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## The TIPNIS Conflict: Sovereignty, Development, and Indigenous Resistance in Bolivia<sup>1</sup>

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Abstract: This paper introduces readers to conflict during the presidency of Juan Evo Morales Ayma over construction of a highway through the Isiboro Sécure Indigenous Territory and National Park (TIPNIS) in Bolivia. The Morales government is pursuing the highway project that will facilitate local development tied to the capitalist world-system and serve as a segment of a transcontinental system giving Brazil access to ports on the Pacific Ocean, thereby making engagement in the capitalist world-economy by regional South American power blocs more profitable and enhancing Bolivia's economic and political status internationally. This development is made possible by the exercise of state sovereignty and cooptation of indigenous self-government. It is generating ongoing political unrest and violence, undermining indigenous autonomy, and threatening forest homelands of the Moxeño, Yurakaré and Chimane peoples, designated as both a national park and an autonomous indigenous territory. As a contribution to the discussion of sovereignty and indigenous peoples, this paper examines sovereignty as a mechanism by which capitalist development is imposed in indigenous territories, by both indigenous and nonindigenous political actors. The TIPNIS case illustrates that sovereignty precludes indigenous autonomy and continues to threaten the survival of indigenous cultures and the ecosystems that have sustained them since time immemorial. KEYWORDS: Sovereignty, TIPNIS, indigenous autonomy, resistance, development, political culture

### Introduction

Over half of Bolivia's 10,000,000 people are indigenous. Quechuas make up 50% of the

indigenous population, Aymaras 41.2%, Chiquitanos 3.6%, Guaranís 2.5%, and Moxeños 1.5%

(Molina Barrios 2005). Only about 10% of Bolivia's indigenous population is comprised of

lowlands peoples (distinct from the highlands peoples of the Andes Mountains and Altiplano

region).

<sup>&</sup>lt;sup>1</sup> Revised draft of paper presented at the Canadian Association for Latin American and Caribbean Studies, Indigenous Self-Determination and Autonomy in Latin America and Canada: Emerging Pathways Toward Decolonization forum, May 2012.

Since the conquest, indigenous peoples in Bolivia have organized to resist exploitative development in their ancestral territories. Many had expected that the 2005 election of Juan Evo Morales Ayma, of the Movimiento al Socialismo (MAS) party, to head the state would fuel that resistance, transform or reconstruct the state, and even help defend the rights of nature. The course of development in Bolivia and its impacts on indigenous communities and the environment cast doubt on the notion that the Morales government and the MAS can both head the state and transform it.

Since European colonial endeavors in the Americas began, both indigenous peoples and emerging nation-states have engaged in movements for self-determination. In Canada and the United States, the principle of sovereignty is the vehicle by which Indian nations have sought to achieve self-determination vis-à-vis the states that emerged there. Indian nations claim their sovereignty acknowledged in treaties with colonial powers and states, but have been unable to do much more with it than participate in capitalist economic development (although other sustainability objectives compatible with development, such resource conservation, are pursued). Tribal governments are permitted by states to exercise some measure of internal self-government and limited control over commodification of nature in their traditional territories, but selfdetermination and autonomy remain out of reach. As nation-states have emerged around them, indigenous peoples in Latin America have focused more explicitly than have indigenous nations in Canada and the U.S. on maintaining autonomy, which is distinct from sovereignty or selfgovernment.<sup>2</sup>

 $<sup>^2</sup>$  For more an in-depth and broad-ranging discussion of indigenous autonomy and the state in Latin America, see González Pérez et al. 2010.

#### Sovereignty

The concepts of state, nation, and sovereignty are derived from European and Euro-American history, understandings of reality, and knowledge.<sup>3</sup> These have been imposed throughout the process of colonization and into the present and established predominant understandings of power and authority and ownership and control of property and resource management—the objectives of development.

Sovereignty is used strategically in the exercise of power. It may be directed both outwards and inwards by those who exercise it. Theology, political theory, and legal scholarship have addressed it for centuries. Here is the story in a nutshell: Above all, [the Christian] God is sovereign. Omniscient, omnipotent and omnipresent, God has absolute control and authority over all creation. Second, sovereignty is granted, or bestowed by higher authority. When the Spanish began their imperial endeavor in the Americas, they were granted the right of "discovery" by the Inter Caetera Papal Bull of 1493, by which the Church defined as uninhabited any lands not ruled by a Christian prince. Third, sovereignty is granted for specific reasons. The right of discovery was granted to facilitate the conversion of souls. Transforming what was discovered in the Americas into commodities to be converted into wealth was the objective of the Crown. Nature was commodified and people enslaved or indentured by higher authority, manifest in the Church and the Crown.

For "discovered" and imported peoples of the Americas, acceptance of imposed understandings of reality, manifest in particular in conversion to Christianity, was the path to personhood. As the conquest was progressively institutionalized, acceptance of imposed

<sup>&</sup>lt;sup>3</sup> In philosophy, the study of being (what is real) is ontology and the study of knowledge (how we know what is real) is epistemology.

knowledge and cultural norms, especially those most relevant to economic relationships and exchange, became the means to survive.

Political theory from the Enlightenment, or the Age of Reason, continues to form the basis for relations of power in the capitalist world-system. French political theorist Jean Bodin (1530-1596) held that political sovereignty was absolute and permanent. It was the power to implement law and to remain above it (Churchill 2002; Wirth and Wickstrom 2002). Legal theory of the time, however, recognized natural law, established by God, as superior. Laws established by political sovereigns found legitimacy in conformity to God's natural law.

The supreme power of states, conceptualized initially as commonwealths or republics, was enshrined in international relations with the Peace of Westphalia in 1648, which ended the Thirty Years' and the Eighty Years' wars in Europe. Governing political elites, as they pursued their interests, agreed to respect one another's territorial and juridical sovereignty, delimited by borders negotiated and re-negotiated through international agreements—almost always precipitated by war. Military force is justified when a state's sovereignty is violated by another state. The exercise of state sovereignty has been a key pillar of the capitalist world-economy. The extension of transnational commodity chains has depended on it (see, for example, Wallerstein 1997).

By the Treaty of Versailles at the end of World War I, conquered peoples in defeated empires-become-states could assume the identity of nations. Nations, however, are not granted sovereignty that puts them on equal footing with states. Nations are granted some tenuous level of administrative control over their own communities or ethnic groups in jurisdictions amenable to states. Police force may be exercised internally when the state's sovereignty is threatened by nationalism.<sup>4</sup>

State constitutions delineate "shares" of sovereignty allocated for exercise by different manifestations of the body politique. European social contract theory brought into consideration the notion of popular sovereignty and the idea that state sovereignty may be legitimized and limited by the consent of governed citizens. Enfranchised individuals possess certain rights either by or in spite of surrendering some measure of the capacity to exercise free will to a sovereign. In theory, if the rule of law prevails, political, social and economic conditions will benefit the greatest number of the governed.

Sovereignty remains central to the imposition of capitalist development as globalization proceeds. States in Latin America, even as they struggled against dependency, have used governing authority and police powers to facilitate goals set by transnational elites directing the capitalist world-economy. State sovereignty everywhere is increasingly being put to use to serve interests of transnational political and economic elites. Transnational corporations in many places are empowered by trade agreements to exercise sovereign control over specific territories and designated resource bases, much in the same way that private, crown-chartered companies enjoyed sovereignty in developing resource bases where empires could not yet extend their own effective sovereign control before independent states emerged in the Americas. <sup>5</sup> Even "strong" states are increasingly in competition with transnational capital for sovereignty in development in the 21<sup>st</sup> century.

<sup>&</sup>lt;sup>4</sup> A variant of this type of limited sovereignty is what has been granted to Indian nations in the United States through treaties and Indian law. The U.S. federal government and governments of states in the U.S. grant recognition to Indian tribes. The U.S. government exercises trusteeship over tribal nations, which are characterized as "domestic dependent nations" with limited rights to self-government.

<sup>&</sup>lt;sup>5</sup> For example the "Governor and Company of Adventurers of England trading into Hudson's Bay", aka the Hudson's Bay Company, was chartered by the British Crown in 1670 as the "true and absolute" lords and proprietors in the entire Hudson Bay drainage area (Government of Manitoba no date).

Within the framework of neoliberal development and since the adoption of the UN's International Labour Organization (ILO) Convention No. 169 and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), it is increasingly common for states to recognize indigenous nations' rights to sovereignty in development by removing themselves as intermediaries, permitting indigenous representatives to negotiate terms of development directly with corporations. It is important to remember, however, that states do not recognize the rights of indigenous peoples to resist development. Exercising their allocated shares of sovereignty vis-à-vis the state and transnational actors requires that indigenous nations accept the juridical, economic, ideological, and moral norms of an imposed culture and reject many of those which have sustained their own political cultures and traditional productive activities. Through the exercise of sovereignty granted to indigenous governments and participation in development, many are converted. Sovereignty is granted to disempowered peoples in order that conquest may take place from within.

Throughout the process of globalization, sovereignty has expanded the scope of the commodification of nature for consumption, capital accumulation, and profit, reinvested to spur additional economic growth. Natural resources are, first and foremost, property. Property benefits individuals that own it or possess some other recognized authority to control it. States do not protect the rights of nature, even if these rights are acknowledged in law—as in Bolivia (or by a state's constitution—as in Ecuador).

As resource bases shrink, and demand for commodities rises, indigenous peoples in places targeted for development will not exercise sovereignty to resist development. States grant limited sovereignty to designated indigenous entities, consult with them about how development will proceed, acknowledge certain collective rights relevant to indigenous self-government, treat individual indigenous people as citizens with basic if poorly-defended civil rights, and provide development aid when politically-prudent.

Academic observers and indigenous activists alike hope that some combination of betterenforced rights for indigenous citizens, recognition of the plurinational character of the Latin American state, and autonomous regional governance by indigenous communities and organizations might somehow influence states to use their authority and military or police powers to promote democracy and sustainable development in Latin American countries. To the extent that the state itself pursues these ends, sovereignty, as it has evolved throughout expansion of the capitalist world-system, might in some ways be relevant to achieving them. Exercising authority and violence as conceived in sovereignty is not, however, a path to resistance, sustainable life ways, or cultural survival for indigenous peoples. Sovereignty does not promote indigenous autonomy. It has no empowering meaning outside the capitalist world-system.

What is happening in Bolivia today illustrates these dynamics. The constitution of the Plurinational State of Bolivia, in place since 2009, grants indigenous nations and peoples *de jure* rights to autonomy, self-government, culture, recognition of institutions and consolidation of their territorial entities (Article 2, in Albó 2010, 356). At the same time, exploitative development is being imposed in indigenous territories by the administration of an indigenous president elected to head the state after years of leading resistance against it. In TIPNIS, allies of the Morales government claim they are exercising indigenous self-determination as they embrace capitalist development. They are building alliances with the state, which shares sovereignty with them. They are not seeking empowerment through autonomy, pursuing radical transformations of relations of power with external actors, resisting imposed economic regimes, or protecting nature. Some indigenous leaders and communities in TIPNIS are resisting development, demanding fundamental political and economic autonomy, and struggling to remain engaged in traditional or sustainable productive activities. They are the targets of juridical and police powers used by the state to undermine resistance.

#### Historical overview of experiences with development in Bolivia

Indigenous peoples of the Bolivian lowlands have long "managed natural resources" in their traditional territories. Their life ways and values were ordered by understandings of reality and sustained by knowledge much different from those imposed by external agents, from colonization through present times. The understanding that natural "resources" were to be used without jeopardizing nature and survival of future generations was fundamental. Traditional productive activities that have sustained indigenous cultures for thousands of years in the Bolivian Amazon are fishing, hunting, gathering and cultivation of forests gardens (see, for example, Becker and Léon 2000).

Jesuit missionaries began the process of Christianizing the indigenous inhabitants of the rainforest in the second half of the 17<sup>th</sup> century. As they established settlements known as *reducciones* for rainforest peoples, their aims were religious, social and economic. A good part of the Indians' time was dedicated to religious practice. Their labor was directed away from traditional productive activities to weaving cotton cloth and cultivating vegetables and beef. Indigenous residents stayed with the missionaries in part for protection from European settlers who hunted and enslaved Indians. Life in reducciones impoverished Indians through forced labor, encouraged the spread of disease, and exacerbated environmental degradation. It also inspired the emergence of syncretic religious practices as part of indigenous culture. The church and the crown imposed a system of governance to transform indigenous political culture to facilitate control of the populations on the reducciones (Lehm Ardaya 1999). The Jesuit

expulsion of 1767 led to transformation of the economic and social structures established on reducciones (Lehm Ardaya 1999).

The Republic of Bolivia was established in 1825 and began to assert its sovereignty in the region shortly thereafter. The Department of Beni was established by supreme decree in 1842. The decree included provisions that opened the mission reducciones to commerce, made the Mojeños citizens, and recognized them as owners of their land (in exchange for payment of fees). Its provisions opened the way for settlement by non-indigenous people. Around 1850, an increasing demand for leather in Brazil led to the slaughter of the cattle on the reducciones, an ensuing indigenous uprising in San Ignacio, and abandonments of reducciones and the establishment of more disperse indigenous settlements throughout the region (Lehm Ardaya 1999).

The South American "rubber boom" radically transformed the economies, societies and ecosystems of the relatively accessible regions of the Amazon beginning around 1860. Transnational elites directing this market effectively challenged the Bolivian state for control of development in the lowlands. When rubber became an important commodity for industry in Europe and the United States as the capitalist world-economy expanded, "rubber barons" throughout the Amazon began to coerce the labor of thousands of indentured servants and to enslave thousands of indigenous people to make its cultivation, harvest and transport profitable during the boom, between the 1870s and about 1912.

Government policies since 1905 have sought to enhance the exercise of state sovereignty and capitalist development by promoting settlement of the Amazonian regions of Bolivia by *criollo* and indigenous *campesinos* from the Andean highlands (Rumbol, SLR 2011). Early settler economic activities included raising sugar cane and cattle for market (Lehm Ardaya 1999). The 1952 revolution organized agrarian reform under state corporatism, whereby campesino and labor movement groups were supported by and supported the state and the governing Revolutionary Nationalist Movement party (MNR). Indigenous peoples of the Bolivian lowlands were not targets of the reforms of the period (Rice 2012). After the revolution, the state began implementing policy necessary for settlement and development in the Departments of Cochabamba and Beni around what today has become TIPNIS. The Law of Colonization was passed in 1966. It declared the Amazon uninhabited and open to colonization.

Ecosystems were increasingly impacted by development, and indigenous peoples of the lowlands were pushed onto smaller and more isolated pieces of their original territories. Their subsistence activities were made less and less viable as plant and animal resources disappeared and contamination and erosion of waters and lands increased. Their relations with nature were undermined and they were increasingly compelled to participate in the capitalist economy, further challenging cultural survival.

Protected areas have been designated in Bolivia since 1939 (Ribera 2008). Development has been limited since TIPNIS became a national park in 1965. To some extent, as a result of conservation measures, the ecosystems of TIPNIS can still support the cultural survival of the indigenous peoples who live there. Some communities indigenous to the region still subsist by hunting and fishing, and gathering resources from forest ecosystems, in addition to cultivating cassava, bananas and rice.

Throughout the second half of the 20<sup>th</sup> century and into the 21<sup>st</sup>, Bolivia has pursued development based in neoliberalism, regional autonomy within the state's borders, and in inter-American alliances. All are relevant to the TIPNIS case. The state's inter-American trade and economic development alliances exercise considerable influence. Bolivia participates as a

member in the Union of South American Nations, the Andean Community of Nations, the Bolivarian Alliance for the Americas, Mercosur, and the World Trade Organization.

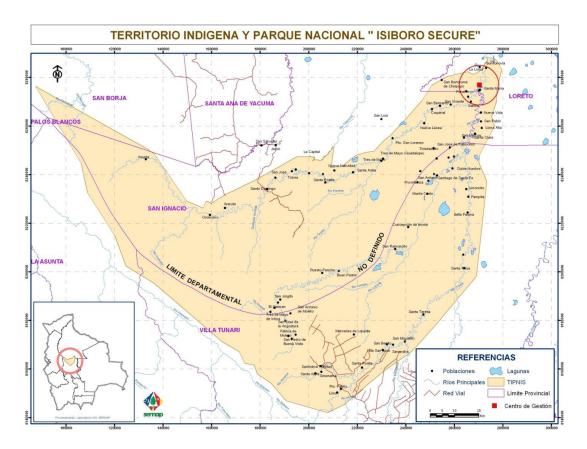
#### **TIPNIS – Isiboro Sécure Indigenous Territory and National Park**

TIPNIS was originally established as a National Park in 1965 to protect a part of the Bolivian Yungas cloud forest ecoregion, on the slopes of the Andes between the Amazonian and highland puna<sup>6</sup> habitats (World Wildlife Fund 2008). TIPNIS ranges in altitude between 180 and 3,000 meters above sea-level and encompasses the convergence of four bioregions: the Yungas cloud forest, pre-Andean Amazonian forest, sub-Andean Amazonian forest, and seasonally-flooded savannas ("llanos de Moxos") (Parks Watch 2004). Ecosystems there remain relatively intact, and well-preserved biodiversity supports plant and animal species in a wide range of habitats in the forest-savannah mosaic (Liberman Cruz 2008; World Wildlife Fund 2008).

The Confederation of Indigenous Peoples of Bolivia<sup>7</sup> (CIDOB) organized the first action that led to recognition of TIPNIS as an indigenous territory by the state: the March for Territory and Dignity from Trinidad in the Department of Beni to La Paz that took place in July and August 1990, during the presidency of Jaime Paz Zamora. (Evo Morales was then one of the *cocalero* syndicate leaders that helped to organize the march.) TIPNIS was declared an indigenous territory by supreme decree 22610 on September 24 in response to demands articulated during the March.

<sup>&</sup>lt;sup>6</sup> The puna is a relatively dry zone in Peru and Bolivia comprised of "tropical alpine-like vegetation ... in the Andes above the elevation limit of closed-canopy continuous forest and below the permanent snow-line" (Smithsonian National Museum of Natural History, Department of Botany et al. 2012).

<sup>&</sup>lt;sup>7</sup> Confederación de Pueblos Indígenas de Bolivia, originally the Confederación Indígena del Oriente Boliviano, was created in 1982 by lowland groups resisting logging and ranching in their traditional territories. CIDOB has an explicitly ethnocultural agenda.



(Servicio Nacional de Áreas Protegidas - SERNAP 2012)

The indigenous peoples who make their homes in TIPNIS are the Moxeño<sup>8</sup> (Trinitarios), Yurakaré and Chimane.<sup>9</sup> They have lived along the rivers of the Amazon basin and in the forests of the slopes of the Andes. In TIPNIS, their communities are situated primarily along the Sécure, Ichoa and Isiboro rivers. Having participated in colonization of the region since the 1950s, many Aymara and Quechua campesino immigrants from the Andes also live in TIPNIS.

The settler population consists of at least 13,000 people (Liberman Cruz 2008). In 1990, Marcial Fabricano, then leader of the Subcentral TIPNIS representing indigenous communities, and Evo Morales, then leader of the Federation of the Tropic of Cochabamba<sup>10</sup>, agreed to

<sup>&</sup>lt;sup>8</sup> Also commonly known as Mojeños, Mojos or Moxos.

<sup>&</sup>lt;sup>9</sup> Also commonly known as Tsimanés. The Tsimané language has Chimane and Mosetén dialects. Mosetén people may live in Chimane communities in TIPNIS (Lewis 2009).

<sup>&</sup>lt;sup>10</sup> Federación del Trópico de Cochabamba, one of six cocalero syndicates based in the Chapare

establish a "red line" around the area primarily inhabited by settlers in the south of TIPNIS to prevent further colonization. In 1996, Law 1715 made further TIPNIS settlement illegal and established that future settlers would be evicted, to avoid further colonization. Nonetheless, by 2007, Polígono 7, the colonized region in the south of TIPNIS designated by the red line, amounted to 101,000 hectares and was settled by 67 cocalero unions (cochabambino 2011). Private land ownership is permitted in Polígono 7.

In 1997, TIPNIS was legally recognized as a Communal Land of Origin<sup>11</sup> (TCO). Título Ejecutorial TCO-NAL 000229 declared that the TCO consisted of 1,091,656 hectares, and title to these lands was granted to indigenous Subcentrales in July, 2009 (Rumbol, SLR 2011). Both the title issued to Subcentral TIPNIS in 2009 and the constitution of 2009 give the indigenous communities of TIPNIS autonomous control over development in the TCO, in theory.

The TCO is governed by the Bolivian state's National Service for Protected Areas<sup>12</sup> (SERNAP) and the Subcentrales: the original Subcentral TIPNIS, which represents approximately 32 of the approximately 67 indigenous communities in TIPNIS, and Subcentral Sécure, which now represents approximately 16 (Government of Bolivia 2012)<sup>13</sup> and acknowledges the authority of Subcentral TIPNIS (Paz in Kenner 2012).

The Indigenous Council of the South<sup>14</sup> (CONISUR) is an organization that represents 21 communities in TIPNIS, 12 situated in TIPNIS along the border of Polígono 7, and 9 that are situated in Polígono 7 (Paz in Kenner 2012). Affiliates of CONISUR are allied with cocalero settlers in and around TIPNIS.

<sup>&</sup>lt;sup>11</sup> Tierra Comunitaria de Origen

<sup>&</sup>lt;sup>12</sup> Servicio Nacional de Áreas Protegidas

<sup>&</sup>lt;sup>13</sup> There is some ambiguity regarding the numbers. According to Sarela Paz, one of the members of a team of researchers that completed the Strategic Environmental Assessment for SERNAP (see Rumbol, SLR 2011), Subcentral TIPNIS represents 37 and Subcentral Sécure represents 14 of 64 communities in TIPNIS (Paz in Kenner 2012).

<sup>&</sup>lt;sup>14</sup> Consejo Indígena del Sur

Development affecting the peoples and ecosystems of TIPNIS is influenced by decisionmaking by a wide variety of legally-recognized authorities from Departments of Beni and Cochabamba (subgovernors and departmental assembly members), and their respective provinces of Moxos and Chapare, the municipalities of San Ignacio de Moxos (with a Sub-Mayorship of TIPNIS) and Villa Tunari, national indigenous deputies from Departments, and national ministries such as the Ministry of Environment and Water<sup>15</sup> and Ministry of Public Works, Services and Housing<sup>16</sup>. Also influential are indigenous peoples' organizations that include production co-ops, groups managing natural resources, women's organizations (including the Confederation of Indigenous Women of Beni<sup>17</sup>), and others, such as CIDOB, Central of Moxeño Ethnic Groups of Beni<sup>18</sup> (CPEMB), and the highland indigenous confederation, the National Council of Ayllus and Markas of Qullasuyu<sup>19</sup> (CONAMAQ) (see, for example, Government of Bolivia 2012; Bjork-James 2011; Rumbol, SLR 2011).

As settlement of the Cochabamba and Beni departments has continued, coca farms, agribusinesses, commercial forestry endeavors, airstrips and highways have been established in areas around TIPNIS. People living there rely for survival on pursuits tied to the capitalist world-economy, among them raising crops and cattle, logging, and selling their labor to extractive industries. The more successful among these comprise a growing MAS constituency of owners of small- and mid-sized businesses. To continue in control of the state and use its sovereignty to direct development in the region, the MAS needs their allegiance to challenge the regional dominance of economic and political elites opposed to the MAS.

<sup>&</sup>lt;sup>15</sup> Ministerio de Medio Ambiente y Agua

<sup>&</sup>lt;sup>16</sup> Ministerio de Obras Públicas, Servicios y Vivienda

<sup>&</sup>lt;sup>17</sup> Confederación de Mujeres Indígenas del Beni

<sup>&</sup>lt;sup>18</sup> Central de Pueblos Étnicos Mojeños del Beni

<sup>&</sup>lt;sup>19</sup> Consejo Nacional de Ayllus y Markas del Qullasuyu

Of longer-standing significance has been the regional economy based on cultivation of coca in the Chapare, the Cochabamba province neighboring TIPNIS on the south and east.<sup>20</sup> The indigenous campesino population of the Chapare has long been a core MAS constituency. Morales began his political career as and continues to be an influential leader of the cocaleros of the Chapare. This population supports the construction of the highway to open new markets for coca. In addition to regional businesses, cocaleros and other settlers, and workers, transnational corporations are interested in the region's resources and are pressuring the Morales government to build the highway.

#### **The TIPNIS Conflict**

Some residents of TIPNIS are strongly in favor of construction of the highway. Other residents are in staunch opposition, concerned about further settlement, development of the illicit coca economy, and intensification of unsustainable development in general.<sup>21</sup> In the midst of growing conflict over the highway project, Evo Morales announced in June 2011 that, "like it or not", construction of the highway would go ahead—despite the opposition of indigenous inhabitants of TIPNIS (Página Siete 2011). Alfonso Moye, the former president of Subcentral

<sup>&</sup>lt;sup>20</sup> In 2009, more than half of Bolivia's coca leaf production took place in the Chapare (United Nations Office on Drugs and Crime and Estado Plurinacional de Bolivia 2010). The crop is a traditional one central to the cultures and identities of Bolivia's highland peoples. It is also used in the production of cocaine. The Bolivian government participates in cocaine eradication efforts led by the United Nations and defends the rights of cocaleros to produce the crop for traditional use. Production of coca in Bolivia has decreased since 2007, dropping by 12 % in 2011 (United Nations Office on Drugs and Crime 2013) and further in 2012 (United Nations Office on Drugs and Crime, Bolivia 2013). Despite this, and although the country has a lesser ratio of cocaine manufacture to coca cultivation than Colombia and Peru, cocaine manufacture there is thought to be keeping up with demand. Brazil is the principle destination of exports (United Nations Office on Drugs and Crime 2013). Production of coca in protected areas, including national parks, is prohibited by law. About half of the illegal production of coca in protected areas takes place in TIPNIS but, in 2012, had decreased there by four percent since 2011 (United Nations Office on Drugs and Crime, Bolivia 2013).

<sup>&</sup>lt;sup>21</sup> While careful management of the highway construction process, including the choice of the route, can help ease its environmental impacts, longer-term impacts are difficult to control. Highway construction in protected areas disturbs ecosystems in a number of documented ways: expansion of urban areas and human populations, deforestation and habitat destruction, interference with watershed dynamics, interference with food chains and other ecosystemic processes that sustain plant, animal and human communities included (Liberman Cruz 2008).

TIPNIS, suggests that what all indigenous people involved should consider most important is that respect be shown for community rights by the government and sectors of society involved in development (Moye in cochabambino 2011).<sup>22</sup>

The Villa Tunari-San Ignacio de Moxo highway that will run north-south through TIPNIS is one segment of three that will articulate the Departments of Beni and Cochabamba for commerce. The highway is also linked into the transportation infrastructure that will give Brazil access to a port on the Pacific in northern Chile, part of the Initiative for the Integration of the Regional Infrastructure of South America (IIRSA). Construction of the segments leading to and from TIPNIS has already begun.

Approximately 80% of the cost of the highway project was originally to be funded by a \$332,000,000 loan from Brazil's development bank<sup>23</sup> (see, for example, Webber 2012; Achtenberg 2012b). Transnational corporations working in South American development are also invested in the highway and development in the region. One is Construtora OAS Ltd. from Brazil, initially contracted to build the TIPNIS highway. Petrobras, the Brazilian state's oil company, holds one of three petroleum concessions in TIPNIS (Achtenberg 2013).

Resistance to the construction of the highway has been organized by TCO Subcentrales and CIDOB, with support from CONAMAQ. High-profile resistance was first expressed in a 375-mile march from Villa Tunari in Cochabamba to La Paz, which began August 15, 2011. Marchers arrived in La Paz on October 19, having suffered police brutality en route. The Morales government, under pressure both at home and from international indigenous rights and

<sup>&</sup>lt;sup>22</sup> The English translation of the interview with former Subcentral TIPNIS president Adolfo Moye was originally posted at http://www.isiborosecure.com/tipnisdocuinvasion.htm. <sup>23</sup> Banco Nacional de Desarrollo Económico y Social (BNDES)

environmental organizations, passed Law 180<sup>24</sup>, declaring TIPNIS to be an "intangible" <sup>25</sup> zone and suspending plans for the construction of the Villa Tunari-San Ignacio de Moxos segment of the highway.

CONISUR organized a counter march to La Paz that left TIPNIS on December 20 and arrived in La Paz on January 30, 2012. Marchers, which including representatives of the cocalero syndicate Federación del Trópico de Cochabamba, demanded that the government conduct a formal consultation process to take into account concerns of all parties with a stake in development in TIPNIS (see, for example, Achtenberg 2012a). Gumercindo Pradel, leader of CONISUR, claimed that the 37 communities participating in the march, many located within the Polígono 7, are the "true indigenous people of TIPNIS" (Página Siete 2012a). The Morales government responded on February 10, 2012 by promulgating Law 222<sup>26</sup>, which established the process for consultation on development in TIPNIS.

Another march in defense of TIPNIS left Trinidad April 27, 2012 and arrived in La Paz on June 27. About 300 people representing 60 communities participated to protest the imposition of the consultation process.

Days before that march began, Morales announced that Bolivia was rescinding its contract with the Brazilian company Construtora OAS Ltd. for construction of the highway (Achtenberg 2012b) and, by mid-October of 2012, the government had awarded new contracts

<sup>25</sup> The term "intangible" emerges from international discussion of indigenous rights. "Intangible" patrimony refers to culture, language ways of living, religion, values, artistic expression, traditional knowledge and cosmovision – things that cannot, in themselves, be touched. "Tangible" patrimonial assets are flora, fauna and natural resources they comprise that were traditionally used by indigenous peoples for survival according to cultural norms (Longaric 2012). Some fear that the government is paving the way for the repeal of Law 180, which would loosen restrictions on how the highway may be constructed (Erbol Digital 2013a; Erbol Digital 2013b).

<sup>&</sup>lt;sup>24</sup> Ley Nº 180, Ley de protección del Territorio Indígena Parque Nacional Isiboro Sécure – TIPNIS, copy available: Morales Ayma and La Asamblea Legislativa Plurinacional 2011

<sup>&</sup>lt;sup>26</sup> Ley Nº 222, Ley de Consulta a Los Pueblos Indígenas del Territorio Indígena Parque Nacional Isiboro Sécure -TIPNIS, copy available: Morales Ayma and La Asamblea Legislativa Plurinacional 2012

for construction of the highway to two contractors without a competitive process. One was to EBC, a state-owned contractor, and the other to AMVI<sup>27</sup>, owned by three cocalero syndicates. Bolivia's Treasury will fund the contracts (Achtenberg 2012d). Subcentral TIPNIS leaders are denouncing the no-bid contract arrangement, pointing out that it serves the interests of Morales' core constituency, who will benefit the most by construction of the highway (Página Siete 2012b).

The consultation process officially began on July 29, 2012. It was undertaken despite the fact that project financing contracts had been executed long before and that environmental impact assessments had not been carried out, two of the irregularities in the consultation process denounced by parties questioning its legitimacy (see, for example, Federación Internacional de Derechos Humanos and Asamblea Permanente de Derechos Humanos de Bolivia 2013).

Opponents of the highway and other observers claim that residents of communities without the authority to do so agreed to the construction of the highway in many cases, and that consultation meetings were held in the middle of the night or not at all. Other alleged irregularities in the consultation process were cooptation of leaders through bribes and job offers, donation of food and other materials to communities that agreed to permit the highway construction, and intimidation of those that would not, ranging from threats of lawsuits to cutting communications and access to boat fuel needed for travel (Federación Internacional de Derechos Humanos (FIDH) and Asamblea Permanente de Derechos Humanos de Bolivia (APDHB) 2013; Bjork-James 2013).

The Supreme Electoral Tribunal's Service for Strengthening Intercultural Democracy, in charge of official observation of the consultation process, announced in late September that 44

<sup>&</sup>lt;sup>27</sup> La Asociación de Mantenimiento Vial

communities had been consulted in a process without irregularities and rejected CIDOB's claims that 52 of 69 communities consulted had rejected the highway (Mealla 2012). When the consultation was officially brought to an end on December 7, 2012, the Supreme Electoral Tribunal announced that 55 of 69 communities consulted had agreed to the highway, by then referred to by the government as the "ecological highway" (Guarachi 2012).

A comprehensive report on the consultation process was published in April 2013 by the International Federation of Human Rights (FIDH) and the Bolivian Permanent Assembly of Human Rights (APDHB), with participation of the Catholic Church and assistance from Finland's Ministry for Foreign Affairs and the Swedish International Development Cooperation Agency. The FIDH-APDHB commission visited 36 TIPNIS communities. Only 19 reported having been consulted. Thirty of the 36 communities reported rejecting the proposed highway. The report concludes that "the consultation process was neither free nor informed, and did not respect principles of good faith. In addition, the financing of the project protocol was signed two years before consultation was held, in clear violation of Bolivia's constitutional and international obligations to carry out consultation in advance.... the Bolivian state has the obligation to suspend the planned construction of the second segment of the highway until it obtains the free, prior and informed consent of the impacted indigenous communities of TIPNIS" (Federación Internacional de Derechos Humanos (FIDH) and Asamblea Permanente de Derechos Humanos de Bolivia (APDHB) 2013, 21). In response, CONISUR's leader, Gumercindo Pradel announced that representatives of the Catholic Church and APDHB will not be permitted into CONISUR communities because their report is deceptive and those he represents will not be made "peons" of the Church (La Razón 2013).

As the conflict over the highway and related aspects of development in TIPNIS intensifies and shifts in allegiances and the balance of power continue, violence is intensifying in the area. In late August 2012, the government began the installation of an "ecological brigade"<sup>28</sup>, a Bolivian Army outpost in Ichoa, a settler community at the entrance to TIPNIS. Its stated purpose is to defend TIPNIS against illegal invasions, drug-trafficking and deforestation (Achtenberg 2012c; Melgarejo 2012). Critics consider it to be a step toward the militarization of the conflict and claim its purpose is to intimidate opponents of development in TIPNIS. For example, on May 10, 2013, CIDOB announced that Emilio Noza, president of Subcentral Sécure, reported that a group of people transported from the ecological brigade tried to occupy the offices of the Subcentral (CIDOB Administrador 2013).

On June 22, 2013, Gumercindo Pradel, leader of CONISUR, was whiplashed for attempting to undermine local opposition to the highway. Working with the Morales government, CONISUR had organized what local leaders and community members considered to be an engineered meeting of illegitimate leaders working in Subcentral TIPNIS communities to impose development plans for the area and undermine the leadership of those organizing and sustaining protest against development. Fernando Vargas, leader of Subcentral TIPNIS, and Emilio Noza, leader of Subcentral Sécure, led a group of 360 residents in stopping the meeting. After he was whiplashed, Pradel signed a written agreement not to act against the TCO Subcentrales (Equipo de Comunicación Indígena Originario 2013).

In the midst of the conflict and leading up to his bid for a third term in office, Morales has announced that the project will remain "on hold" into 2015 (Achtenberg 2013). Meanwhile, lawmakers and government agencies are pursuing a campaign to eradicate poverty in TIPNIS.

<sup>&</sup>lt;sup>28</sup> Regimiento Escuela de Protección de Parques Nacionales No. 1 Juan Maraza

As the consultation process was getting underway, on May 13, 2012, Juan Ramón Quintana, the Morales government's Minister of the Presidency, announced that the government was initiating a water taxi service for TIPNIS residents (Quispe and Paredes 2012). More recently, a MAS deputy from the Department of Cochabamba, Eleuterio Guzmán, announced that the state will prioritize healthcare for women and children there (Erbol Digital 2013b).

The government claims that TIPNIS communities' demands for autonomy have been addressed by granting titles to their lands. Furthermore, TIPNIS communities should not expect to manage national resources, which belong to the state and are the property of all the Bolivian people (Vacaflor 2012). Indeed this is the case. The constitution reserves to the state the rights to grant titles and establish policies for indigenous territories. When it comes to land and territory, the state can legislate, regulate and enforce without delegating authority to other levels of government with which it shares sovereignty (Albó 2010).

Subcentral TIPNIS leader Fernando Vargas and CIDOB president Adolfo Chávez addressed the Inter-American Commission on Human Rights (IACHR) on March 15, 2013, denouncing irregularities in the consultation and contracting processes, the state's violations of indigenous rights, and environmental destruction and climate change impacts of development imposed on their communities in TIPNIS (Bjork-James 2013; Vahlsing 2013). Just after IACHR heard the address, Morales announced that Bolivia was considering withdrawing from the organization to protect Bolivia's sovereignty (Voz de América 2013).

#### Conclusions

Talking the talk of plurinational statehood and indigenous autonomy, the Bolivian state under the control of the MAS, continues sacrificing the wellbeing of indigenous communities to development. Exercising state sovereignty, the Morales government is catering to its supporting constituencies by facilitating their participation in development tied to engagement in the capitalist world-economy. Morales laments that development cannot be as sustainable as might be hoped or benefit all Bolivians equally. He has acknowledged the conflict between development and indigenous rights, but cannot resolve it by acting as head of state.

The plurinational state, in theory, grants sovereignty to indigenous jurisdictions by recognizing rights to self-government in indigenous territories, but encourages allegiance to the state by indigenous people. The Bolivian state, regardless of who heads it, has exercised sovereignty with respect for many of the terms of the social contract: democratic government, respect for certain rights, improvement of socio-economic conditions for the governed, and the pursuit of development believed to benefit the greatest number. In more recent years, the social contract has been extended to recognize circumscribed agreements with autonomous communities in indigenous territories. Indigenous organizations may participate in governance. The essential consideration of the social contract, however, is the surrender of incompatible understandings of reality itself and of nature, authority, justice, and wellbeing, and, thereby the capacity to preserve traditional productive activities and political culture.

The TIPNIS case illustrates that the Bolivian state exercises sovereignty to impose governability. This process can be characterized as democratic and inclusive, as the construction of a plurinational state representing autonomous indigenous communities. State sovereignty is legitimized and limited by the consent of the governed. But governed and governable they must be. Coercive violence remains central to the exercise of sovereignty. Resistance of development by assertion of autonomy that rejects the state's sovereignty is repressed. Leaders of communities and organizations in TIPNIS who are resisting development have been threatened and accused of compromising the legitimate needs and interests of the plurinational state of Bolivia. Their authority in TIPNIS is characterized as illegitimate.

What the state now sometimes recognizes as *Subcentral* CONISUR characterizes indigenous self-determination as promoting development in TIPNIS. But, as it implements development in the region, the state is limiting the ability of the indigenous communities of the TIPNIS Subcentrales to practice self-government. Indigenous leaders, organizations, and activists attempting to exercise indigenous autonomy must do so by developing consensus among communities in indigenous territories like TIPNIS. Dividing TIPNIS communities in order to promote construction of the highway, the state is undermining cooperation needed for self-government. Providing services for TIPNIS communities in favor of development also undermines the longer-term capacity of the communities to self-govern by creating dependency on the state.

Alternatives to sovereignty are needed to transform understandings of reality and systems of knowledge that have imposed the legitimacy of the exercise of authority by violence and forged systems of governance and political and economic institutions based on individual ownership and commodification of nature. Autonomy of thought and application of knowledge in interpreting problems and conceptualizing alternative life ways is prerequisite to transformation. Indigenous people are not empowered to solve problems and discover alternative, sustainable ways of living by participating in development. Sovereignty must be understood, but is not a source of empowerment for indigenous movements. Sharing sovereignty with the state does not enable resistance. Autonomy should not be confused with capture of the state. While it remains central to the capitalist world-system, sovereignty, as the capacity to exercise power to direct development, has become irrelevant. Environmental, economic, political and social crises created by capitalist development now threaten the wellbeing even of ruling elites. The ongoing commodification of nature for consumption, capital accumulation and profit is no longer viable as the basis for a world-economy. Finding new ways to organize productive activities to meet basic needs and create wealth, interact sustainably with nature, and organize politically in the contexts created by sovereignty, environmental crises and the descent of the capitalist world-economy into deepening crisis are immediate challenges facing all peoples of the world today. The imposed culture's notions of power and systems of government are incapable of addressing existing challenges. Authentic autonomy and anti-systemic resistance are needed to address the challenges.

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