Autonomy in the Multi-ethnic Indigenous Territory in Bolivia: the march continues

In 1990, indigenous peoples of the Lowlands led the March for Territory and Dignity with the aim of claiming their rights to land and territory. With the approval of the new Political Constitution of the State in 2009, a legal horizon was opened for the Mojeño Trinitario, Mojeño Ignaciano, Chimán, Yuracaré and Movima peoples of the Southern Amazon to begin their autonomy process. After 12 years of bureaucratic hurdles, the peoples that make up the Multiethnic Indigenous Territory are just a few steps away from the formal constitution of their autonomous government.

By Miguel Vargas Delgado – March 1st 2023

A little more than 12 years have passed since the women and men of the Multiethnic Indigenous Territory I (Territorio Indígena Multiétnico, TIM) raised the banners of autonomy and indigenous self-government. The decision to consolidate the first multi-ethnic autonomous government in the Southern Amazon of Bolivia is undoubtedly the most important political action in the history of the Mojeño Trinitario, Mojeño Ignaciano, Chimán, Yuracaré and Movima peoples in the 21st century. This action, of a political nature, originated in the light of the messianic mobilizations in search of the "Loma Santa" and the defense of the "Bosque de Chimanes" that led to the first indigenous mobilization in the country: the March for Territory and Dignity in 1990.

The historic measure was taken some time after the constituent process (2006-2008) that resulted in the creation of the Plurinational State. In July 2010, the Plurinational Legislative Assembly passed the Framework Law on Autonomies and Decentralization "Andrés Ibáñez" (Law No. 031). With this normative, the country, prematurely, began the process of "deconstitutionalization" of the new Constitution.

Contrary to the constitutional precepts, the Framework Law determined that the process to form the Autonomous Indigenous and Original Peasant Governments
(GAIOC) in the Plurinational Communitarian State with Autonomies would cease to be a process of emancipation and political discussion and would be reduced to a series of requirements and bureaucratic administrative procedures. Thus, was born, paradoxically, the long march for indigenous autonomies.

An obstacle course

For the Multiethnic Indigenous Territory, the long march meant overcoming more than 15 obstacles before the four branches of government: Electoral, Executive, Judicial and Legislative. Currently, more than 30 indigenous peoples and nations from all over Bolivia are going through the procedure established by the norm.

First, the TIM had to comply with the steps to obtain the resolutions of the Supreme Electoral Tribunal that certify and attest to the compliance with the norms and procedures of the indigenous peoples living in the territory at the time of: the consultation for access to indigenous autonomy, the formation of the Autonomous Territorial Assembly (responsible for developing the Autonomy Statute in a participatory manner) and the approval of the draft Autonomy Statute.

In the Executive Branch, the Mojeño Trinitario, Mojeño Ignaciano, Chimán, Yuracaré and Movima peoples had to present a series of documents to the Vice-Ministry of Autonomies, the body responsible for "certifying" the ancestral character of the peoples and their capacity to govern themselves, requirements that omitted one of the formal bases of Bolivian plurinationality. Before the Plurinational Constitutional Tribunal the draft Autonomy Statute passed the prior constitutionality control: the indigenous authorities demonstrated the compatibility of the new basic institutional norm with the Political Constitution of the State of 2009. Finally, the TIM had to defend the sanction of the Law of Creation of the Territorial Unit before the Plurinational Legislative Assembly, demonstrating the importance of the ancestral territory as the basis for the political and administrative transformations required by the Plurinational State.

During the more than ten years that the autonomy process lasted, the communities of the TIM suffered the systematic violation of their political rights, mainly the right to self-
determination. In Bolivia, compliance with the constitutional provisions of the autonomous framework is subordinated in Law N°031 and in countless administrative regulations of lower hierarchy. However, in fact, it depends especially on the discretionality of the state bureaucracy.

The long march for territorial consolidation

As the first experience of multi-ethnic indigenous government in the country’s Southern Amazon, the TIM faced the challenge of consolidating its ancestral territory. After the first indigenous mobilization in 1990, the territory was recognized by the Bolivian State through Supreme Decree N° 22611. The decree established that the Chimanes Forest consisted of the Chimán Indigenous Territory, the Multiethnic Indigenous Territory and a logging area whose use rights had been granted to seven logging companies for a period of 20 years. Once this time had expired, the area was to be returned to its rightful owners: the Mojeño Trinitario, Mojeño Ignaciano, Chimán, Yuracaré and Movima peoples. However, this did not happen, and the area of the former forestry concessions was declared as available Fiscal Land, which made possible the illegal settlement of people from outside the communities.

The desire to restore the ancestral territory as the basis for future indigenous autonomy was in jeopardy. In contrast to the constitutional recognition of the ancestral domain of indigenous peoples over their territories, the state authorities did not recognize the possibility of establishing an indigenous government in a non-titled jurisdiction in favor of the people demanding autonomy. By 2019, after a series of mobilizations and legal actions, including the exercise of indigenous justice to evict third-party settlements (colonizers, cattle ranchers and loggers), the National Institute of Agrarian Reform (INRA) issued the land endowment resolution for an area of 183,722,032 hectares. Thus, the new indigenous territorial entity consolidated its territorial base with a total area of 541,079,406 hectares.

The presentation of an appeal for annulment, due to an error made by INRA in the regulation process, meant the refusal of the Senate to debate the draft Law for the Creation of the Territorial Unit. Between 2020 and 2021, the agrarian conflict
constituted a new barrier to consolidate territorial-based autonomy. Finally, the confusion within the Plurinational Legislative Assembly and the Executive Branch regarding the collision between the agrarian process and the autonomy process was clarified by the TIM leadership. The Bolivian agrarian process is not affected by the consolidation of an indigenous government because the autonomy exercises the powers and competences expressed in the Political Constitution of the State and the law, respecting the rights to individual and collective private property.

**A new impediment to indigenous autonomy**

The process of consolidation of the indigenous government was also marked by the interference of the branches of public power. In 2020, contrary to the provisions of Law No. 026 of the Electoral Regime, which establishes the guarantees for the exercise of community democracy "without interference or impositions", the Supreme Electoral Tribunal ignored the exercise of self-determination of the 26 communities of the TIM to approve their Autonomous Statute by their own rules and procedures. Consequently, it forced them to change the draft of the basic institutional norm, recognized by the Plurinational Constitutional Tribunal after the Prior Control of Constitutionality, with the sole purpose of complying with a technical criterion lacking a constitutional legal basis.

The interference and imposition of the Supreme Electoral Tribunal in the approval of the draft Autonomy Statute was widely and clearly recognized by the Plurinational Constitutional Tribunal in Constitutional Declaration 033/2021.

In this way, the Supreme Electoral Tribunal, the body with the power to guarantee the exercise of community democracy in the country, incurred in the violation of the right to self-determination of the indigenous peoples who have promoted the autonomy of the Multiethnic Indigenous Territory. As if this were not enough, it also failed to comply with the national norm: a constant practice regarding indigenous autonomy processes.

This interference in the autonomy process is a clear example of the relationship of subalternity between the branches of public power and the indigenous peoples that promote the Plurinational Community State with Autonomies. The delay in the titling
process of the future indigenous autonomy of the TIM and the interference of a state branch in the exercise of self-determination are just a sample of the complexity of the long march for indigenous autonomies in Bolivia.

**An autonomous multiethnic democracy**

After 12 years, on February 2, 2023, the Chamber of Deputies approved the long-awaited bill for the Creation of the Territorial Unit of the Multiethnic Indigenous Territory. The enactment of the law is the step prior to the formal constitution of the first multi-ethnic autonomous indigenous government in the Southern Amazon of the country, which will materialize with the confirmation of the branches of power of the new government entity: the Executive Body and the Territorial Legislative Assembly.

As of this law, the TIM will have to comply with several formal requirements for the management of the indigenous government. For example, it must open a fiscal account in which public resources will be received to fulfill the obligations of the new government, in addition to initiating the transition of the financial, human and fixed assets that are in the possession of the municipal governments of San Ignacio de Mojos and Santa Ana del Yacuma.

As part of the autonomy and territorial reconfiguration of the country, the TIM will be politically and administratively detached from both municipalities.

However, in this process there is a new pause in the long march since the Plurinational Legislative Assembly has not yet sent the normative to the Executive for its promulgation. This prevents the traditional authorities of the TIM from making progress in the consolidation of their dream.

In compliance with the regulations and the Autonomous Statute, the authorities of the Multiethnic Indigenous Territory, headed by the Sub-central of Indigenous Councils, must elaborate the call and the election procedure of the women and men responsible for the first administration. In this process falls the challenge of developing their own democratic mechanisms that guarantee the participation of the five peoples under equal conditions. Due to its multiethnic characteristics, the TIM is the first experience in
the country in which five forms of community democracy (Mojeña Ignaciana, Mojeña Trinitaria, Chimán, Yuracaré and Movima) will dialogue within the framework of an autonomous process.

**The march continues**

The authorities of the Mojeño Trinitario, Mojeño Ignaciano, Chimán, Yuracaré and Movima peoples should build and plan the management of the new territorial entity with a political and process vision. This implies trying to establish a constructive dialogue between the form of community territorial management (Territorial Management Plans) and the form of state public management framed in the State’s Integral Planning System (Community Territorial Management Plans).

In addition, the Multiethnic Indigenous Territory will face the challenge of implementing autonomous indigenous public management. This implies a process of institutional and normative design that allows the gradual exercise of powers and competencies. The horizon is to transcend the current centralist public management model (inherited from municipalism) to achieve a form of intercultural and plurinational public management. The bet is to promote structural changes to the Plurinational Community State model from one of the richest indigenous autonomies in ethnic, political and cultural diversity.

Beyond thinking that the long march for indigenous autonomy will come to an end with the possession of the new territorial-based indigenous government in the TIM, this is just one more step for the Mojeño Trinitario, Mojeño Ignaciano, Chimán, Yuracaré and Movima peoples on the path to consolidate the Plurinational Community State with Autonomies. Undoubtedly, the march continues.

*Miguel Vargas Delgado is the Executive Director of the Center for Legal Studies and Social Research (CEJIS), Bolivia.*