led to a political crisis and the call for new elections. In the 2020 elections, the MAS made a stunning comeback, garnering 55 per cent of the vote under the new leadership of Morales's hand-picked successor, former minister of the economy and public finance Luis Arce (Phillips and Collyns 2020). The majority of Indigenous representatives in Bolivia have gained office through the governing MAS party. Whereas only four Indigenous representatives held legislative seats during the heyday of Bolivia's "pacted" democracy of the late 1980s and early 1990s, today there are over forty Indigenous representatives in the legislature (see table 3.1).



**Table 3.1** Indigenous legislators in Bolivia (lower and upper houses), 1989–2020

Session	Total number of seats	Number of Indigenous legislators	% of Indigenous legislators
National Congress, 1989–93	157	4	2.5
National Congress, 1993–7	157	6	3.8
National Congress, 2005–9	157	27	17.2
Plurinational Legislative Assembly, 2009–14*	166	43	25.9
Plurinational Legislative Assembly, 2020–*	166	42	25.3

Sources: Loayza Bueno (2012, 8) and current legislator profiles, available at <https://diputados.gob.bo/diputados-home/> and <https://web.senado.gob.bo/legislativa/bancadas>.

\*Total number of seats includes the 7 reserved seats for Indigenous representatives.

To ensure the direct participation of minority Indigenous groups in the political system, the MAS created a small number of reserved seats in the legislature for Indigenous members (Barié 2020). The 2009 Transitory Electoral Regime Law established special non-contiguous Indigenous circumscriptions for minority Indigenous nations in seven of Bolivia’s nine departments (see table 4.2). The departments of Chuquisaca and Potosí do not qualify for Indigenous circumscriptions given that their Indigenous populations are predominantly from the Quechua nation, one of two majority Indigenous nations who reside in the western highlands (Komadina 2016, 8). Afro-Bolivians, who make up a tiny proportion of the total population (less than 1 per cent) and are classified as “Indigenous” by the Bolivian government, are included in the special Indigenous circumscriptions (Htun and Ossa 2013). Were it not for these special circumscriptions, smaller Indigenous groups, especially in the eastern lowlands, would not be able to count on legislative representation. The lists of candidates for the Indigenous circumscriptions are elaborated according to traditional norms, customs, and procedures—ensuring an organic and direct relationship between representatives and constituents—but must respect the gender-parity legislation put into place by the Morales government in 2010 (Fuentes and Sánchez 2018).<sup>5</sup> Voters within Indigenous circumscriptions have the option of choosing either the special ballot for Indigenous candidates or the regular ballot for their district.

**Table 3.2** Bolivia’s lower house legislative circumscriptions and eligibility by department, 2020 general elections

Department	Special Indigenous reserved seats	Eligible groups per reserved seat
Beni	1	Tacana; Pacahuara; Itonama; Joaquiniano; Maropa; Guarasgwe; Mojeño; Sirionó; Baure; Tsimane; Movima; Cayubaba; Moré; Cavineño; Chacobo; Canichana; Masetén; Yuracaré
Chuquisaca	0	None—majority Indigenous nations
Cochabamba	1	Yuracaré; Yuqui
La Paz	1	Afro-Bolivians; Masetén; Leco; Kallawayá; Tacana; Araona
Oruro	1	Chipaya; Uru Murato
Pando	1	Yaminagua; Pacahuara; Esse Ejja; Machineri; Tacana
Potosí	0	None—majority Indigenous nations
Santa Cruz	1	Chiquitano; Guaraní; Guarayo; Ayoreo; Yuracaré; Mojeño
Tarija	1	Guaraní; Weenayek; Tapiete

Source: “Atlas electoral de Bolivia, Gestión 2021 v3.0.0,” Órgano Electoral Plurinacional, accessed January 14, 2024, <https://atlas electoral.oep.org.bo/#/>.

The MAS’s efforts at creating an “intercultural” democracy have resulted in the expansion of representation for marginalized groups in Bolivian society. Intercultural democracy is defined in the 2009 constitution (article 11) as a direct and participatory, representative, and communal form of government. The constitutional recognition of communitarian democracy holds considerable promise as a means to strengthen democratic governance by constructively linking formal and non-formal or non-state institutions (Retolaza Eguren 2008). The creation of self-governing Indigenous bodies is key to fostering communitarian democracy, and ultimately, to the realization of the plurinational state. According to Cameron and Sharpe (2012, 246), “The cumulative effect of these innovations is to use direct institutionalized voice to transform and democratize the state as a whole—not by scaling up but by devolving more democratic power to small-scale self-governing communities everywhere.” Under the current constitutional configuration, communitarian democracy is relegated to lower-level governments—it is to be exercised within Indigenous communities through the election or selection of governing authorities using traditional methods. However, as Zegada et al. (2011) point out, the electoral methods and governance structures at the local

level do not inform practices at the national level. Nonetheless, these constitutional gains are an important step in building an authentic intercultural democracy.

What we are witnessing in Bolivia today is the “hybridization” of the institutions of representative democracy with elements from the participatory democratic tradition as well as from Indigenous governance practices that seems to serve the populace well (Komadina 2016, 3). In Anria’s (2016, 103) estimation, “Indigenous peoples do enjoy increased access to the state. They are better able to influence decision making, and can be found in representative institutions at all levels of government. They are included, therefore, not only as voters, but as makers of policy.” Racism and patriarchy have been identified by the Morales administration as the two underpinnings of the colonial state that need to be uprooted before the plurinational state can take hold. Whereas the concept of decolonization refers to the revalorization, recognition, and re-establishment of Indigenous cultures, traditions, and values within the institutions that govern society, de-patriarchalization is understood as the process of removing male privilege from these institutions (Vice Ministerio de Descolonización 2013). Both decolonization and de-patriarchalization enhance democratic representation by bringing Indigenous and women’s voices into the political process, thereby reorienting public policy toward society’s most vulnerable members while expanding the nature of public debate (Eversole 2010; Peruzzotti and Selee 2009). The new spaces of citizen engagement in Bolivia are construed less as an alternative to democracy than as part of an effort to overcome the basic problems associated with representative democracy (Exeni Rodríguez 2012).

To advance the restructuring of the state, the Morales administration created new institutional interfaces between the state and society. The introduction of a number of bold and innovative vice ministries in 2009 was the first step in generating strategic projects, programs, and policies to mainstream Indigenous rights throughout the governing apparatus. Chief among them were the Vice Ministry of Indigenous Justice, the Vice Ministry of Traditional Health, the Vice Ministry of Intercultural Education, the Vice Ministry of Decolonization, the Vice Ministry of Indigenous Autonomies, and the Vice Ministry of Coordination with Social Movements and Civil Society (Rice 2016). Beginning in 2017, the government restructured many of these vice ministries. For instance, the Ministry of Autonomies, which was home to the Vice Ministry of Indigenous Autonomies, was itself downgraded to a

vice ministry within the Ministry of the Presidency (Tockman 2017). This move may have been prompted by the growing tension between the MAS and its pursuit of centralized control over the state and the desire of Indigenous communities for greater autonomy from the state (Cameron and Plata 2021; Postero and Tockman 2020). Yet, the Vice Ministry of Decolonization, which was previously housed within the Ministry of Cultures and Tourism, has since been upgraded to the Ministry of Cultures, Decolonization, and Depatriarchalization under the administration of President Arce. The MAS continues to cast itself as a “government of social movements” by appointing the leaders of such movements to government posts as part of its effort to “lead by obeying” (Zegada et al. 2011, 243). More than two-thirds of the deputies in the national legislature now share this background (García Linera 2014, 51). For the first time in Bolivian history, the government closely resembles and reflects its citizens.

The Morales administration considered government bureaucracy to be the main impediment to the implementation of its policies and programs. According to the vice minister of decolonization (2014, 116), “much of our effort will be wasted if there are entities and public authorities within our system that are producing neo-colonization by way of the rules and norms of previous administrations, and so we must remedy this by issuing new standards that give life to the plurinational state.” The government passed a number of laws to enhance civil and political rights in the country. For example, the 2010 Anti-racism and Anti-discrimination Law authorizes criminal sanctions against public- and private-sector institutions, including those of the media, that disseminate racist and biased ideas (Farthing and Kohl 2014, 65). In 2012, a Language Rights Law was passed requiring all public and private institutions serving the public to have their staff trained in the official Indigenous languages of use in the regions in which they are located (*Gaceta Oficial del Estado Plurinacional de Bolivia* 2012). An empirical study of the extent of bureaucratic decolonization in Bolivia compared the profiles of civil servants from 2001 and 2013 and found the public administrative body of today to be younger, with a greater presence of women, and a record number of Indigenous people. An impressive 48 per cent of public employees now self-identify as Indigenous (Soruco Sologuren, Franco Pinto, and Durán Azurduy 2014, 14). These findings suggest that broad-based changes are occurring within the government.

Bolivia's latest experiment with decentralization offers the best hope of bringing about a fundamental restructuring of Indigenous-state relations by the way in which it devolves power to local Indigenous communities. The 2010 Framework Law of Autonomy and Decentralization regulates the new territorial organization of the state as defined in the 2009 constitution. In addition to the recognition of the three levels of sub-national governments in Bolivia (departmental, regional, and municipal), the constitution also identifies Indigenous autonomies as a separate and distinct order of government, one that is not directly subordinate to the other levels (CIPCA 2009; Herrera Acuña 2021). Under current provisions, existing Indigenous territories as well as municipalities and regions with a substantial Indigenous presence may convert themselves into self-governing entities—known as Indigenous First Peoples Peasant Autonomies (Autonomías Indígenas Originarias Campesinas, or AIOCs)—based on traditional norms, customs, institutions, and authorities (Faguet 2014). The constitutional provision that AIOCs may join together to form larger territorial units if so desired ensures that Indigenous autonomy is not limited to the municipal level (González 2015). To convert to an AIOC, jurisdictions must successfully complete a number of state-imposed requirements, including holding a referendum among residents and developing autonomy statutes that must be approved by the state. An analysis of draft autonomy statutes carried out by Tockman, Cameron, and Plata (2015) revealed significant variation among AIOCs, with some having more communitarian designs of self-governance and others with more municipal structures of liberal design. Perhaps most telling, out of a total of twenty-two jurisdictions that initiated a process to AIOC conversion, only two municipalities (Charagua Iyambae and Uru Chipaya) and one Indigenous territory (Raqaypampa) have so far succeeded in becoming formally recognized self-governing Indigenous autonomies (Cameron and Plata 2021, 152).

Once established, AIOCs are afforded a wide range of governing authorities, including the administration of taxes, the management of renewable natural resources, the development of economic and social programs and policies, and the exercise of traditional justice (Barrera 2012; Tockman 2006). In 2015, the municipality of Charagua Iyambae, in the lowland department of Santa Cruz, became Bolivia's first AIOC after its majority Guaraní population approved its conversion. Postero and Tockman's (2020) analysis of the first three years of Charagua Iyambae's functioning as an Indigenous autonomy

revealed that while the question of non-renewable natural resource extraction continues to undermine the realization of full self-determination, Indigenous norms and practices are being exercised in significant and meaningful ways by the new government. In their estimation,

While there are ongoing contestations that will need to be sorted out, Charagua Iyambae appears to be a functioning intercultural democratic form of government. By this we mean that the system in place allows the possibility of constructive political relations between Indigenous and non-Indigenous residents, who are treated as equals. Each sector is recognized according to its political culture; given voice, rights, and obligations; and has the opportunity to participate in direct deliberative processes. (2020, 12)

The example of Charagua Iyambae illustrates the possibilities and constraints of embedding or nesting Indigenous autonomy and self-government within the liberal framework of the nation-state as a distinct order of government.

## **Indigenous Rights and Resource Conflicts**

The governance innovations of the MAS have brought about important changes to the structure of the state, the practise of democracy, and the national identity of Bolivia. Yet, in practice, tensions and contradictions within the new constitution itself have limited the construction of the plurinational state. According to constitutional scholar Roberto Gargarella (2013), a highly centralized organization of power tends to work against the application of Indigenous rights. Bolivia's new constitution concentrates state power while expanding Indigenous rights. Stated differently, it pits governance against government. For instance, the Morales government's commitment to Indigenous autonomy was at odds with its resource-dependent, state-led model of development. The constitutional provision that all non-renewable resources remain under state control places firm limits on the right to autonomy and self-government (Tockman and Cameron 2014). Article 30.15 of the constitution establishes the right of Indigenous peoples to free, prior, and informed consultation—not consent—concerning planned measures affecting them, such as mining and oil or gas exploration. The constitution does stipulate that the state must conduct the prior consultation process in good faith and

in a concerted fashion, and that it should respect local Indigenous norms and procedures. Nevertheless, Indigenous groups cannot veto state-sponsored development and resource-extraction projects in their territories (Schilling-Vacaflo and Kuppe 2012; Wolff 2012). As it stands, the new constitution does not fully change power relations between the state and Indigenous peoples.

The gap between discourse and practice in contemporary Bolivia is also apparent in the MAS's approach to the idea of "Living Well." The new constitution makes an explicit commitment to the rights of Nature and to the Andean Indigenous principle of Living Well (*Vivir Bien* in Spanish; *Sumac Kawsay* in Quechua; *Suma Qamaña* in Aymara) as an alternative model of development around which the state and its policies should be organized (Bretón, Cortez, and García 2014; Ugalde 2014). An examination of Bolivia's National Development Plan (2016–20), however, reveals the gap between the government's official discourse on Living Well, for instance, and its conventional strategy for economic development on the basis of natural resource wealth.<sup>6</sup> The term "development" appears four times more frequently in the government's planning document than that of "Living Well," and forty times more frequently than the reference to Indigenous autonomy. The Living Well principle is based on the value of living well with others (as opposed to living better than others), including non-human beings and the natural world (Fischer and Fasol 2013). It represents an alternative to Western conceptualizations of development based on higher material standards of living. The concept of Living Well plays an important role in building consensus among Indigenous and environmental activists, as well as the broader public, for the MAS's agenda for change. The National Development Plan utilizes Bolivia's inferior position in the global economy as well as the capture of the state by elites to justify the government's incursion into Indigenous territories to extract natural resource wealth in order to achieve the long-term goal of Living Well for all of its citizens (Plan de Desarrollo Económico y Social 2016, 1).

The tensions between neo-extractivist development and Indigenous autonomy reached a peak during Bolivia's infamous highway conflict. In August 2011, violence erupted in the lowland department of Beni over the government's proposed highway project through the Isiboro Sécuré Indigenous Territory and National Park (Territorio Indígena y Parque Nacional Isiboro-Sécuré, or TIPNIS). The MAS maintained that the proposed Villa Tunari–San Ignacio de Moxos highway was essential for national development as it would connect the central Andean highlands with the lowlands to the north.

The local residents balked at the government's lack of prior consultation over the proposal, as stipulated in the new constitution (AIN 2011). Prior consultation is a democratic innovation that facilitates deliberation and decision making in the extractives sector (Exeni Rodríguez 2012). In response, the government passed the Law of Prior Consultation on February 10, 2012, to begin the process of community consultation in the TIPNIS to decide if the highway project should proceed. Between July 29 and December 7, 2012, the government reached out to all 69 resident communities. According to official data, 55 communities agreed to support the road, 3 opposed it, and 11 boycotted the process ("TSE: Los Indígenas Aceptan" 2013). Although the government garnered 80 per cent support for the project, it did not achieve consensus within the Indigenous communities or gain the backing of the TIPNIS Sub-central, the main Indigenous authority in the zone (Achtenberg 2012). On April 25, 2013, amid vows to impede the highway's construction from opposition groups, Morales cancelled the project (Rice 2014b). The TIPNIS controversy revealed the importance of social mobilization around the contradictions in constitutional texts and official discourse as a means to sway government policy in favour of Indigenous rights and as a continuing check on state power in Bolivia.

The MAS administration has also faced significant opposition from formerly dominant actors who now find themselves excluded from the state. Morales's rise to power polarized the country into regional camps. On the one hand, regional elites centered in the eastern lowland departments desire a lean, neoliberal state that eschews centralism in favour of regional authority. They claim that the central government discriminates against white and *mestizo* (mixed race) people by only representing the interests of Indigenous and poor people (Eaton 2007; Fabricant 2009; Gustafson 2008). On the other hand, government supporters based largely in the western highland departments back a strong centralized, interventionist, and redistributive state. The result is a highly politicized regional cleavage with racial and class overtones. However, as Madrid (2012, 165) points out, the polarization between supporters and opponents of the MAS government is more ideological and regional than ethnic in nature. Opposition groups in the eastern lowland departments have resolved not to recognize the new constitution, and instead agitate for greater regional autonomy. Having lost their voice in the political system, the regional elites are looking for an exit (Eaton 2007).



## Conclusion

Bolivia has the most advanced and comprehensive Indigenous rights regime of any country in Latin America (González 2015). This chapter has analyzed the democratic and Indigenous governance innovations implemented by the administration of President Evo Morales of the governing MAS party. I have suggested that the exercise of Indigenous autonomy and self-government in Bolivia reflects a third-order-of-government approach that implies a “root and branch reform” of the entire system as Indigenous governments become intermeshed with the established political order (Abele and Prince 2006, 586). Indigenous participation in decision-making bodies from the local to the national levels enables Indigenous communities to have a say in the policies that affect their lives both directly and indirectly (Tomaselli 2017). The Bolivian case indicates that new types of institutions need to be created or recognized as part of the political framework if Indigenous peoples are to realize a measure of self-determination within the institutional contexts and state structures in which they live (Eversole 2010). Scholars of Indigenous politics have pointed out that Bolivia represents a “distinct” form of Indigenous autonomy in Latin America (e.g., Postero 2017; Tockman 2006; Tockman, Cameron, and Plata 2015). In my interview with the vice minister of decolonization, Félix Cárdenas, he was adamant that Bolivia is not interested in copying models or approaches to autonomy and self-government that are being pursued elsewhere. In his words, “we are charting our own course.”<sup>7</sup>

Bolivia’s distinctive hybrid or nested model of Indigenous autonomy offers valuable lessons about using liberal state mechanisms to advance the project of decolonization. First and foremost, the Bolivian case suggests that representation and direct action are not mutually exclusive. Bolivia’s intercultural democratic form of government came about through popular mobilization, which was in turn channelled into the political system by the MAS (Anria 2019; Rice 2012). Protest broadens and expands democracy by including new actors, issues, and agendas. Secondly, this case instructs us that building unity in diversity requires institutions that are both culturally appropriate and shared. Indigenous people in Bolivia are demographically superior, and yet, until recently, they have been structurally excluded from the state (Retolaza Eguren 2008). By questioning the institutional arrangements that govern them, Indigenous movements have revealed important insights into the cultural basis of formal or state institutions. Yet, formal

institutional change is only part of the recipe for improving opportunities for Indigenous peoples and decolonizing democracy—non-state or non-formal institutions also matter to political outcomes (Eversole 2010). Lastly, and relatedly, the practise of Indigenous autonomy and self-government in Bolivia demonstrates the degree to which Indigenous institutions can bolster state institutions and make them more inclusive and participatory. In contemporary Bolivia, representation and participation occurs beyond, and even outside of, political parties (Exeni Rodríguez 2012). This reality requires the recognition and acceptance of new political subjects, such as Indigenous people, in the political sphere. To conclude with the words of Hilda Reinaga, niece of Bolivia’s pre-eminent Indigenous writer and intellectual, Fausto Reinaga (1906–94), “Now that we have arrived at the presidency, we will never leave!”<sup>8</sup>

