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POLITICAL REPRESENTATION & SOCIAL INCLUSION: Bolivia Case Study

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INTRODUCTION

The integration of Indigenous and Afro-descendant populations into Latin American systems of political representation is a recent development; the political gains have come gradually over nearly a quarter-century, in a space where economic ones often have not. The new era of democratic freedoms has helped facilitate the formation of race and identity-based civil society groups, spurred in part by recognition and support from international organizations and donors. As self-awareness and the popular and political strength of Indigenous and Afro-descendant groups have grown, various Latin American countries became signatories to international treaties to protect minority rights—and some codified those rights in new constitutions, furthering formal ethnic-based or racial representation in local and national politics. This numerical increase, though, gives rise to the question: to what extent are these representatives effective at successfully advocating the demands of their constituents? Does their participation in elected office contribute to the adoption of policies that serve the interests of those populations?

Americas Society, with support from the Ford Foundation, attempted to answer these questions in a comparative study of Bolivia, Colombia, Ecuador, and Guatemala. What follows is a description of the study undertaken in Bolivia.

For the purposes of this study, Indigenous legislators were identified in one of three ways: a) membership in an Indigenous political party such as *Movimiento Revolucionario Túpac Katari de Liberación* (Túpac Katari Revolutionary Liberation Movement—MRTKL); b) approval of the Indigenous electorate in voting districts with a particularly strong Indigenous constituency; or c) membership in an Indigenous social movement that belongs to a pro-Indigenous political confederation such as the ruling *Movimiento al Socialismo* (Movement for Socialism—MAS). One applicable member-movement of MAS is the *Consejo Nacional de Ayllus y Markas del Qullasuyu* (National Council of Ayllus and Markas of Qullasuyu—CONAMAQ), comprised of many Aymara and Quechua peoples, who make up two of the 36 Indigenous nations in Bolivia.

The validity of identification as an Indigenous person in this study is twofold: not only must the legislator “self-identify” as Indigenous, but the external community must accept this designation according to one or more of the above three criteria. The added layer of “external legitimization” is necessary; one reason is that, despite 62 percent of Bolivians self-identifying as

Indigenous in the 2001 census, only 37 percent speak an Indigenous native language. Also, among those who state that they belong to Indigenous communities, per 2001 data only one-third of them live in the original Indigenous territories of their ancestors. Therefore, it is not automatically sufficient merely to identify oneself as Indigenous for political purposes unless the external community (i.e., MRTKL and CONAMAQ leadership) recognizes this declaration to be true. The highest-profile example of such is President Evo Morales, the first Indigenous president in Bolivian history having led his country since January 2006. The president identifies himself as a member of the Aymara people although he does not speak the Aymaran language—but is nonetheless recognized nationally and internationally as an Indigenous representative.

It should be emphasized that in the current congressional term, every Indigenous legislator belongs to MAS albeit through different Indigenous organs within the confederation. These member-movements are the most effective vehicle in advocating for social and political change, and typically directly appoint electoral representatives to their respective share of seats won by MAS.





Bolivia

History: Identity, Social Movements and Political Participation

In Bolivia, income disparities closely follow ethnic and racial lines. According to the 2001 census, while 58.6 percent of Bolivians were in poverty, 90 percent of its Indigenous population fell below the poverty line.

Bolivia did not achieve universal suffrage—and thus the political enfranchisement of Indigenous peoples—until the Bolivian National Revolution of 1952. In the context of the Cold War and the prevailing discourse and ideology of social justice, however, politics and party cleavages in Bolivia—as in most of Latin America—were defined primarily by class struggle instead of ethnic identity. For the Indigenous, political identity was structured more around the peasant agrarian struggle and other forms of labor, such as in natural resource extraction industries, than around ethnicity.

The shifts in identity occurred in the 1970s and 1980s, and were spurred in part by the internal migration of Indigenous peoples from rural areas to urban centers. Census figures confirm a total demographic inversion of Indigenous peoples after 25 years: from 65 percent rural and 35 percent urban in 1976 to 35 percent rural and 65 percent urban in 2001.

The changing ethnic environment shifted Indigenous discourse to a greater emphasis on land rights as a means of preserving cultural heritage, and eroded the foundations of traditional political parties. The nationalist doctrine that since 1952 had been the banner of the *Movimiento Nacional Revolucionario* (National Revolutionary Movement—MNR) party, which had been built on the idea of a class struggle, lost its hold on popular imagination with the rise of ethnic identity.¹ The same was true of other political parties that between 1982 and 1993 had based their identity and mobilization on exploiting class divisions.

In conjunction with the trends in internal migration and ensuing evolution of ideology, social movements emerged during this time—many with outside backing from global multilateral organizations and European nongovernmental organizations—as a tool to mobilize disparate ethnic and labor interests and give political voice to their demands. The most prominent of these movements are: the *Confederación Sindical Única de Trabajadores Campesinos de Bolivia* (Unified Confederation of Rural Workers of Bolivia—CSUTCB); the *Confederación de Pueblos Indígenas de Bolivia* (Confederation of Indigenous Peoples of Bolivia—CIDOB); the *Centro de Estudios Jurídicos*

“ Many of the earliest Indigenous representatives, in the 1989–1993 congressional term, belonged to parties that appealed to the Indigenous agenda. ”

e Investigaciones Sociales (Center for Juridical Studies and Social Research—CEJIS), which acts as a pro-Indigenous think-tank; and *Consejo Nacional de Ayllus y Markas del Qullasuyu* (National Council of Ayllus and Markas of Qullasuyu—CONAMAQ).

All of these trends converged into the attention-grabbing 1990 March for Territory and Dignity, organized by CIDOB and other high-profile movements, which demanded protections for Indigenous territories and greater awareness of Indigenous rights. This protest resulted in Bolivia’s ratification of the 1991 ILO Convention 169 on Indigenous and Tribal Peoples.

Since first being established, social movements have been a powerful force in Bolivia for generating political action and coalescing around a cause. To further these causes, social movements play a critical role in party formation. Many of the earliest Indigenous representatives, in the 1989–1993 congressional term, belonged to parties that appealed to the Indigenous agenda—including *Movimiento de la Izquierda Revolucionaria* (Movement of the Revolutionary Left—MIR) and *Conciencia de Patria* (Conscience of the Homeland)—but were not founded on an Indigenous ideology. Nevertheless, social movements maintained a politically active—and powerful—role in their national ranks.

Larger, traditional parties began to form pacts with smaller, burgeoning Indigenous and *campesino* parties or appealed to social movements by promising to adopt their agendas. In the 1993 presidential election, Gonzalo Sánchez de Lozada of the MNR party successfully nominated Víctor Hugo Cárdenas, an Aymara leader of the *Movimiento Revolucionario Túpac Katari de Liberación* (Túpac Katari Revolutionary Liberation Movement—MRTKL) party, to run on the vice-presidential ticket.

Yet the majority of Indigenous representation in contemporary Bolivia has occurred under the *Movimiento al Socialismo* (Movement for Socialism—MAS) party banner. Founded in 1995, MAS—though legally a political party led by current President Evo Morales, an Aymara—is a confederation of labor movements (e.g., coca unions, mining unions, and peasant unions), Indigenous

movements (e.g., CSUTCB, CIDOB, and CONAMAQ) and left-leaning intellectuals (e.g., the *comuna* led by the non-Indigenous Vice President Álvaro García Linera). Today, in the 2009–2014 congressional term, all 43 members of the Indigenous delegation are from MAS, with many of them appointed directly by member social movements.



Representation and Legislation

Indigenous political representation has dramatically changed the composition and role of the Bolivian legislative and executive systems. Since the country's transition to democracy in 1982 until 2009, Bolivia's *Congreso Nacional* (National Congress) comprised two bodies: a 130-seat Chamber of Deputies and a 27-seat Senate with three senators from each of Bolivia's nine departments.

The 2009 Constitution changed the name of the legislature to the *Asamblea Legislativa Plurinacional* (Plurinational Legislative Assembly). Although the new constitution kept the bicameral structure of the congress, it altered its numerical composition: it is now a 137-seat Chamber of Deputies with seven reserved seats for race- and ethnicity-based peoples; and a 36-seat Senate with four senators from each of Bolivia's nine departments. The seven reserved seats are apportioned as one for each of the seven departments that have the highest ethnic constituencies; the nominees are appointed by traditional customs but voted on by the entire department.

To examine the patterns of Indigenous Bolivian representation in congress and their effect on legislation and policymaking, we selected four different congressional periods since Bolivia's transition to democracy: 1989–1993, the lowest level of ethnic congressional representation; 1993–1997, the first time in which an Indigenous leader, Víctor Hugo Cárdenas, served as vice president; 2005–2009, President Morales' first term; and 2009–2014, the first congress under the new plurinational constitution, the period with the highest level of ethnic congressional representation and the only period with any Afro-Bolivian representation (one deputy).

Across these four periods, we discovered that, on average, the Indigenous and Afro-Bolivian representatives occupied 12 percent of congressional seats, despite 62 percent of the national population self-identifying as “Indigenous” in the 2001 census. Even in the current congressional term (2009–2014), under the authority of the new constitution, only 25 percent of congressional

“The level of Indigenous participation in congress has increased quantitatively with each highlighted session, with its highest point achieved in the current Plurinational Legislative Assembly.”

seats are filled by Indigenous or Afro-Bolivian representatives—despite MAS being voted into power by 64 percent of the electorate and with 80-percent support of Indigenous voters. In the context of the new, hyper-ethnically charged Bolivia, this presents somewhat of a paradox.

Given the heterogeneity of the Indigenous population in Bolivia—there are 36 Indigenous languages spoken in a country of nearly 10 million people—it would be a mistake to ascribe MAS as the sole party of Bolivia’s Indigenous. In Morales’ first election in 2005 and re-election in 2009, the base of the MAS vote was primarily rural, Andean, Aymara, and Quechua—the latter representing the wide majority of Indigenous in the highlands. Over the course of Morales’ electoral history since 2005, the correlation between vote and ethnicity on a national level was 0.80. In contrast, the correlation between the MAS vote and the Indigenous in the lowlands—80 percent of whom are Guaraní—was 0.20.²

Commitment by the lowlands Indigenous groups to MAS has decreased further in recent months. Many of the lowlands-based Indigenous identify best with CIDOB, which counts the *Asamblea del Pueblo Guaraní* (Assembly of the Guaraní People) within the ranks of its confederation. CIDOB has criticized President Morales for pursuing natural resource extraction projects on traditional Indigenous lands, and actually voted for President Morales’ opponent in 2009 in order to prevent Aymara and Quechua leaders from exercising too much political power. MAS won nonetheless, and set aside seats for CIDOB in its legislative delegation in an effort to heal the breach. Yet with the fallout of President Morales’ decision in 2011 to approve construction of a highway through the protected Indigenous territory known as *Territorio Indígena y Parque Nacional Isiboro-Sécure* (Isiboro-Sécure National Park and Indigenous Territory—TIPNIS)—ignoring the desires of TIPNIS residents and bypassing the constitution—CIDOB ultimately decided in January 2012 to break from MAS. Nevertheless, CIDOB represents a small percentage of MAS membership and President Morales enjoys overall support from highlands-based Indigenous populations, including Aymaras and Quechuas.

The level of Indigenous representation in congress has increased quantitatively with each of our highlighted sessions, with its highest point achieved in the current Plurinational Legislative Assembly. At the same time, the tendency of Indigenous representatives to collectively support legislation that affects Indigenous communities also increased, from 50 percent during the 1989–1993 congressional period—on one Indigenous-impacting bill that was introduced by a non-Indigenous representative—to 100 percent since. This occurred as Indigenous representation and its partisan differentiation increased. Although Indigenous representatives have never formed a *bancada* (caucus), they have tended to vote as a bloc. (See Figure 1)

FIGURE 1: INDIGENOUS REPRESENTATIVES IN BOLIVIA AND BILLS PROPOSED/PASSED

REPRESENTATIVE CONGRESSIONAL SESSION	NUMBER OF INDIGENOUS LEGISLATORS (AND % OF TOTAL)	NUMBER OF BILLS PROPOSED BY INDIGENOUS LEGISLATORS AFFECTING INDIGENOUS COMMUNITIES	NUMBER OF BILLS PROPOSED BY INDIGENOUS LEGISLATORS AFFECTING INDIGENOUS COMMUNITIES THAT WERE APPROVED (AND % OF TOTAL)	HOW INDIGENOUS REPRESENTATIVES VOTED ON BILLS APPROVED	SOURCES/ GENESIS OF BILLS ULTIMATELY APPROVED
National Congress 1989–1993	4 of 157 (3%)	1	0 (0%)	Not applicable (The bill never made it to the floor of the legislature)	Not applicable
National Congress 1993–1997	6 of 157 (4%)	1	1 (100%)	100% in favor	Executive branch (Vice President Víctor Hugo Cárdenas)
National Congress 2005–2009	27 of 157 (17%)	4	4 (100%)	100% in favor	Social movements (CEJIS, CSUTCB, CIDOB, CONAMAQ)
Plurinational Legislative Assembly 2009–2014	43 of 173 (25%)	3	2 (67%)	100% in favor	Indigenous and Afro-Bolivian representatives

National Congress, 1989–1993

The only bill proposed by Indigenous representatives in the 1989–1993 period was put forward by CIDOB and was related to the protection of and respect for traditional Indigenous laws. It did not pass the commission in which it was introduced, and thus it was not submitted to the legislature. A large focal point of the Indigenous agenda at this time was related to respect for territorial claims and preservation of Indigenous cultures. To this end, a bill that did pass during the 1989–1993 term was the Environment Law, No. 1333, passed in 1992. Although introduced in the congress by a non-Indigenous representative, Jorge Torres Obleas of the MIR party, this bill was the product of negotiations between then-President Jaime Paz Zamora and CIDOB and CEJIS—the

Indigenous social movements—following the 1990 March for Territory and Dignity. It was another policy outcome that complemented the ratification of ILO Convention 169.

National Congress, 1993–1997

A new congress took office shortly after Law No. 1333 was signed. These legislators, six of whom were Indigenous, approved seven bills affecting Indigenous communities. One of them was the Law of Popular Participation proposed by then-Vice President Cárdenas, a former Indigenous representative from the MRTKL party.

Miguel Urioste, a non-Indigenous deputy of the *Movimiento Bolivia Libre* (Free Bolivia Movement—MBL), introduced a bill in 1996 that proposed reform of Bolivia’s distribution of agrarian lands. The legislation created Indigenous-specific territories: *tierras comunitarias de origen* (communal lands of origin). Urioste was aided by outside organizations—CEJIS and Fundación TIERRA, a think-tank allied with MBL—in his legislative effort.

The other five bills approved in this congressional term were five different issues submitted as articles of the larger constitutional reform process of 1994; all of them were submitted by non-Indigenous representatives but each one had been drafted by CEJIS and advocated by CIDOB. The proposals dealt with: Bolivia’s multi-ethnic character; individual equality under the law; free interpreters and legal defense for Indigenous peoples; agrarian development for occupants of rural land; and respect for Indigenous practices in their communal lands.

National Congress, 2005–2009

The greatest achievement for Indigenous communities in this period was the passage of an entirely new constitution. The Bolivian Congress continued functioning—ultimately charged with approving the newly drafted constitution before sending it to national referendum—while the constituent assembly drafted the new constitution. Indigenous-oriented social movements—CEJIS, CSUTCB, CIDOB, and CONAMAQ—were responsible for four articles of the new constitution, which we are considering as four separate legislative projects for the purpose of this study. The four articles cover the issues of: equality for all residents of the state (i.e., all genders, all Indigenous nations, and all cultures); a decentralized society with a return to Indigenous self-determination; universal education incorporating discussion of decolonization; and recognition of traditional judicial prerogatives over Indigenous ancestral land.

Plurinational Legislative Assembly, 2009–2014

The current bicameral congress convened mere months after the new constitution was enacted. To date, it has produced three ethnic-oriented laws, all proposed by Indigenous representatives and, in one case, by the sole Afro-Bolivian deputy and two of them approved by both houses and signed by the president. Those two centered on the topics of anti-discrimination and the harmonization of the national justice system with traditional Indigenous judicial norms. The one failed initiative proposed by an Indigenous member dealt with protecting the rights of Indigenous languages.

One other bill addressing Indigenous demands that was passed during this term was introduced by the non-Indigenous Minister of Autonomies Carlos Romero, a MAS leader, former executive director of CEJIS and a member of President Morales' cabinet. His original bill established a new level of governing by granting autonomy to traditional Indigenous communities from the original political divisions of departments, provinces and municipalities. The bill also demonstrated the close working relationship between the MAS-controlled executive and MAS-controlled legislature.



Unique Representative Laws

Across the four highlighted congressional representative periods in this report—1989 to 1993, 1993 to 1997, 2005 to 2009, and 2009 to 2014—a total of nine bills introduced by Indigenous or Afro-Bolivian representatives that promoted Indigenous and minority rights or advocated for equality and plurinationalism became law. These legislative successes are all the more notable because Bolivia's Indigenous representatives have always been in the minority in both houses. Part of this success is due to the activity and strength of pro-Indigenous social movements. As groups like CIDOB, CONAMAQ and CEJIS have become more vocal and powerful, non-Indigenous representatives in the legislative majority have increased their support for ethnic representatives and the issues they espouse. Part of the explanation for party bloc voting also likely stems from the fact that party leaders commit their representatives to a party-line vote.

Law of Popular Participation, No. 1551, 1994

Introduced by Vice President Víctor Hugo Cárdenas, the purpose of the Law of Popular Participation was to promote and consolidate the participation of

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all Indigenous communities into Bolivia’s legal, political and economic fabric. In effect, Law 1551 classified anyone “Indigenous” as a legal subject of attention from the State and promised a more just distribution of public resources.

The law encouraged citizen participation in *organizaciones territoriales de base* (base territorial organizations—OTB)—institutions created to facilitate residents’ social control over their territories and criticism of municipal governments. OTBs promoted inclusion of all groups, including Indigenous peoples, into the political system. All six Indigenous representatives voted in favor of the legislation as did 81 non-Indigenous representatives—effectively surpassing the 79 votes needed to pass. President Gonzalo Sánchez de Lozada signed the bill on April 20, 1994.

Prior Consultation, 2009

Among the most significant political reforms for Indigenous demands was the 2009 constitution, the 17th in Bolivia’s history, which entered into force in February of that year. The promise of a new constitution that would reflect Bolivia’s ethnic diversity and demands was the foundation of Evo Morales’ successful presidential campaign in December 2005. Shortly after his inauguration, the president called for an election to select a constituent assembly—which was formally convened by August 2006. This constituent assembly approved the new constitution, which officially changed the definition of the Bolivian political system from a “republic” to a “plurinational state,” in December 2007 and was ratified by national referendum in January 2009. The language for the pro-Indigenous clauses of this constitution were motivated by the UN Declaration on the Rights of Indigenous Peoples, which Bolivia adopted in September 2007.

A key right that was fashioned in the 2009 constitution was the concept of *consulta previa* (prior consultation), which is applied in instances of internal jurisdiction of Indigenous communities. *Consulta previa*—appearing in the new, in-force constitution as Article 11, Clause 3 and Article 30, Clause 2, Number 15—obliges the state to call for a referendum to obtain permission

from Indigenous populations relating to the exploitation of natural resources in their protected territories. Both of these articles grant sovereignty to Indigenous ethnicities and raise them to the status of nations, giving them the legal status of self-determination.

Furthermore, the issue of decolonization appears in the new constitution, which prioritizes the culture of “Indigenous and original ancestry” in order for the cultural representation of the state to be fundamentally plurinational in all aspects of social life. The constitution was supported by the entire Indigenous delegation as well as the non-Indigenous allies of Evo Morales.

Law to Combat Racism and All Forms of Discrimination, No. 045, 2010

An important legislative achievement for the traditionally marginalized Indigenous populations and ethnic minorities was the national law to penalize any form of discrimination, particularly racism. Introduced into the Chamber of Deputies by Jorge Medina, Bolivia’s only deputy of African descent, Law 045 legislates tolerance toward all communities and penalizes acts of discrimination, levying prison sentences ranging from six months to six years. The entire Indigenous delegation of 43 members voted in favor of the legislation, as did 68 members of MAS. Despite the government opposition bloc voting against the measure, the bill passed on October 8, 2010, and was signed into law that same day by President Morales.

Law of Jurisdictional Delimitation, No. 073, 2010

A longstanding desire of the Indigenous populations was state recognition and legalization for their native judicial practices, many of which preceded Bolivia’s colonization and modern founding. The Law of Jurisdictional Delimitation, proposed by Edwin Tupa, an Indigenous representative and head of the MAS delegation, addressed this demand. The law separates Bolivia’s judicial recognition into two forms: the ordinary state model and the communal, Indigenous methods of justice. Law 073 harmonizes the penal and administrative codes: if an Indigenous person commits a crime on Indigenous territory, the Indigenous practices apply; however, if this same person commits a crime in non-Indigenous territory, then general jurisdiction takes over. The entire Indigenous and MAS delegation supported this bill; President Evo Morales signed the measure into law on December 29, 2010.



ENDNOTES

- 1 Salvador Romero Ballivián, *Geografía Electoral de Bolivia – Tercera Edición* (La Paz: FUNDEMOS/Hanns-Seidel-Stiftung, 2003).
- 2 Rafael Loayza Bueno, *Eje del MAS: Ideología, representación social y mediación en Evo Morales Ayma* (La Paz: Konrad Adenauer Stiftung, 2011).