

A PLURINATIONAL STATE:  
THE IMPACT OF THE MAS ON  
THE STATUS OF INDIGENOUS PEOPLE IN BOLIVIA

by:

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## **ABSTRACT**

In 2005 the largely indigenous country of Bolivia elected its first indigenous president, Evo Morales of the Movement toward Socialism (MAS) Party. Morales ran on a promise of re-distributing wealth, to aid in the development of one of Latin America's poorest countries. Morales' first term in office marked a historical achievement for the indigenous movement in Bolivia, and sparked social change in the country. The government also experienced a momentous achievement through the re-writing of the Bolivian constitution, acknowledging the country's multi-ethnic and pluri-national character. Although his social, domestic and foreign policies have been controversial, particularly in the United States, Morales was re-elected to serve a second term in 2009. This research analyzes the outcomes of Morales' policy changes during his first term in office, from 2006-2009 to examine how the election of the MAS has impacted the marginalized status of indigenous people in Bolivia.

I would like to dedicate this thesis to my parents, Monica and Carlos Medina who have been a consistent source of encouragement and support, and whose hard work through challenging times has inspired me to remain determined and dedicated.

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## ACRYNOMS/ABBREVIATIONS

1. CIA Central Intelligence Agency
2. EBIH Empresa Boliviana de Industrialización de Hidrocarburos  
(Enterprise for Industrialization of Hydrocarbons)
3. GDP Gross Domestic Product
4. IFAD International Fund for Agricultural Development
5. IFES International Foundation for Election Systems
6. MAS Movement Toward Socialism
7. MDG Millennium Development Goals
8. MNR Movimiento Nacionalista Revolucionario
9. OAS Organization of American States
10. OIT/ILO Organizacion Internacional del Trabajo (International Labor  
Organization)
11. TI Transparency International
12. UDAPE Union of Analysis of Social and Economic Politics
13. UN United Nations
14. UNDP United Nations Development Program
15. UNHDI United Nations Human Development Index
16. UNPFII United Nations Permanent Forum on Indigenous Issues
17. WB World Bank
18. YPFB Yacimientos Petrofileros Fiscales Bolivianos (Bolivian Fiscal  
Petroleum Deposits)
19. CONFEAGRO Confederación Agropecuaria Nacional/ Bolivian Confederation of  
Agriculture

## CHAPTER ONE – INTRODUCTION

In 2007 the United Nations General Assembly adopted The Declaration on the Rights of Indigenous Peoples. Acknowledging the particular needs of indigenous groups, this declaration sought to give protection to the collective rights of indigenous people, who have been historically discriminated against, marginalized and under-represented (History - UNPFII, 2006). In the past two decades, the international community has focused increasing attention on the status of indigenous people around the world. For example, the United Nations has declared two ‘development decades’ for the world’s indigenous people, along with creating a special forum for indigenous issues. According to the United Nations Permanent Forum on Indigenous Issues (UNPFII), “today, there are more than 370 indigenous peoples in some 70 countries worldwide” (2006). One of the countries with the highest amount of indigenous people is Bolivia, with an indigenous population measure averaging at around fifty-five percent<sup>1</sup>.

### Native Cultures

There are over thirty ethnic groups in Bolivia; the largest of these include the Aymara, Quechua, Guarani and Chiquitano. The Aymara and Quechua account for the largest groups, mostly residing in the western Andean highlands. Because of their large population, they comprise the majority of the members of the indigenous social movement. The Guarani account for approximately 1% of the indigenous groups and reside in the lower department of Tarija, which borders Argentina and Paraguay. The Chiquitano populations mainly reside in the

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<sup>1</sup> Measures range from 30-80% based on the identifying question. This is discussed further in the methodology section, chapter 3.

Amazonian area in the department of Santa Cruz, and also account for approximately 1% of the population (Bureau of Western Hemisphere Affairs, 2009)<sup>2</sup>. The Aymara and Quechua cultures are the most present in Bolivia today, and are the main languages for over one third of the population. These Andean cultures are notable for having withstood over four hundred years of attempts at European cultural changes (Hardman, 1985). The native cultures are based around a structure of communal labor; where every person has a role in the sustainability of their home. Their cultural ideals are based on hard work, cooperation and responsibility (Hardman, 1976). While the several indigenous groups are different from each other, most follow a very spiritual way of life. They base their communities on traditional procedures, for example, the Guarani authority is religious, with power based on prestige rather than formal election (Survival International). These cultures have been subservient since colonization.

During the boom of rubber exploitation (1890–1920), thousands of Chiquitanos, Ayoreos, Guaranies, and other indigenous peoples of the lowlands were captured and confined in the *barracas* (large estates) where they worked as slaves. As the communities weakened, the estates continued to grow, including the people as one of the assets of the owners. Until the last decades of the twentieth century, the estates were bought and sold with the purchase of the indigenous families working there included in the contracts (Caceres, 2008).

This is just one example of the manner in which indigenous people have been marginalized historically. This stresses the importance of having a government that acknowledges the particular needs of indigenous groups, and addresses the problems that have been caused by decades of social discrimination and underdevelopment.

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<sup>2</sup> See Figure 1: Bolivia Map

### Rise of Evo Morales

Promising to improve the marginalized status of indigenous people, Juan Evo Morales Ayma was elected President of Bolivia in 2005. Morales' election to the highest position in the Bolivian government denotes a momentous achievement for the indigenous movement, as he is Bolivia's first indigenous president. "In the years leading up to the overthrow of President Gonzalo Sanchez de Lozada<sup>3</sup>, people mobilized against arbitrary rule and neoliberal policies that hurt the poorer sectors of the population most" (Canessa A. , 2008, p. 357). These people in particular, were the indigenous groups supporting Evo Morales and the Movement Toward Socialism (MAS) Party. Promising change in the country, Morales ran on a platform of working as an ally to coca<sup>4</sup> producers, redistributing land to poor farmers, rejecting U.S. free trade and re-writing the Bolivian constitution (Dangl, 2007).

Embodying the 'typical' Bolivian citizen, Evo Morales has been an extremely popular figure in Bolivian politics, even prior to his inauguration in 2006. After almost being elected in 2002, his popularity increased and raised the voter turn-out rate to over 80 per cent in 2005<sup>5</sup>. While the MAS has run on a party platform of representing the indigenous minority and aiding in the proper development of aboriginal rural towns, the Morales government has had more international attention focused on their leftist, re-distributive policies. After the Bolivian Chaco War in 1935, "the Marxist left was the first political faction to recognize the political potential of the majority indigenous population" (Van Cott D. , 2000, p. 164). Morales has served a four year term and was re-elected in 2009 to serve until 2015. Due to the popularity of the party and the re-

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<sup>3</sup> Sanchez de Lozada (of the MNR party) served as President of Bolivia from August 2002- October 2003.

<sup>4</sup> Evo Morales is a member of the coca grower's federation. Coca is traditionally used by indigenous Bolivians for several purposes including religious and ceremonial functions, medication and anesthetics.

<sup>5</sup> According to comparisons from the International Foundation for Electoral Systems (IEFS) Election guide [www.electionguide.org](http://www.electionguide.org)

election of its politicians, it can be assumed that the MAS has contributed to the development of the indigenous community.

### The Status of Indigenous People

Not only do indigenous people represent a large portion of the population, they also represent a majority of those living in poverty. Bolivia, with an extremely high rate of income distribution inequality<sup>6</sup>, has a majority of its indigenous population living at or below the poverty line. In 2002, the nationwide poverty rate was 52%, while the indigenous poverty rate was 73% (Hall & Patrinos, 2006). This data provides some insight as to why there has been such an increased international focus on representation of native people, particularly in Bolivia. As poverty is correlated with low living standards in other areas, the living conditions that many indigenous people experience are far below acceptable levels, as determined by many international organizations, including the United Nations. However, solutions to these problems cannot be solved quickly or easily, due to the differing nature of the indigenous people as compared to their European counterparts. “Ethnic identity in Bolivia has never been clear-cut and indigenous people have long had a profoundly ambivalent relationship with the mestizo-creole state which includes significant moments of supporting and maintaining it as well as those undermining it” (Canessa A. , 2008, p. 357). For this reason, several important issues affecting indigenous people in particular have been ignored or under-acknowledged.

Due to their cultural traditions, indigenous people require specific acknowledgement by the government in several areas. These include, but are not limited to, education, health care,

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<sup>6</sup> Income distribution inequality is measured by the Gini Index whereas 0 represents complete equality and 100 represents complete inequality. Bolivia is measured at 58.2, the United States is 40.8 and Mexico is at 48.1. (World Bank, 2009d)

justice systems, and land reform. The following section will explain why each of these issues is important.

Social discrimination against indigenous people has been occurring in Bolivia since colonization, as is the case with most native groups. This is one of the main driving factors for indigenous groups mobilizing to seek representation. “Indigeneity is not simply a historical relationship of ‘we were here before you’, but the perduring [sic] power relations that arise out of that moment in history; a claim to indigeneity is a claim to justice based not simply on historical priority but a sense of historical injustice” (Canessa A. , 2008, p. 354). Social discrimination has been embedded in the minds of the people, who have become accustomed to a class system where the Hispanic minority dictates over the indigenous majority. Both in government and in social interaction, indigenous people have long been viewed as subordinates to the dominant culture. One of the areas in which indigenous cultural traditions have been previously ignored, is in the justice system. “Indigenous community justice poses many challenges to the ordinary justice system (as the state system is called). It has a fundamentally different philosophical basis. Its rules, procedures, norms, and (frequently) outcomes are different from those of the ordinary system” (Hammond J. , 2009). While legislation has previously been adopted that acknowledges the community justice systems in indigenous areas, the MAS government has changed the system significantly, and this will also be examined.

Land reform is an important issue to indigenous people, particularly in Bolivia, for a variety of reasons. Because of the inequality present in Bolivia, most of the productive land in the country has been owned by a few wealthy families (Lazare, 2006). While there has been legislation passed prior to the election of the MAS for agrarian reform, the indigenous people

still receive a very low proportion of the useful land. Currently, just 100 families own 25 million hectares of Bolivian land and 2 million small farmers own only 5 million hectares, according to a report by the United Nations Development Programme (UNDP) (McCloud, 2006). With high income inequality, economic prosperity is usually vested in the hands of very few, despite their abundance of natural resources, including the profitable industry of natural gas. “Rich in natural resources, Bolivia lacks a ‘nation building’ project capable of transforming these resources into prosperity for the many. As in the case of rubber, economic and political elites – many living in Europe – have exploited natural resources without any ‘trickle down’ to the rest of the population” (Caceres, 2008). The profits gained by the sale of these natural resources, particularly natural gas, would provide the government funding to invest in social development programs that would affect the marginalized status of its impoverished indigenous majority. These have been important issues that previous governments have addressed, but the MAS has promised to change during their time in office.

One of the areas of human development that is particularly low for indigenous people is education. As of 2002, 69.2% of indigenous people had completed their primary school education, compared to 100% of those of European descent (UN, UDAPE, OIT, 2006). This discrepancy between education levels can be attributed to several different factors. While Bolivia has adopted legislation attempting to increase access to education for indigenous people, it continues to be criticized by its recipients. For example, many curriculums have been translated into indigenous languages and distributed to the small villages, however, they do not pay specific attention to the ancestral knowledge of the indigenous people, which makes attaining an education more difficult (Vagner, 2005). Other problems are also present in



increasing education, including difficulty of access to quality schools, especially in rural areas, which are populated with mostly indigenous people. According to UNICEF, many students face difficulties attending school because they do not have access to one near their home. There is also lack of transportation to the schools; as many towns are connected by unpaved roads, or not connected at all. The resources available at the school are also very limited, with instructors teaching subjects they are not prepared for and not having enough books (or any books) for the students (Ruiz Labrador, 2005).

A second development factor that needs to be addressed is access to proper health care. Because so many indigenous people live in remote, rural areas, access to hospitals or clinics is difficult to attain. Native populations are therefore faced with difficulty in attaining proper forms of emergency care, preventative care and maternal care. As of 2003, only 52% of indigenous mothers to-be were seen by a qualified doctor, as opposed to 83% of non-indigenous mothers (UN, UDAPE, OIT, 2006). Also, many doctors do not acknowledge the particular birthing preferences of indigenous mothers, as well as the preferences in medical treatment that many indigenous people prefer.

While indigenous people have struggled with these matters for decades, increased international and domestic focus on indigenous issues, and the success of the indigenous movement, has prompted the need for rapid acknowledgement of these issues. The election of Evo Morales marks a momentous achievement for the indigenous people, who now have access to avenues for change.

### Research Question

This research will analyze how the MAS government has affected the status of indigenous people in Bolivia, particularly from 2006 through 2009 during Evo Morales' first term in office. Each chapter will examine a different issue that has historically affected indigenous groups based on their high levels of poverty and social exclusion; specifically looking at two human development indicators, education and health care, a cultural indicator- community justice systems, and a socio-economic indicator- land reform and natural resources.

Data for analysis will be derived from two specific areas, the first of which will include analysis of the new Bolivian constitution, set into place by the MAS government in 2009. I will compare this constitution to previous constitutional amendments, which provided very limited fundamental rights to indigenous groups, as well as examine prior legislation that has been adopted. The examination of the constitution will aim to discover any attempts at change in process. The research will also look at relevant social policies implemented from 2005 through the end of 2009 to discover what actions the MAS has actually taken to change the status of indigenous people. This section will also examine any available outcomes of relevant policies. Data will be provided by Bolivian ministries, such as the Ministry of Education, the Ministry of Health and Sports and the Ministry of Cultures, as well as other relevant international organizations for comparison, where available.

The thesis will begin with implications of the research. Here I will examine an important issue that plagues Latin American politics, the issue of corruption. Varying levels of corruption in relevant years will be analyzed, as reported by Transparency International's Corruption

Perceptions Index, along with the Global Corruption Barometer. All outcomes of policies will be compared to this data, for the most accurate interpretations of results.

Each question will cover both the process aimed at change (constitution) and policy changes (specific projects, policies, and outcomes). It will begin with the cultural indicator of community justice systems and ask the following questions:

- How does the new constitution address the issue of conflicting community justice systems? Are indigenous justice systems acknowledged, and if so, in which ways? Have new regulations been implemented and if so, what have been their outcomes?

The next chapter will examine the socio-economic indicators, which in this case will be represented by land reform and natural resources, particularly hydrocarbons. Land reform will be represented by the distribution of land to indigenous groups, and is used as a socio-economic indicator because it provides indigenous people with an avenue for economic development.

Policies regarding hydrocarbons (natural gas) will also be examined because they provide the government with money to fund social development projects that are aimed at improving human development. This chapter will address the following questions:

- How does the constitution address the issue of land distribution for indigenous people? What new policies have been implemented to address the long standing issue of land reform in Bolivia? What have been the outcomes of the actions taken by the MAS to redistribute land?
- One way that the MAS funds its social projects is by redistributing wealth in the form of nationalizing its industries. One of the most prominent industries is the sale of natural

gas. How has the MAS changed the distribution of wealth from natural gas to fund social projects? How does the constitution address this issue? What have been the outcomes of these policies?

The following chapter will discuss two human development indicators that have been persistent problems for indigenous people.

- Are 'educational' rights for indigenous people addressed in the constitution, and if so how? Have any policies been implemented that aim to increase education (in terms of access and quality) for indigenous people, and if so, what have been their outcomes? How do the new policies address the cultural issue of language that poses a problem in providing education for indigenous people? Has the literacy rate changed since the election of the MAS?
- What rights does the new constitution grant in terms of access to health care for indigenous people? What policies have been implemented since the election of the MAS to increase access to health care? What have been the outcomes of these changes?

This research is an analysis of the MAS' first term in power, to attempt to discover what they have done so far to change the status of indigenous people.

## CHAPTER TWO – LITERATURE REVIEW

For several decades, scholars have argued that indigenous people are eventually going to be either assimilated into modern culture, or suffer extinction. Anthropologist Leslie Sponsel argues that for the case of Bolivia, this is a myth. Change will not necessarily bring about extinction. In reference to the Amazonian indigenous groups Sponsel states that indigenous groups can adapt to modern times, while preserving their own cultures. The preservation of indigenous cultures, however depends on the governments' acceptance of these cultures as legitimate. Many scholars point to the assimilation model as the most prevalent form of governments' management of indigenous people. This model is based on cutting out indigenous cultural behaviors and enforcing modern practices, through the use of education, technology and other outlets. However, assimilation into a specific culture requires education on the culture. (Sponsel, 1995). Sponsel makes the argument that education is the key to preserving indigenous cultures. This is also cited by Van Cott as an important issue for indigenous people. She refers particularly to the "plan for everyone" created in 1993, which focused on deepening the pluralist system, along with adopting intercultural education systems (Van Cott D. L., *Radical Democracy in the Andes*, 2008). This particular literature is significant because it states a very important factor that the MAS and any political party involved in Bolivia has had to address: the cooperation, collaboration and acknowledgement of indigenous cultures together with western ideals.

The assimilation model for indigenous people has been the most common system after colonization, and is known to have largely contributed to the loss of indigenous cultures. This was the general rule followed by the Spanish after colonization, also known as “the two-republics”. Xavier Albo describes this system as the Spaniards representing the dominant system, and the Indians which were meant to pay tribute and labor to the Spaniards (Albo, 1994). This type of system has persisted in Bolivia, and while there have been several attempts throughout the years of assimilation, they have generally been unsuccessful, as indigenous cultures are still widely present throughout the country. According to Kearney and Varese, the indigenous people were not viewed for their ethnic identity, but rather as a developmental problem. According to Albo, the *Katarista*<sup>7</sup> indigenous movement, one of the first movements to gain the support of the government, saw a benefit in the governments’ neo-liberal parties. However, Albo’s research, carried out in 1994 concluded that there would not likely be acknowledgement of the plurinational nature of the state, at least in the highest levels of government, for many years. As is apparent through the election of the MAS, in the new constitution, and the re-naming of the Republic of Bolivia to the Plurinational State of Bolivia, the indigenous movement has been successful in having full acknowledgement of the multi ethnic identity of the country at the highest level.

Michael Kearney and Stefano Varese argue that assimilation is still prevalent in Latin America. They state that indigenous people possess their own cultural norms and values, but these will give way to modern culture through technological adaptations and acceptance

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<sup>7</sup> The indigenous movement named after the “Tupac Katari”, or Aymara nationalists that attempt to revitalize their culture as an alternative to western culture (Canessa A. , 2000).

(Kearney & Varese, 2008). They refer to two different theories of organization for indigenous movements. Either their legitimacy is vested in their acceptance of modern practices, or they have found a new wave of power through social and political innovation. Van Cott finds that the legitimacy of indigenous movements of recent years is vested in their ability to combine their own cultures with state institutions, following the second type of model noted by Kearney and Varese. Van Cott states that

Intercultural local governments are most durable and effective when they are led by charismatic indigenous mayors who have good professional contacts with the mestizo development world, the ability to reach across ethnic lines, the ability to maintain the support of important indigenous social-movement organizations while also maintaining sufficient autonomy from those organizations to serve constituents broadly (Van Cott D. L., *Indigenous Peoples Politics in Latin America*, 2010).

While the success of the MAS in local and national government can be attributed to several different factors, the governments' ability to reach across ethnic lines has been one of its most notable attributes. It is this type of shift between assimilationist paradigms of governance for indigenous people, and acknowledgement of 'plurinational' practices that has been one of the key differences of the MAS government.

There are two areas that need to be researched to analyze the effect of the MAS on indigenous people. Both cultural acknowledgement, understood as the means the government provides for indigenous people to retain their cultures within the modern world, and how the government is able to affect the low level of human development that most indigenous groups are faced with. One of the popular methods of analyzing indigenous movements and groups is what Van Cott refers to as the institutional approach. This is defined as examining "how democratic institutions include or exclude marginalized groups, particularly racial and ethnic minorities, and encourage or discourage the formation and success of indigenous parties" (Van

Cott D. L., *Indigenous Peoples Politics in Latin America*, 2010). However, while the institution may recognize indigenous people and provide aid in their development, at times this can be a conflicting idea. Development of indigenous people can often be referred to as breaking them away from their traditional norms, and assimilating them into a modern society.

The MAS has stated in their party platform that they hope to increase the level of human development through the use of redistributive economic policies. This type of discourse has emerged time and time again in Latin America, which has been historically plagued with extremely high levels of income distribution inequality. Morales has frequently been criticized by his right-wing opponents as a radical socialist for his discourse regarding re-distribution of wealth. According to Petras and Veltmeyer's analysis of Morales' first term in office however, most of Morales' discourse isn't particularly revolutionary. They quote president Morales in an address to national delegates saying, "When we defeat the neoliberal governments, we will have equity and justice, and when we overthrow inhuman capitalism we will eradicate poverty", and state that in reality the MAS party isn't aimed at socialism (Petras & Veltmeyer, 2009, p. 114). Instead, the authors argue that the Movement toward Socialism is more of a movement towards communalism, which they state Morales has defined as "the culture of solidarity and norms of reciprocity that govern relations within the traditional indigenous community" (Petras & Veltmeyer, 2009, p. 114). Conversely, the extreme opponents of the MAS and Morales argue that what Morales is trying to accomplish is an extreme form of socialism, and that he is acting as a puppet of leftist governments in Cuba and Venezuela. Douglas Farah, a writer for the International Assessment and Strategy Center, reports that Bolivia has become a part of the "Venezuela-Iran-Cuba" axis. He states that Iran and Venezuela have jointly contributed to a



\$230 million loan to Bolivia for the establishment of a cement company, however that there is no public data available as to where this money was spent (Farah, 2009). He also reports several other instances of Venezuelan, Cuban and Iranian involvement in the economy that have gone unaccounted for. Farah argues that Bolivia is supporting extremist and terrorist organizations, such as the FARC (Armed Revolutionary Forces of Colombia) and that Bolivia intends to pursue a totalitarian type of government.

While there are conflicting ideas on how 'extremist' the Bolivian government is under Morales, one aspect of Morales' term in power that all the reviewed literature can agree on is that the current government is doing more to aid the indigenous population. Farah states that the MAS is enhancing the rights of the indigenous people, however that this has come at a cost of increased violence and ethnic tension among political, regional and social lines (Farah, 2009). Petras and Veltmeyer examine the several *bonos* (bonuses) and state that the government had delivered up to \$100 million in these types of programs (in the first two years of Morales' term). They argue that the best manner to analyze the character of the government is not through its discourses, but through its policies, which they define as populist developmentalism (Petras & Veltmeyer, 2009). Van Cott is also a primary source for studies of indigenous movements. According to her 2008 study, the success of the MAS election into office may have come at a cost to overall democracy, however she states that there is indubitably more money being spent on services that target poor indigenous communities (Van Cott, 2008).

While the literature states that there is an increase in government spending, there are discrepancies in the aims of the governments' investments. Farah reports that the government is

spending much more on its military, and that military operations are closely following the Venezuelan model. Farah points to the ‘opaque’ relations between Morales and Iranian President Mahmoud Ahmadiejad for the lack of transparency of government funds (Farah, 2009) .

However, Petras and Veltmeyer argue that the government has an obvious priority on social programs. In 2008, they report that social expenditures were higher than the regional average, however that the implementation of the policies was keeping them from being extremely successful in redistributing wealth. The government subsidies, according to Petras and Veltmeyer, have benefited the productive sector of society as well, and the social programs have benefited both the rich and the poor sectors of society. They also reported gains in both the national government and for its foreign investors (Petras & Veltmeyer, 2009). Van Cott attributes previous failures of Bolivian governments in delivering social welfare programs to a lack of resources. For example, travel to the rural areas where social programs are most important is often difficult when ministries do not have the proper funds to provide proper administration of their programs. Therefore, administration of these programs becomes flawed. Van Cott suggests that social programs need independent authorities in the regions to be successful (Van Cott, 2008).

Petras and Veltmeyer find that while the national economy had increased by 19.3% from 2003 to 2007, the poverty rate grew by 130,000 people (Petras & Veltmeyer, 2009). This supports Van Cott’s idea that the main issue is the administration of social programs. Petras and Veltmeyer argue that many of these bonuses are distributed as a populist maneuver, and at the time of their research argued that Morales would be forced into early retirement, much like his

predecessors<sup>8</sup>. Because Morales was successful in gaining another term, as well as re-writing the constitution, which he promised would ‘re-found’ Bolivia, Petras and Veltmeyers’ examination of the constitution before it was accepted seem to be more relevant. They critique the 2009 constitution for being contradictory in many areas. While the constitution gives more power to the federal government, it also reorganizes the nation into several different indigenous communities. Farah argues that this decentralization of the country into several different indigenous “nations” has caused extreme violence and has limited the governments (and international aid’s) success in development.

One of the most significant issues for indigenous people is land reform. This is addressed in the new constitution, however Petras and Veltmeyer state that the loopholes for circumventing the regulations are simple: large land-owners can just transfer their landholdings to different members of their families. They also see another large issue in the area of land reform, which relates to Farah’s assessment of violence and ethnic tension in the country. They state that land reform issues put large groups such as the dominant class, commerce, industry and land owners against the government which represents the ‘proletarian’ lower class of predominantly Quechua people (Petras & Veltmeyer, 2009). This argument of the creation of more ethnic tension by the MAS is a common aspect in the literature.

As most of the recent literature points out, the election of the MAS demonstrates failures in the assimilation model. The success of the indigenous movement in Bolivia is a notable achievement for the indigenous population. However, the policies that had been examined

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<sup>8</sup> Morales’ predecessors Gonzalo Sanchez de Lozada and Carlos Mesa both resigned from their posts due to conflicts in the government. See chapter five.

through previous research demonstrate that while the government may be working to improve the status of its indigenous populations, the policies do not necessarily reflect their ideological discourse. Populism, extremist policies, Venezuelan/Cuban and Iranian relations and following Marxist ideals, are all aspects of the Morales government that some scholars consider to be primary goals, and can be a hindering factor for the development of the country's indigenous majority. Through the institutional approach, or examination of institutional changes to include marginalized groups, and examination of development processes, this research will attempt to add to the existing literature.

## CHAPTER THREE – METHODOLOGY

This research will attempt to discover what efforts the MAS has taken to change the marginalized status of indigenous people. It will also analyze the outcomes of these efforts. As previously mentioned, the focus will be on four variables, based on issues that greatly affect indigenous people.

### Definition of Variables

The term ‘indigenous’ poses problems in measurement due to inconsistencies in the definition of the variable. There are several ways to measure indigenous populations, including having an indigenous language as a mother tongue, residing in an indigenous community, and self-identification. According to UNPFII, each of these definitions poses a problem resulting from the excluded status that many indigenous people hold. Many people have been assimilated into the dominant culture and use Spanish as their mother tongue, although they may be of an indigenous background. Many indigenous people have also moved to urban areas for work; therefore no longer reside in indigenous communities. Self-identification poses problems as well, due to discrimination and social conflict. For the purposes of this research, I will be adopting the definition created by Jose Martínez Cobo, which has served as the working definition for UNPFII.

“Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in

accordance with their own cultural patterns, social institutions and legal system”  
(Martinez Cobo, 1986/7).

The Bolivian census, last taken in 2001, based ethnicity on self identification and estimated that 55% of the Bolivian population was indigenous. As previously mentioned, several factors may contribute to variation in measurement based on self-identification, such as the discrimination of indigenous people. However, as the census data demonstrates, a large portion of the population is of an indigenous background.

The first variable that will be examined is community justice. This represents an indigenous cultural indicator, because the indigenous people established these systems of political and juridical self-government prior to the arrival of the Europeans (Van Cott, 2003). According to the literature, community justice systems have often been in conflict with the ‘ordinary’ or state justice system. For the purposes of this research, a community justice system will be defined as a culturally rooted form of administration of justice, that is alternative to the western legal system (Hammond, 2009). Acknowledgement of indigenous community justice systems will be measured by changes in the state system to legalize or cooperate with these systems.

The second variable will be land reform. This variable represents a socio-economic indicator. It will be divided into two parts, both the reform of territories of land for indigenous groups as well as reform of the distribution of profits of natural resources. This variable serves to examine economic exclusion. Land reform will be defined as the attempt to redistribute profitable land and its resources from the hands of very few, to the larger portion of the population for the purposes of development. This variable is an important indicator because

through land reform, the indigenous people are given the opportunity to develop their communities, and increase their levels of human development.

The following two variables will be human development indicators. These variables are present in the UN Millennium Development Goals, and are important indicators for indigenous groups because they have extremely low development in these areas. The first variable, education will be defined by the achievement of primary levels of education and will be analyzed by the enrollment in primary school as well as through literacy rates. The second human development variable will be represented by health care. Health care will be defined by a combination of factors, including access to proper health care in the forms of clinics, hospitals or traveling care providers. This variable will also include a combination of goals outlined in the Millennium Development Goals such as infant and maternal mortality.

#### Measurement Years

In the election of 2002 the MAS experienced large support. Although Evo Morales lost the presidential election, the MAS won seats in both houses of Congress. Formerly called the Bolivian National Congress, the Bolivian legislature has two houses. The Chamber of Deputies with 130 seats, and the Chamber of Senators with 27 seats. In 2002, the MAS won 8 seats in the Chamber of Senators and 27 seats in the chamber of Deputies. The Chamber of Deputies was elected by proportional representation and the Chamber of Senators by party-lists, with three for each of Bolivia's nine departments (Rex A. Hudson and Dennis M. Hanratty, 1989). (This voting process and make-up of the legislature was changed in the 2009 constitution). In the presidential election of 2002, no candidate took a majority of the votes, therefore the National Congress chose Gonzalo Sanchez de Lozada as President. Following political turmoil and an economic

recession, the President's popularity plummeted. In 2003, Bolivia experienced its "Gas Wars", which were attempts by the people to pressure the government into redistributing profits from hydrocarbons. These riots led to an increase in violent demonstrations, and several deaths, which prompted Sanchez de Lozada's resignation in 2003. Vice President Carlos Mesa took power, and held a referendum vote on taxation and increased development of hydrocarbons. The referendum passed, however did not decrease political tension and President Mesa also resigned. President of the Supreme Court took over the position and called for new elections to be held on December 15<sup>th</sup>, 2005 (U.S. Department of State, 2009).

The 2005 election demonstrated massive support for the MAS. The voter turnout rate was approximately 84% and the MAS won with 53% of the votes (International Foundation for Election Systems, 2005). Morales' first term lasted four years, due to early presidential elections. Under the new constitution of 2009, the President could be re-elected for a second term. Morales was re-elected on December 6<sup>th</sup>, 2009. Although the MAS had a number of seats in congress prior to the 2005 election, their most significant policy changes took place after the election of Morales as President. For this reason, this research will analyze Morales' first term from 2006-2009.

#### Data Collection

For comparison and accuracy, data for analysis will be derived from several sources. Data collected and reported by Bolivian ministries will serve as the primary source both for discovering new policies, as well as analyzing the outcomes of policy changes. The 2009 Bolivian constitution will also be a primary source for examining policy changes. Second, data reported by the United Nations Human Development Index (UNHDI) and other agencies of the

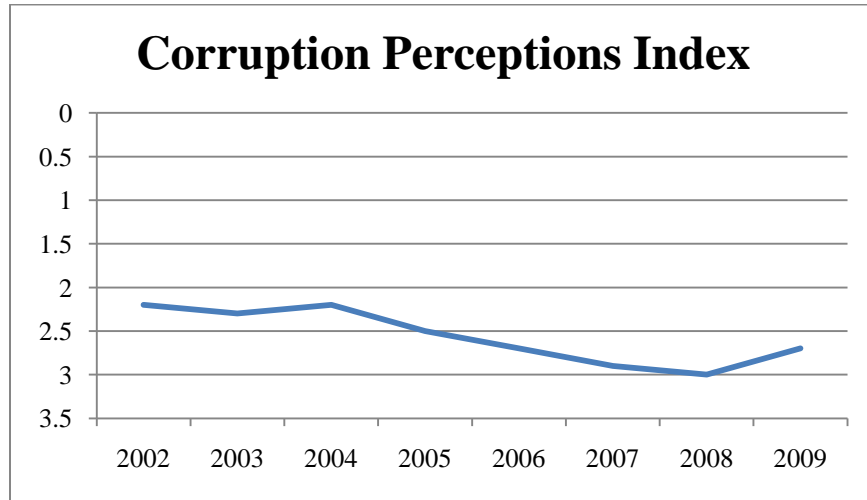


United Nations, as well as the World Bank, the Organization of American States (OAS) , the Andean Information Network and the Inter-American Development Bank, will be analyzed when available. These secondary sources are being used to achieve the most accurate analysis.

### Implications

As discussed in the literature, corruption is a very serious problem in Bolivian politics. Corruption is a factor that may prevent the public opinion from being properly addressed. The MAS outlined corruption as a large hindering factor for development during their political campaign. However, for governments to stay in power they may be dishonestly reporting their accomplishments. In some cases, corruption may diminish the social value of government projects (Michael, 2006). For this reason, the implications section will measure corruption levels in significant years as a means of attaining the most accurate analysis of the data. For the purposes of this research, corruption will be defined as “the use of public power for private gains” (Michael, 2006). Corruption data will be derived in two forms as reported from Transparency International: the Corruption Perceptions Index as well as the Global Corruption Barometer. Any years with significant increases in corruption will be analyzed to ensure that reporting of policy results are accurate. Table 1 shows the corruption perceptions index for significant years. Although in 2002 through 2005 the MAS was not in power, they are included for comparison purposes.

**Table 1: Corruption Perceptions Index**

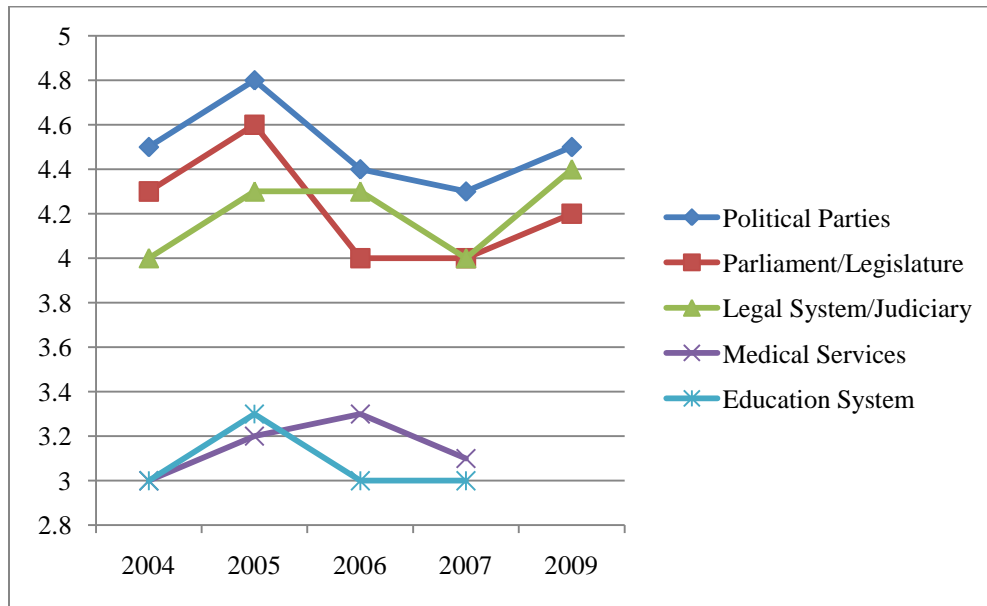


Source: Transparency International 2002-2009 Reports

The data indicates that toward the end of Sanchez de Lozadas' term in office, and especially after his term ended, corruption was at an extremely high rate. The data shows a steady decrease in corruption through 2008, with an increase in 2009.

The following table, with data provided by Transparency International's Global Corruption Barometer demonstrates citizens' perceptions of corruption in different institutions and sectors. The variables chosen include political parties, parliament and legislature, legal/judiciary systems, medical services and education.

**Table 2: TI Global Corruption Barometer**



Source: Transparency International: 2004-2007

1. Survey question “To what extent do you perceive the following sectors in this country/territory to be affected by corruption? 1: not at all corrupt, 5: extremely corrupt”
2. Data for the 2005 election year was compiled between June 10<sup>th</sup> and June 25<sup>th</sup>, 2005 of 519 people in the urban population.
3. Presidential and legislative elections took place on December 18<sup>th</sup>, 2005.
4. Data for referendum year 2006 was compiled between August 1<sup>st</sup> and August 17<sup>th</sup>, of 1319 people in the urban population.
5. The 2006 referendum took place on July 2<sup>nd</sup>, 2006 regarding departmental political autonomy.
6. No data was reported for 2008.
7. No data was reported in Medical Services or the Education System for 2009.

Source: International Foundation for Electoral Systems (IEFS) [www.electionguide.org](http://www.electionguide.org)

According to this data, corruption actually decreased throughout the MAS’ term, but increased significantly in the 2009 election year. Throughout the term, corruption in political parties, the legislature and the judiciary decreased, with an increase in 2009 as well. Medical services were

perceived to be corrupt throughout the governments' term in power; however education system corruption remained at a low rate. It should be noted that data in corruption perceptions was taken from surveys of the urban population, and most indigenous people reside in rural areas. It is also unclear how much of the corruption increase in 2009 is directly associated with the MAS, due to the corruption that is often present in political parties during election years.

## CHAPTER FOUR – COMMUNITY JUSTICE SYSTEMS

Systems of community justice in Bolivia not only pre-date colonization, but can even pre-date Incan rule. However, the modern Western system of justice has typically been the major system enforced. Unfortunately, the Bolivian justice system is plagued with corruption and massive backlog. This has led to social unrest and violence in many cases. For example, many upset victims will take their own action against criminals in the form of lynching, defined as “all acts done with one’s own hands to bring about justice [regardless of whether the person is killed] (Orellana & Hwang, 2008). In the 2009 constitution, community justice systems were acknowledged and made legal, in conjunction with the national judicial system. This has sparked controversy due to the nature of community justice systems. However, the acknowledgement of these systems has benefits as well.

Many researchers acknowledge the positive aspects of community justice for its many benefits in areas with large levels of native people. Typically, community justice systems promote re-integration and re-habilitation and emphasize these points rather than torture or killing. This justice system may prefer community work as opposed to prison time or formal punishment, according to the Minister of Community Justice in Bolivia (Orellana & Hwang, 2008). Community justice is also a cheaper; people in rural areas are not required to travel to the city for trials, and most often people are punished quickly rather than incarcerated. Many indigenous leaders of community justice will bring only serious offenses to the official legal system, meaning that the offender can no longer be reintegrated into the community and deserves

severe punishment (Van Cott, 2003). This system can be beneficial because of the long wait times to be tried in court in the 'ordinary' justice system for small crimes. The long wait times are also a factor that can lead to increased violence. For example, victims will resort to lynching when there is no punishment because the case has not yet been tried in court (Orellana & Hwang, 2008). In addition, criminals who can actually afford decent lawyers are more likely to be let off with small or no punishment, which may lead victims to their own forms of punishment in the forms of lynching. As Van Cott states, many criminals are never held accountable for their actions, therefore lynching is not a result of having an arbitrary system, but a result of the failures of the 'ordinary' system (Van Cott, 2003).

There are also those that support the abolition of community justice systems. These scholars argue that the punishments of these systems are arbitrary, diminish the authority of the state, and violate human rights (Orellana & Hwang, 2008). For example, the human rights foundation reports that while the 'ordinary' legal system does not use forms of corporal punishment, the indigenous community systems use these forms of punishment often. In 2008, they reported 28 cases of women being buried alive for adultery. These types of punishments clearly violate international treaties that Bolivia has signed (Halvorssen, 2008). Van Cott points out two more important issues for community justice, tensions between 'individual rights' and 'community rights', which place punishment at a higher level than individual human rights; as well as overlapping jurisdiction. This occurs when violations are inside indigenous communities but do not include indigenous people or when violations include indigenous people but occur outside of the community's jurisdiction (Van Cott D. L., *Indigenous Peoples Politics in Latin America*, 2010).

### Constitutional Amendments

Prior to the 2009 constitution, the indigenous justice system existed alongside the official system. However, it was unclear as to how the systems operated together. At some times, the communities were given the right to decide their own cases as a means of decreasing the work load on the official justice system. At other times, the state system decided cases. The generality in the regulations caused several problems. For example, there was no clear distinction between what was a ‘peasant’ community and an ‘indigenous’ community (Inter-American Commission on Human Rights, 2007). In some cases, the state would decide that it was necessary to carry out judicial proceedings in ordinary court, and would overrule the outcomes of the community justice system. However, according to the Inter-American Commission on Human Rights, the selection of these cases did not follow a specific outline. This allowed lynchings and other forms of ‘community justice’<sup>9</sup> to continue to occur, although they violated international human rights agreements. Prior to the 2009 constitution, acknowledgement of indigenous languages as ‘official’ was not recognized in the court system. This led to further problems during trials that were held in the official system, where proceedings were held only in Spanish. There is a lack of public defenders that speak indigenous languages, and many indigenous people were not able to understand the proceedings of their cases (Inter-American Commission on Human Rights, 2007). These are some of the most important issues that the MAS was faced with when addressing community justice in the new constitution.

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<sup>9</sup> Lynching can be argued to be an aspect of community justice and also against it. Some scholars view lynching as an outcry from the population to the lack of attention from the ordinary justice system, and state that community justice is more focused on rehabilitation.

The 2009 constitution has been controversial for its acknowledgement of community justice systems as the only legal systems in indigenous communities. It may appear that this would cause a competition between the two judicial systems. However, according Van Cott,

Indigenous sanctions that may appear to violate state law- such as corporal punishment or forced community labor- may be interpreted as not competing, if the interpreter evaluates such practices in the context of indigenous culture. The Colombian Constitutional Court has found indigenous sanctions such as these to be constitutional because they preserve a constitutional right of higher rank than the law that they violate (Van Cott, 2003).

The new constitution declares the following laws for exercising indigenous justice:

**Article 191**

- I. Indigenous communities will exercise their judicial functions and competencies through their own authorities and will apply their own principles, cultural values, norms and procedures.
- II. Indigenous community justice systems will respect the right to life and the rights established through this constitution.

**Article 192**

The indigenous community justice system will recognize all types of judicial relations, such as acts and events that violate legal norms occurring inside the indigenous territory. The indigenous justice system will decide matters in a definitive form. Their decisions will not be able to be revised by the ordinary justice system, nor by the agro-environmental system and will execute their resolutions in direct form (Constitution of the Plurinational State of Bolivia, 2006)

Guaraní Access to Justice

The situation for the smaller indigenous groups can have other types of implications than that of the Quechua and Aymara. While there is not a vast amount of research on the smaller groups, the Guaraní Indians are known as one of the groups with the largest amounts of human rights violations committed against them. This group lives in the lowland Amazonian areas bordering Brazil, Argentina and Paraguay. While the indigenous movements of the highlanders have allowed them to gain access to representation and change, although the Guaraní are



members of many Non-Governmental Organizations (NGO's) and other groups, the situation for the Guaraní has seen extreme violations of human rights and national and international laws.

The Guaraní people have generally worked on sugar cane plantations, since colonization. Many of these people are known to be nomads, searching for their own their own land, which many of these groups have yet to find (Survival International, 2010). Because of this, they are considered to be 'free communities', as they are not necessarily confined in one particular geographic region. As previously stated, after colonization many indigenous groups lost access to their land and were forced to become laborers on the large estates. The Guaraní are still largely 'employed' on these estates. According to a report by the Organization of American States in 2009, the human rights violations occurring on these estates were numerous. The estates employ men, women and children who often work more than twelve hours a day for little (approximately 10-15 bolivianos/ U.S. \$2 for men) to no payment. The payment received is in the form of clothes, food or alcohol, which they are required to pay back to the estate owner. This puts the Guaraní in debt to the estate owners. In many cases, their children are required to work to pay back the parents debt, and this type of forced labor continues from generation to generation (Inter-American Commission on Human Rights, 2009). They also report that the Guaraní have no access to education outside of what they learn on the estate. In this case, the people have extremely limited access to forms of justice for a variety of reasons. Not only are they not well versed in the language of the courts, but in many cases they are not even aware of their rights for violations to be taken to court. Many times, there are no judicial or state authorities to supervise the violations that are occurring in the region (Inter-American

Commission on Human Rights, 2009). This report, published in December of 2009<sup>10</sup>, demonstrates the lack of change that the MAS has provided in this area. While making the indigenous judicial systems legal will pacify some of the indigenous groups in the highlands with views that are conflicting with the western system, their judicial reform does not address the lack of available access to justice for the Guaraní, or other indigenous people that live and work on large estates or in communities far excluded from other groups. As with prior legislation, using indigenous community justice systems to lower the work-load of the ordinary justice system is not always a successful means of delivering justice.

#### Impact of the New Constitution

According to Hammond, the new constitution rules out the death penalty, even in cases of community justice (Hammond J. , 2009). However, this does not rule out other forms of punishment that could possibly be considered human rights offenses. For example, many indigenous communities use whipping as a common form of punishment. The indigenous people will often complain that with the ordinary justice system, people who can afford good lawyers will be let go, or others will remain in prison for several years. They prefer instead to punish them immediately, and move on (Ash, 2006). As Hammond points out however, the new constitution seems to assume that most of the community justice systems throughout the country are the same, when in fact they are very different. Depending on the proximity to a city with an ordinary system, there is variation between the type of community justice administered (Hammond J. , 2009). This can also refer back to the problem between determination of ‘indigenous’ or ‘peasant’ communities, which have very different historical backgrounds.

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<sup>10</sup> The data for this report was derived from a working visit and observation in Bolivia in June 2008.

Hammond also raises the important issue of distinguishing between individual rights and ‘human rights’. According to human rights laws (as outlined in the ILO Convention on Indigenous Community Justice) indigenous people have the right to practice their own traditional forms of justice, however human rights laws also outlaw forms of torture. While it can be argued that real indigenous traditions do not support lynching, they often use whipping as a form of punishment. This can be considered a human rights violation, especially when certain cases have been known to be decided through a shaman’s reading of coca leaves.

Indigenous community justice presents several problems for the government. While there is advancement in the status of indigenous people because their systems have been legalized, the effects that this legalization may have on human rights in these areas is yet to be seen. It is also important to note that due to conflicting interests and opinions in the lowland sections of country, the MAS policies may have limited influence. According to the literature, the effects of these policies can go in different directions. If they follow the so called traditional practices, rehabilitation and reintegration will be the most common outcomes of court cases. However, as has previously been seen, whipping and other forms of brutal punishment are followed.

## CHAPTER FIVE – LAND, RESOURCES AND REVENUES

Since colonization, indigenous people have seen little ownership of the country's arable land. While there have been agrarian reforms prior to the election of the MAS, many of these have only seen temporary and minor success. For example, the 1953 Land Reform Decree caused a redistribution of land to indigenous farmers, but due to corruption, large amounts of land were given back to the smaller groups in the eastern part of the country in the 1960's, 1970's and 1990's (Sandoval L., 2008). While land was re-distributed directly after the 1953 Agrarian Laws, it became heavily centralized again in later years, especially in the lowland departments. The agrarian reform law was confusing and contradictory; at certain times land disbursement was based on the size of the property, at others it was the presence of modern techniques and wage labor, and lacked concrete provisions (Mendelberg, 1985). Land reform represents an important issue, especially for the indigenous people, who account for the majority of those residing in rural areas. According to the International Fund for Agricultural Development (IFAD), the rural poverty indicator rose from 78% to 83.4% between 1997 and 2002, where the percentage of indigenous residents is almost triple its rate in the cities. Rural areas are considered to experience 'extreme poverty', which is measured by the level of unmet basic needs, due to the problems they experience such as "unemployment, dependence on non-farming income sources, food insecurity, deficient infrastructure and rural services, poorly performing markets, insufficient technology, little access to credit and economic and social exclusion" (IFAD, 2005).

Development for the poor indigenous population depends on access to resources, or resourceful land; however land ownership is heavily concentrated. As of 1985, over 66% of arable land was owned by 0.22% of landowners. These farms have an average size of more than 16,000 hectares<sup>11</sup> (Sandoval L., 2008). Re-distribution of land was a key issue in the election of the MAS, which promised to re-distribute land to poor farmers, as well as take state ownership of natural resources to redistribute the profits to the poorer sectors of society. “[Morales] has promised to address Bolivia’s core dilemmas by restoring the authority of the state in economic decision-making, challenging the country’s traditional political class, and empowering the nation’s poor” (Gamarra, 2007). These reforms have been extremely controversial, particularly in the eastern departments, known as the “Media Luna”<sup>12</sup>, including Santa Cruz, Beni, and Pando, where 77% of the arable land is located, yet have only 17% of the country’s farm units (IFAD, 2005). The fourth “Media Luna” department is Tarija, which holds 85% of the country’s national gas reserves and accounts for 60% of their gas production (Sandoval L., 2008).

Land distribution and natural resource reform are important for the following reasons- to allow the impoverished rural populations access to land, either for farming or residential purposes, as well as gaining state control of the production of natural resources to allow adequate funding for social programs. For the indigenous people, access to land has been a struggle since colonization, because ownership is centralized into the hands of very few elite and mostly non-indigenous landholders. While land is owned by the elite, the indigenous people are provided

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<sup>11</sup> One hectare = 2.47 acres or 10,000 square meters

<sup>12</sup> Media Luna means half moon, which is the shape made by the three eastern departments.

low paying jobs<sup>13</sup> in agricultural production. However, by financing the work performed on this land, the elite absorb much of the income of the profits of labor produced by the indigenous people (Mendelberg, 1985). Not only do indigenous people own a very small portion of the land, in the process of land distribution, they have generally been granted land in the cold and mostly un-productive highlands. In this way, the issue of land distribution becomes a class struggle. A resolution to this problem is necessary to change the status of the native people, and has been a persistent issue for the Bolivian government.

Bolivia is a country rich in natural resources. Some of the products and industries that contribute the greatest amounts of revenue in Bolivia are soybeans, coffee, coca leaf<sup>14</sup>, cotton, corn, sugarcane, rice, potatoes and timber as well as mining, smelting, petroleum, food and beverages, tobacco, handicrafts and clothing. Bolivia, especially in recent years, has become a prime exporter of natural gas, ranking number 17 among the world's top producers (CIA World Factbook). However historically, only a very small portion of these profits are distributed to the national government. A large portion of the profits earned by the sale and export of natural gas have been taken by either foreign investors or large companies in the eastern lowlands.

While the "Media Luna" departments are responsible for the production of a large majority of the country's natural gas, these departments are populated with lower numbers of

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<sup>13</sup> The Agrarian Reform act of 1953 made the landowners lose access to involuntary work (Mendelberg, 1985)

<sup>14</sup> Cocaine and the drug trade make up a large portion of the Bolivian economy. "The drug trade has infiltrated and 'dollarised' the legal economy perhaps returning an estimated \$500-\$600 million (about 20% of total profits) to the domestic economy yearly" (Morales, 1992).

indigenous people<sup>15</sup>. This is a historical cause for controversy in the government because the revenues generated from natural gases are mainly distributed to the local governments, and these departments are pushing for even less of a distribution at the national level. However, many argue that for the country to develop properly, the profits need to be distributed to the rest of the country. According to Sandoval, the distribution of hydrocarbon profits was as follows for 2004:

**Table 3: Distribution of Hydrocarbon Profits by Department 2004**

<b>Department</b>	<b>Revenue per capita</b>
Chuquisaca	7.8
La Paz	0.0
Cochabamba	18.0
Oruro	0.0
Potosi	0.0
Tarija	148.0
Santa Cruz	12.5
Beni	19.6
Pando	61.3

Source: (Sandoval L., 2008)

This explains the conflict of interests, with a particular divide between the western and eastern sections of the country. “Furthermore, it appears that reform of this ownership and distribution may be necessary for the government to deliver on its political promise to improve the living

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<sup>15</sup> Indigenous people in the highlands are mainly Aymara and Quechua, while in the lowlands they can be from over 30 different groups- in smaller numbers, for example the lowest group has only 9 people (Gamarra, 2007).

standards of the country's poor majority, who are also disproportionately indigenous" (Sandoval L., 2008).

YPFB (Yacimientos Petroliferos Fiscales Bolivianos), the country's state energy company was re-nationalized in 2004, with incredible support from the people, after the MAS took power of the legislature. Once Morales gained power of the presidency, he signed a decree forcing foreign oil companies<sup>16</sup> to renegotiate their contracts for profits, increasing the amount of payment to the state of Bolivia. The Bolivian government also took control of the various privately owned Bolivian gas companies which were previously privatized under Sanchez de Lozada, and are now all controlled by the YPFB. According to Morales, "Foreign companies have every right to recover investments and make profits, but profits should be balanced" (BBC News, 2006). During his first term in office, many advances have been made on reaching this goal.

While there have been issues regarding other natural resources, including water, mining, coca leaves, and forestry, this chapter will only examine territorial rights for indigenous people, as well as laws regarding hydrocarbons. These two areas have been extremely significant for the MAS. Hydrocarbons have the capability to provide lucrative revenues, which can be used towards the development of rural areas, where most indigenous people reside. Claims to territory have also been an important issue for indigenous people since colonization, which the MAS has also aimed at addressing.

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<sup>16</sup> The largest of these are Exxon Mobil (U.S), Respol YPF (Spain & Argentina), Petrobras (Brazil), BP & British Gas (U.K), and France's Total (BBC News, 2006).



### Land Reform, Natural Resources and the Constitution

The Bolivian constitution contains several articles specific to the issue of land distribution, both for territorial claims and in reference to natural resources. The following section will examine the significant constitutional articles<sup>17</sup>.

The constitution provides changes in many ways to the regulation of both land and hydrocarbons. First and foremost, it grants state authority over all hydrocarbons and distribution and management of land. The state will, by law, be required to assume all control of hydrocarbons and land, over the departmental authorities. According to the constitution, the state will be granted all revenues regardless of which department the hydrocarbons are found. The department will also be granted a mandatory 11% of the revenues, while the state will assume all control over the management of the rest of the revenues. The constitution states that these profits will be used towards the collective good- with the aim of development for the entire state.

To acknowledge the changes in relations with foreign investors, the constitution states that all foreign investors must pay royalties and fees, which will not be reimbursable, and the state will have control over regulating these fees. YPFB is also the only organization which will actualize the control and direction of productive claims, monitored by the state created organization EBIH (Empresa Boliviana de Industrialización de Hidrocarburos/ Enterprise for Industrialization of Hydrocarbons), which will execute all policies as representatives of the state. Any resources taken from these lands will also be subject to consultation of the inhabitants of these areas- and in the case that they are indigenous groups, will acknowledge and respect their norms and procedures. These new laws give specific information on acquiring and distributing

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<sup>17</sup> Significant articles taken from the constitution in reference to hydrocarbons are present in the appendix.

profits of natural gas, which are extremely different than regulations set into place by their predecessors.

The issue of land reform was addressed by the MAS in 2006, with land reform laws being incorporated into the 2009 version of the constitution. This is represented through the following article and described in more detail in the following section which will examine the policies that the MAS has implemented in regards to these changes, prior to the enactment of the 2009 constitution.

#### **Article 402**

- I. The integrity of the indigenous territory will be recognized, and includes rights to land, exclusive utility of natural renewable resources in conditions determined by the law, the prior informative consultation, and participation in the benefits of the exploitation of nonrenewable natural resources that are found in their territories, the ability to apply their proper norms, administrated by their own structures of representation and the definition of development in accordance with their own cultural criteria and principles of convenience in harmony with nature.
- II. The indigenous territory will include areas of production, areas of utility and conservation of natural resources and spaces of social, spiritual and cultural reproduction. The law will establish the process for recognition of these rights (Constitution of the Plurnational State of Bolivia, 2006)

#### Policy Changes and Results

The MAS has not been the first group to acknowledge land reform issues. While the agrarian reform laws of 1953 granted the first land rights to indigenous people, many of these re-distributions were re-centralized in later years, therefore the distribution of land remained unequal. Under the Sanchez de Lozada government, new land reform laws were set into place in 1996, very shortly after the Popular Participation Law and Law of Decentralization<sup>18</sup> were

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<sup>18</sup>The Law of Popular Participation and Decentralization Law (1994, 1995) gave responsibilities and resources to the municipalities and those indigenous groups residing in them.

passed, providing new resources and responsibilities to indigenous populations. The main issue addressed in the agrarian reform laws of 1996 was to diminish the prevalence of ‘latifundios’ which are large portions of land owned by individual families. This procedure of addressing disputed land claims and property rights was referred to as ‘saneamiento’. This law required land to be used productively or be protected as an ecological reserve, however “the law failed to establish adequate criteria to regulate this process, so that land distribution did not move forward” (Hertzler, 2007). In 2006, the MAS government, under pressure from the rural populations, addressed this issue in a new land reform act.

The land reform bill signed into law in 2006 is viewed as a continuation of the agrarian reform laws of 1996, addressing its short comings. Many of the same basic concepts have been expanded upon in larger numbers. Both bills include redistribution of land that is deemed unproductive (land without social or economic use), while excluding the expropriation of land that is kept as an ecological reserve. The bill created a new council, which includes members from several different groups including the CONFAGRO (Confederación Agropecuaria Nacional/ Bolivian Confederation of Agriculture, representing the large-scale land owners of the Santa Cruz department) along with indigenous groups and government agencies, which will oversee the expropriation of land (Andean Information Network, 2006). New regulations are highlighted in the following table, and represented in Articles 393-402 in the new constitution:

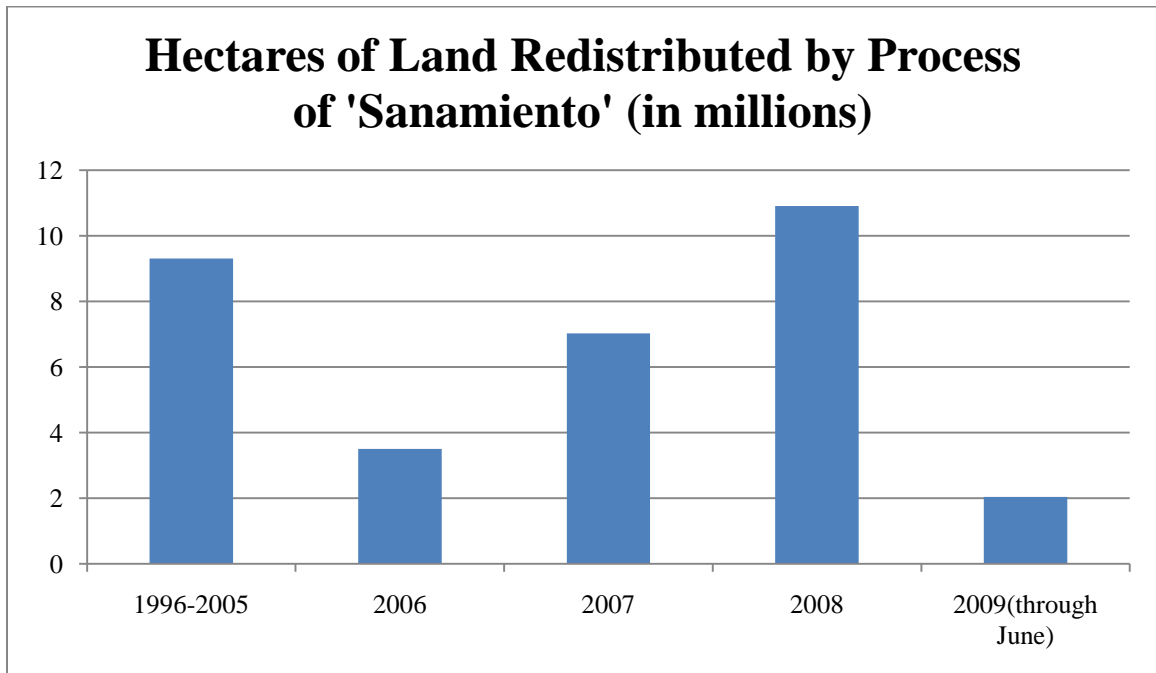
**Table 3: 2006 Land Reform**

<p>Land can be reverted due to:</p> <ul style="list-style-type: none"><li>- Eminent domain (for public use)</li><li>- Land deemed to no longer serve its economic or social purpose</li><li>- Land that has been illegally obtained</li><li>- Land that is being used for un-constitutional purposes (without compensation)</li></ul> <p>*Land cannot be reverted from small groups or communal lands.</p> <p>* All reverted land will be given to native communities that currently have insufficient land.</p> <p>*Land is prohibited from being given to government officials or families.</p>
<p>Land owners must:</p> <ul style="list-style-type: none"><li>- Have on-site inspections every two years to make sure the land is being used productively (for land owners of properties larger than 120 acres).</li><li>- Pay an additional .25% surcharge for their tax base.</li></ul> <p>*Municipalities must use additional taxes to provide improvements in basic infrastructure.</p> <p>*Small and indigenous communities are exempt from paying taxes.</p>

Source: (Andean Information Network, 2006)

“The law is intended to reverse centuries of discrimination against the indigenous majority by seizing 77,000 square miles of land - an area around three-quarters the size of Britain - deemed unproductive or illegally owned and redistributing it to the poor” (Carroll, 2006). The following table shows the results of the land reform law, as determined by the Bolivian National Institute of Agrarian Reform, through June of 2009.

**Table 4: Land Redistributed through 2006 Agrarian Reform**

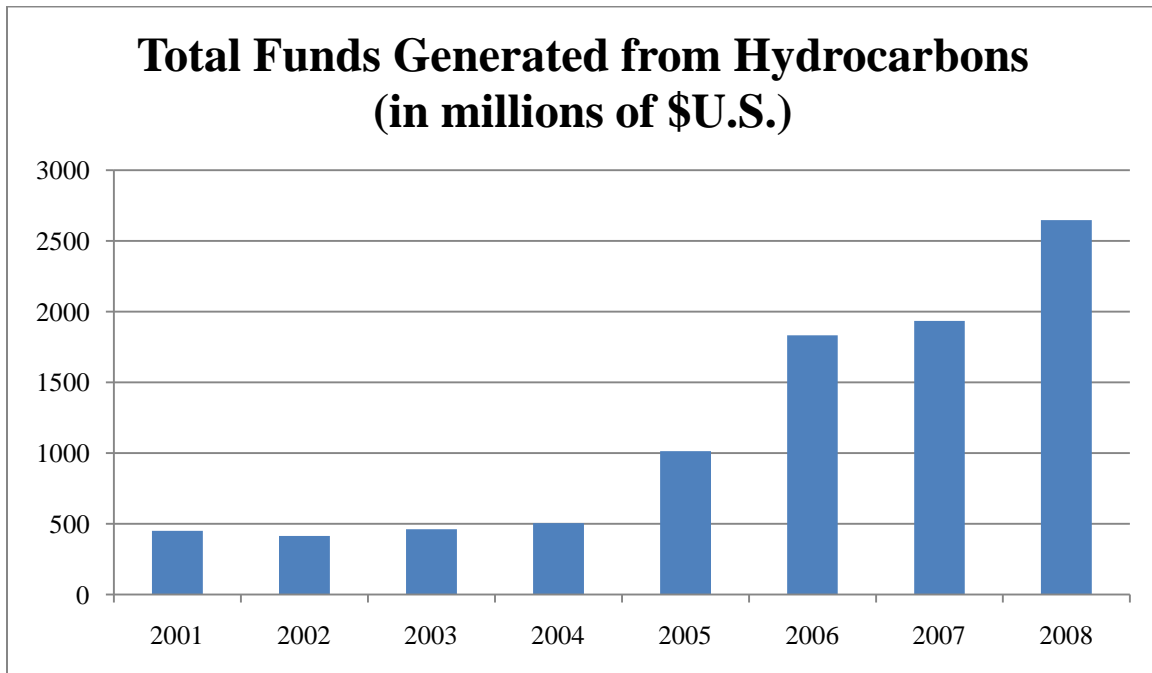


Source: Bolivian National Institute of Agrarian Reform

As is apparent through the table, in the years following Sanchez de Lozada's agrarian reform law, approximately 9.3 million hectares of land were re-distributed, while through the 3 years following the MAS' land reform law, approximately 23.46 million hectares of land was redistributed. This demonstrates a positive change as a result of the Morales' administration's process of 'sanamiento'.

As previously stated, during the beginning of his presidency Morales made a formal change in the distribution of profits gained from natural gas production. After nationalizing the production of natural gas and declaring the YPFB the official Bolivian state owned Oil Company; profits made by the sale of hydrocarbons are no longer being taken in a majority by foreign investors. As a result, the state of Bolivia declares that it has accumulated the following funds, as described in Table 5:

**Table 5: Funds Generated by Hydrocarbons for the Bolivian State**



Source: Bolivian ministry of hydrocarbons and energy

As the data indicates, between the years of 2005-2008, profits from hydrocarbons increased significantly. According to the new law, the nationalization of the hydrocarbon industry should have increased the GDP significantly. According to the Center for Economic and Policy Research, “ In the last four years, Bolivia has achieved its best growth in three decades, and has implemented effective expansionary fiscal policy to counter a number of negative shocks in the economy, including the world recession” (Weisbrot M., 2009). The following table compares the increase in national GDP to the GDP per capita.

**Table 6: Increase in GDP**

<u>Year</u>	<u>GDP % Increase</u>	<u>GDP Per Capita</u>	<u>GDP Per Capita % Increase</u>
2004	4.2%	\$974	-
2005	9.4%	\$1040	6.7%
2006	4.6%	\$1224	17.6%
2007	0.0%	\$1378	12.5%
2008	6.1%	\$1720	24.8%

Source: World Bank, World Development Indicators

As the table demonstrates, the national GDP had a significant increase in 2005, with the election of the MAS. The GDP continued to increase throughout the four years of MAS power.

According to the Center for Economic and Policy Research, inflation did not play a huge role in the growth of the Bolivian economy. “Inflation accelerated from 4.9 percent at the end of 2006 to 14.1 percent in March 2008. However, this is almost all a result of food and energy price increases. If we remove food and energy from the index, inflation did not increase very much, and was just 4.6% in March 2008” (Weisbrot M., 2009).

As analyzed in the implications section, the corruption perceptions index decreased steadily until 2009, therefore it can be assumed that the majority of these redistributions of land and hydrocarbon profits have been made in the areas promised according to the law. Therefore, the Gini Coefficient demonstrates a drop from in inequality from 60.2 percent in 2005 to 56.3 percent in 2007 (Weisbrot M., 2009). These two issues mark the beginning of a change for the status of indigenous people because they are being provided with access to resources that they had previously been denied. Through the process of ‘sanamiento’, the indigenous people will have gained access to land that they can use for farming, living and developing their communities in a manner that is in accordance to their own regulations and processes. By

nationalizing the Oil Company, the government is provided with funds for social programs in areas that greatly affect the marginalized status of indigenous people, such as low health care and education. This will be examined in the following chapters.



## **CHAPTER SIX – HUMAN DEVELOPMENT INDICATORS**

Education plays an important role in the social structure of a community. Education is able to provide people with the capability to move up in socio-economic status, to gain access to positions of leadership, and allow people to have more economic independence. Among indigenous people, education is extremely low. As previously stated, as of 2002, 69.2% of indigenous people had completed their primary school education, compared to 100% of those of European descent (UN, UDAPE, OIT, 2006). Achieving primary school education is outlined as one of the United Nations Millennium Development Goals. The UN indicators for education are, to increase the net enrollment of students in primary school, increase the number of students who continue on to finish primary school, and increase the literacy rate of people above 15 (Goal 2: Achieve Primary School Education, 2010). The UN provides aid to developing countries to ensure that this goal is met, as well as encourages leaders of these countries to create legislation that will allow for the educational advancement of their impoverished populations. Because indigenous people represent the majority of those living in poverty, they benefit greatly from social programs aimed at decreasing poverty and promoting development. This chapter will analyze what the MAS has done to ensure that indigenous people are provided with the opportunity for education.

Education for indigenous people can present a great challenge to the government, the students and the educators. Language barriers, funding and social protests are just some of the challenges that governments have faced throughout history when addressing the issue of

education. There have been several reforms that have provided changes to the education system in Bolivia. The first of these was introduced in the MNR's agrarian reforms of the 1950's. At this time, many indigenous people who resided on the large Hispanic owned estates were not provided with education, and many of the large land-owners were opposed to providing them with schooling. However, in 1955 the Bolivian state passed an Education Law that was aimed at providing indigenous people with an education to integrate them into the national culture. The *indigenista* school movement of the time demonstrated the importance that indigenous people placed on schools. A community's prestige depended on the availability of a school, although in many cases this consisted of a one room building that provided instruction for many grades. The *campesino* school system was very different than the state system.

Non-campesino elementary education involved promoting individual development, independent learning, and personal as well as social responsibility (Article 33: 1, 2, 4, 5, and 7). This contrasts with the more basic aims of campesino education which included promoting hygiene, literacy, vocational goals, more efficient agricultural practices, civic consciousness and national folklore while uprooting superstitions and alcoholism (Article 118:1-6) (Taylor, 2004, p. 11).

During this time, it was very important for indigenous people to learn Spanish, to be able to leave the rural areas and work in the cities where they were provided with greater opportunities. However, in many cases, the students were just taught to copy out of text books written in Spanish, without having any knowledge of the language. During the 1980's the education system began to crumble due to the debt crisis, and several public service employees were laid off (Regalskya P., 2007). The government was then forced to restructure its social spending and as a result of the re-analysis of social spending, created several new laws that acknowledged the need for a culturally recognizant education system that would produce better results.

In the late 1980's, in conjunction with the UN, the Bolivian government began a project to introduce textbooks with indigenous languages into the communities, to achieve greater success among the native populations. The Bilingual Intercultural Education or PEIB project produced textbooks in Aymara and Quechua for several different subjects such as native language, Spanish as a second language, mathematics and science as well as teacher guides. These textbooks went through the primary school grades, and a Guaraní textbook was created that went through grade three. These types of reforms eventually became law in 1994 and were a major step for indigenous education. "This integrated reform promotes the necessary ideological as well as pedagogical change without which bilingual education would remain transition oriented rather than maintenance-oriented, and assimilationist rather than pluralist" (Taylor, 2004, p. 17). This model provides indigenous children with higher quality education, which is also aimed at retaining the cultural value of their mother tongues. Yet even with these types of reforms already passed in Bolivia, the literacy rates remained below average, and enrollment in schools remained low. These were two of the main issues that the MAS government was expected to tackle during their term in office.

#### Constitutional Amendments

The 2009 constitution particularly acknowledges the challenges to indigenous education by expressing the country's plurinational objectives. The following are the significant articles.

##### **Article 78**

II. Education is intercultural and pluri-lingual in the entire educational system.

##### **Article 80**

II. Education will contribute to strengthening the unity and identity of every citizen as part of the Plurinational State; along with the identity and cultural development of the members of each community or indigenous village; contributing to intercultural enrichment and understanding within the state.

##### **Article 84**

The state and society have the power to eradicate illiteracy through programs in accordance with the cultural and linguistic reality of the population (Constitution of the Plurinational State of Bolivia, 2006)

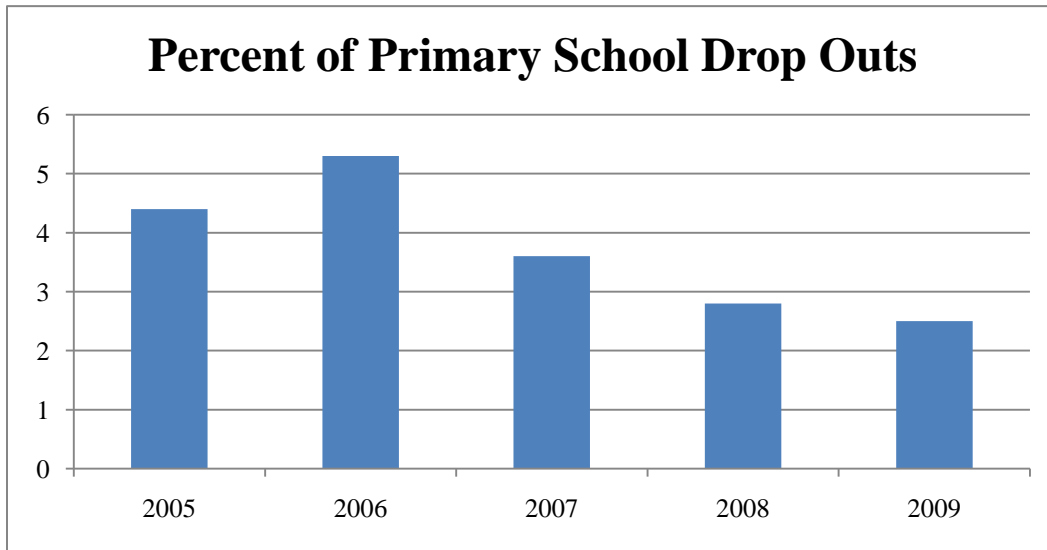
These constitutional amendments legally acknowledge the importance of intercultural education, and expand in a small amount, upon the legislation enacted by prior governments. While these amendments were only added to the new constitution in 2009, the government created these policies in 2005. At this time, the Bolivian government began to sponsor several different initiatives to increase the levels of education for indigenous people. Several of these initiatives were sponsored by the governments of Venezuela and Cuba as well. These are analyzed in the following section.

#### Policies and Results

As previously stated, the main educational indicators that the MAS needed to tackle were increasing primary school enrollment and increasing the literacy rate.

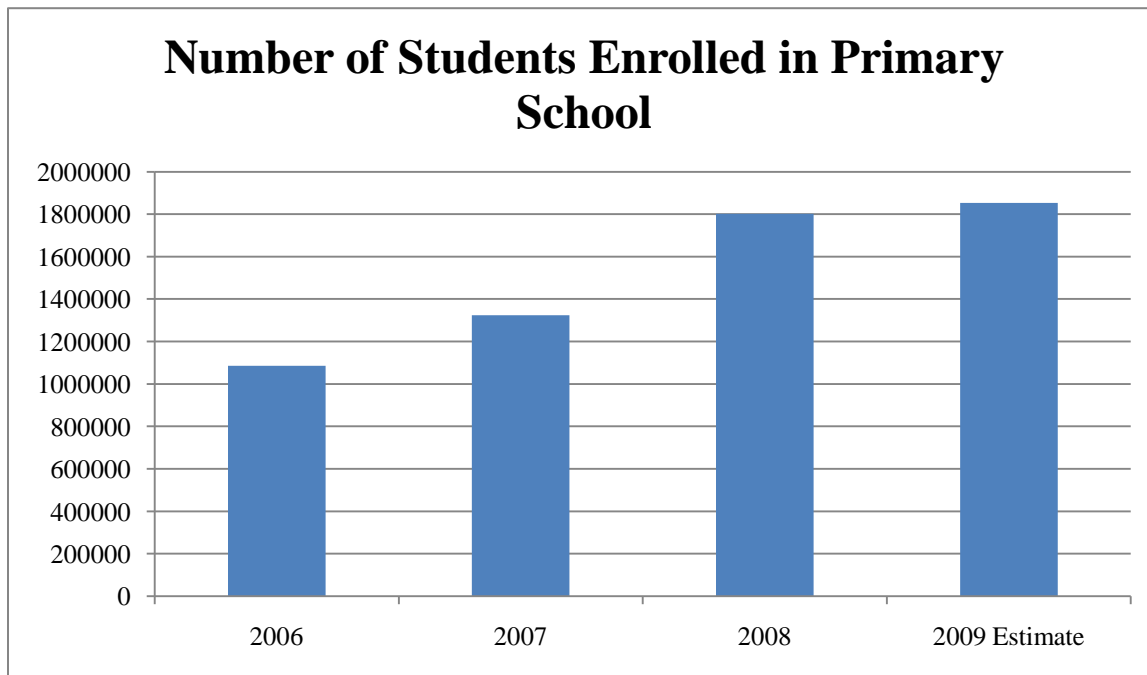
One of the major programs created by the MAS to increase primary school enrollment is “Bono Juancito Pinto”. This program is a grant, funded by profits from the YPFB, which provides children with 200 bolivianos (the equivalent of approximately \$29 U.S.) as an incentive to remain in school through the sixth grade. As reported by the Bolivian ministry of education, the following chart demonstrates school enrollment in significant years.

**Table 4: Drop Out Rates**



Source: Ministry of Education

**Table 5: Enrollment Rates**



Source: Bolivian Ministry of Education

According to the Ministry of Education, there were approximately 1,083,360 students enrolled in primary school in 2006 and it increased to 1,802,113 in 2008. This data demonstrates a large increase in student enrollment, however there is a discrepancy in data taken from the World Bank.

**Table 6: School Enrollment, Primary (%net) and Actual**

2004*	95%	1,541,558
2006	94.9%	1,508,194
2007	93.7%	1,512,002

Source: World Bank Development Indicators<sup>19</sup> and UNESCO

\* Year 2004 is listed as a UIS (UNESCO Institute of Statistics) estimate.

According to this data, from 2006 to 2007 there was an increase in students enrolled in school by just under 4,000 pupils. From the data available, it appears that the MAS was able to increase school enrollment from 2006 to 2007, however between 2004 and 2006, enrollment in schools decreased by over 33,000 students. It is difficult to determine how much of this drop occurred directly after the election of the MAS because of the lack of data for the year 2005, and because the data from 2004 is only an estimate. It appears that the Ministry of Education has lower measures for 2006 and much higher measures throughout the MAS' term, demonstrating success for the program; however this is conflicting with international measures, and accurate comparable data is not available.

As previously stated, increasing literacy rates in a country with several different languages can present a great challenge. To combat this, the Bolivian government implemented a

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<sup>19</sup> There was no data available for 2005, 2008 or 2009.

literacy plan called the National Program for Literacy in Bolivia (Programa Nacional de Alfabetización Bolivia), which was funded by the Venezuelan and Cuban governments. This program aided in the achievement of literacy by providing people with glasses as well as installing solar panels in schools for electricity (Programa Nacional de Alfabetización "Yo Si Pudeo!", 2006). This program was particularly aimed at marginalized and excluded groups, with the following goals:

1. Develop the participant's abilities to read and write in the mother tongue, as well as in Spanish as a second language, affirming their own cultural and linguistic identities.
2. Improve the quality, access and permanence of excluded sectors, primarily in the indigenous villages.
3. Influence the formation and strengthening of the norms and values of local and universal community fellowship.
4. Promote the integration of people with special educational needs, in the literacy program as well as in society.
5. Formation of human resources specialized in organizational processes of literacy with the application of the method "I Can" (coordinators, supervisors and facilitators).
6. Establish mechanisms of continuity for the control and evaluation of the quality of education in the program.
7. Generate an institutional framework of support for the literacy process at the departmental, municipal and community level.
8. Develop mechanisms of control of literacy, with the original organizations that understand the fundamentals of women and indigenous people (Programa Nacional de Alfabetización "Yo Si Pudeo!", 2006).

As a result of this program, according to the Ministry of Education, every department in Bolivia was declared free of illiteracy. They report that 24,000 people graduated from the program with literacy in Aymara and 13,000 with literacy in Quechua. According to UNESCO standards, a country is considered free of illiteracy when it reaches 96% literacy, however many political parties from the western departments see this declaration as propaganda sponsored by the MAS as well as the Venezuelan and Cuban governments (Bolivia declares literacy success, 2008).

Unfortunately, there is no sequential data measuring the literacy rates in significant years. According to UNESCO, in 2001 the literacy rate was measured at 86.7% and in 2007 it increased to 90.7%. However, accurate conclusions regarding the MAS cannot be drawn from this data because several factors could have contributed to the increase in literacy in those six years. Generally, literacy rates also take a significant amount of time to increase. According to the results from the UNESCO study on literacy, the National Program for Literacy in Bolivia would have had to increase the literacy rate by six percentage points from the time of the survey in 2007 to December 2008. A third source, Amnesty International, reported in 2009 that the literacy rate was 86.7% (Amnesty International, 2009).

As a continuation of the literacy program, Bolivia is sponsoring a second phase of “post-literacy” education entitled “I can continue”. This is aimed at increasing the level of education of indigenous people from basic literacy to increased proficiency in reading and writing, and will also include knowledge of different subjects, particularly economics, to assist in family finances of the poor populations. The program includes course work from first to fifth grade in mathematics, history, language, geography and natural sciences. This project began in 2009 and will run until 2013 (Programa Nacional de Alfabetización "Yo Si Pudeo!", 2006).

It is difficult to make conclusions regarding the MAS’ impact on the education of indigenous people because of the lack of data. While the government declares that it has made great improvements in education in Bolivia, data from international resources is either contradictory or incomplete information. The main areas of improvement however are found in the new education laws in the constitution that expand upon the legislation enacted in 1994.



Intercultural education has proved to be the most efficient way of educating indigenous populations. In learning Spanish as a second language, they are able to communicate effectively with the Hispanic population. As with many bilingual populations however, certain implications need to be addressed. “Before we attempt to teach reading in the second language, children should comprehend the words they will later read” (Engelbrecht, 1980, p. 934). This is addressed by teaching students to read and write in their own mother tongue, which also promotes the preservation and acknowledgement of their own cultures.

#### Health Care

Health care needs of rural populations present significant issues to the government for a variety of reasons. One of the main factors that influence indigenous health care is access. Although access to health care has been studied in industrialized countries, it is much more difficult to examine in developing countries. There are several factors that contribute to the low access to health care of indigenous people. While Bolivia produces a large number of doctors, many of these graduates go on to practice in other parts of the world (Forsyth, 2008). However, it is the shortage of clinics, hospitals and health care providers near rural areas that presents one of the greatest problems for indigenous health. Not only is the physical distance (number of miles) important in determining access to health care, but the terrain and weather are also factors that need to be considered. In many cases, people are forced to travel miles away from home if they need to receive treatment. This treatment can be extremely expensive, particularly for workers in rural areas who are often employed in the agricultural sector. In Bolivia, the terrain has many natural barriers including mountains and jungles. In areas with low population density, it is not ideal for physicians to take up private practices, as the rural populations often do not have the

funding to pay a physician and physicians may get bored with the same type of repetitive care (Perry & Gesler, 2000). According to a study by Baker Perry and Wil Gesler in the Andean highlands, people living in rural areas would not be willing to travel farther than one hour by foot for health care (2000). For this reason, they state that auxiliary services provided by *curanderos* (healers), *parteras empiricas* (traditional birth attendants) and *kallawayas* (traveling traditional medicine women) have been more successful in providing care to indigenous groups.

Another important factor that contributes to the poor health of indigenous people is the general distrust of western medicine. This distrust dates back to the colonization of Bolivia. Generally, native groups (particularly in the Andes) prefer spiritual and traditional forms of ‘sealed’ healing. Western doctors often open the body through surgeries, transfusions and injections. This leaves the native person feeling vulnerable. During colonization, the native groups feared that westerners were stealing their body fat and using it to make soap and other oil products for sale in Europe. The people who were responsible for this were called *kharisiri* and were easily associated with western doctors (Forsyth, 2008). For this reason, many indigenous people refuse to be treated by modern doctors, and instead prefer the traveling *kallawayas* who are traveling ‘medicine women’, with healing knowledge passed down from their families (Chelala, 2007). The *kallawayas* are present mainly in the Andean highlands; however the smaller indigenous groups follow their own traditional healing practices, and also have fears of modern medicine. These fears have persisted for years, and greatly contribute to the poor health of indigenous people, particularly in the area of maternal health. Traditional practices during pregnancy are extremely important to indigenous mothers. For this reason, many do not seek care in hospitals or clinics, where they feel their needs aren’t met. Indigenous women dislike the

bright lights in hospitals, giving birth outside of the home, giving birth in the horizontal position, and being treated by male doctors (Chelala, 2007). Some scholars maintain that this is the most important reason many indigenous women do not give birth in hospitals, surpassing difficulties in geography or economic status. While certain traditional practices have positive effects on the delivery of children, there is a general lack of hygiene and immediate care of the baby in an at home delivery. For this reason, the most effective means of delivery is found in a mix of traditional and modern forms of health care for mothers. Unfortunately, these types of services have been historically rare throughout Bolivia.

As outlined in the UN Millennium Development Goals, the infant and maternal mortality rates in developing countries are extremely high. According to the Bolivian Ministry of Health and Sports, there are 53 infant deaths per 1000 live births and 234 maternal deaths per 10,000 live births. According to a speech by Evo Morales, there are 318,000 pregnancies registered each year, but only 300,000 births take place in the health system (Moloney, 2009). As with other developmental indicators, the infant and maternal mortality rates are much higher among the indigenous populations.

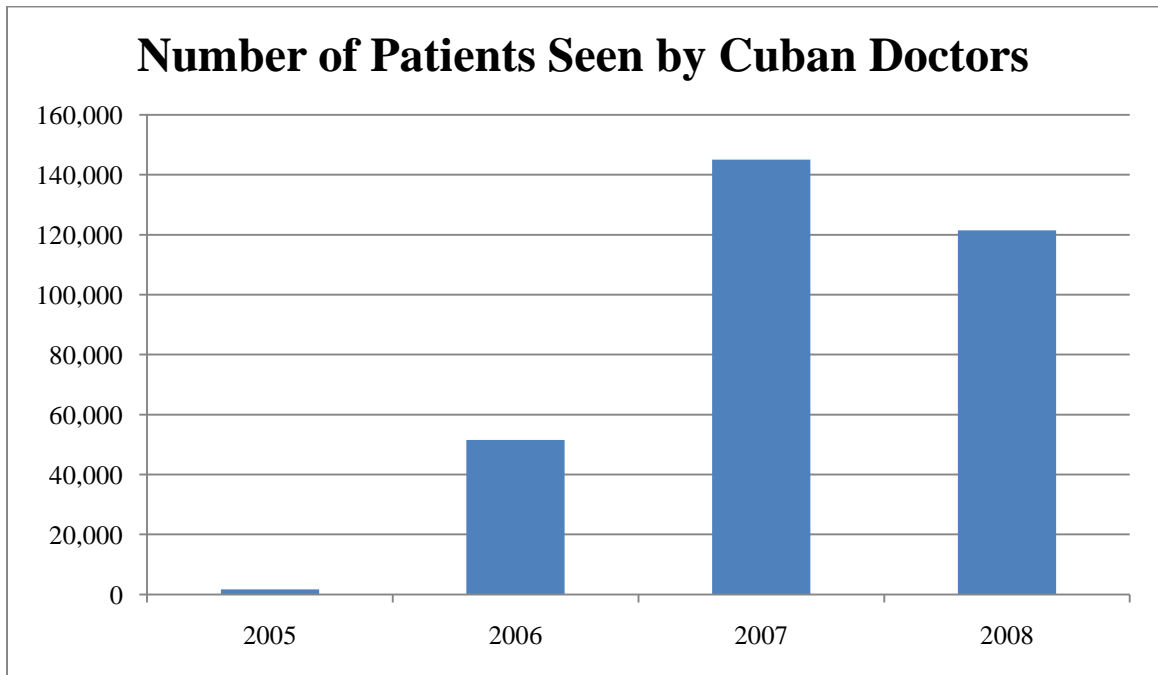
#### Policy Changes and Results

As previously stated, improving the health of indigenous people can pose a great challenge to both the government and the health practitioners. According to the literature, the most successful way of providing indigenous people with health care is to mix traditional and modern practices, in a form that is accessible to the rural population (Chelala, 2007). While the

MAS has changed the constitution to support these practices, these policy changes have been largely questioned by the people and the opposition parties.

The MAS has attempted to increase access to care through several methods. They report that they had constructed 734 “first level establishments” or clinics, and 190 “second level establishments” or hospitals along with 43 second level establishments with Cuban aid in 2008. They also report that they have increased salaries for in the health sector, as well as distributed several ‘mobile clinics’ that will travel throughout the country (National Institute of Statistics, 2010). Cuban aid has been extremely helpful, as reported by the Bolivian government, in increasing the overall level of health. Through the use of mobile clinics, doctors are able to travel to rural areas, which is extremely beneficial for the indigenous people. While these statistics do not specifically refer to indigenous groups, the Bolivian Ministry of Health and Sports (Ministerio de Salud y Deportes) reports the following amounts of interventions from Cuban aid:

**Table 7: Health Increases from Cuban Aid**



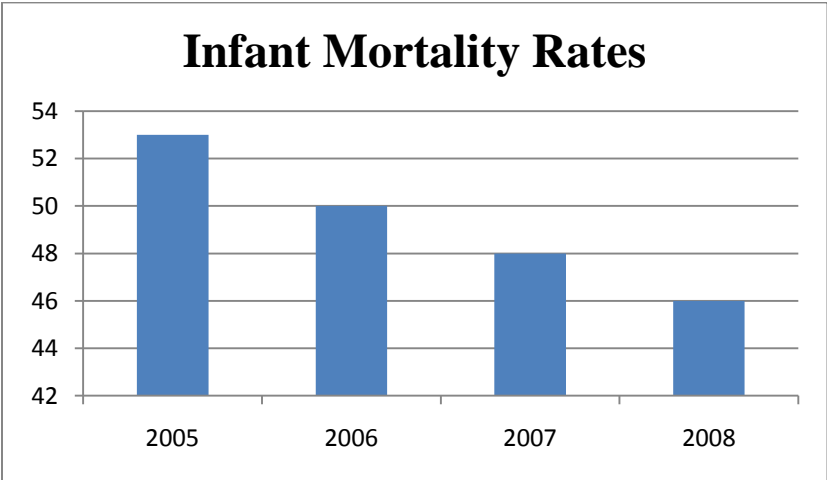
Source: Bolivian Ministry of Health and Sports

One of the main programs aimed at reducing infant, maternal and under-5 mortality is the “Bono Juana Azurduy”. This program provides mothers with several stipends totaling approximately \$250 U.S. These payments are broken up several times; during pregnancy the women will receive approximately \$7 U.S. four times, if they attend prenatal checkups and give birth in a hospital; after the pregnancy they will continue to receive 12 more payments if their children receive post-natal care. The intention of the post-natal payments is in the hopes that the mothers will spend the money on proper food for their children to reduce mal-nutrition (Moloney, 2009). This program has been widely criticized for several reasons. First, the women are required to give birth in a hospital, which they may not be able to afford, due to travel and other expenses, even given the stipend that is not distributed all at once. There is also still a lack of access to hospitals and clinics, which may not be equipped for the large amounts of women

that would be giving birth there, provided the program is successful. Also, many women still dislike hospital births, as they do not acknowledge their own traditional practices. The program also requires the women to have identification, which many rural women do not have (Moloney, 2009).

The Bolivian government reports that 105,888 mothers and children were benefited by this program (Ministry of Health and Sports, 2009). The World Bank Development Indicators report the following changes in Infant Mortality:

**Table 8: Infant Mortality Rates**



Source: World Bank Human Development Indicators

\* Per 1,000 live births

According to this data, the infant mortality rate did decrease since the start of the “Bono Juana Azurduy”. This decrease however, can be also be attributed to the result of international aid, as the United Nations programs are also working in Bolivia to combat infant mortality in their Millennium Development Goals.

Another important program that was launched in January of 2010 is a program supporting traditional medicines. This program has invested \$10 million U.S. to develop larger pharmacies that will include both modern medicines, as well as regulated traditional medicines. The aim is to provide the indigenous people with controlled access to traditional medicines, that they are more likely to use. The medicines are developed both by modern pharmacists and the *kallawayas*, and the pharmacies will be staffed with both types of practitioners for consultation. The aim is to decrease uncontrolled use of medicines, and give indigenous people access to a health professional that they are comfortable with (Kearns, 2010). This type of health care system cannot be analyzed yet since it has just been implemented, but according to the literature would be the most successful method of health care for indigenous people.

Bolivia still remains one of the countries in Latin America with the highest infant mortality rates. Although the Bolivian, Venezuelan and Cuban governments have provided funds to support and implement programs to improve conditions for pregnant mothers and infants they have been marginally successful. In terms of health care, there have been some clear improvements, however, the overall level of health in Bolivia, especially of the indigenous groups, will require much more work.

## CHAPTER EIGHT – CONCLUSION

With a history of exclusion, there is no doubt that the indigenous people of Bolivia have come a long way since colonization. Moving from a complete lack of representation and extreme oppression, the indigenous movement has been able to successfully put their needs at the head of political attention. With the election of an indigenous president to the highest position of power, and the election of several indigenous people in the legislature, indigenous issues are being addressed in ways that they had never experienced in Bolivia. However, a long road still remains ahead for this under-developed population.

According to the research, the MAS has taken what some would call ‘extreme’ measures to ‘re-found’ Bolivia. Through the use of several economic reforms, the government has made it a top priority to redistribute the wealth of the country and make significant changes to the status of its most oppressed populations. While the government has seen success in various areas, there are still several areas that need improvement. One major success of the government in changing the status of the indigenous people is the re-writing of the constitution. Although the constitution has not been in effect for a long period of time, it has significantly changed the structure of the country. The acknowledgement of Bolivia as a multi-cultural, multi-ethnic and plurinational nation allows the indigenous people to be represented as an important aspect of the country. In acknowledging the importance of these different groups, they are provided with a means of preserving their cultures. Through the constitution, Bolivia has acknowledged several different native languages, along with Spanish, as the official languages of the country. The indigenous



people are also given greater access to change, by being allotted specific rights in the constitution, particularly in reference to community justice. Unfortunately, there have not been several cases in the area of community justice that can be examined since the acceptance of the 2009 constitution. Future research may be able to analyze how allowing the indigenous communities to use their own traditional practices, and not allowing state intervention, has affected the level of human rights in these indigenous areas. If proponents of community justice systems are correct, human rights should not be greatly affected because they argue that rehabilitation is the key to these traditional systems of justice. However, the research available to date suggests that more human rights violations would occur as a result of the new system of indigenous justice. Future research also needs to be done on the differences in community justice systems among indigenous groups, particularly those groups living in extremely remote areas.

While many indigenous people remain impoverished, the process of ‘sanamiento’ or redistribution of land, has given several landless indigenous people an opportunity to have a better home. They are able to use this land for farming as a means of providing food for their families, as a means of creating goods for sale, and as a home. This has been the most successful program analyzed in the research. As analyzed in the literature, lowering the rate of landless indigenous people will greatly diminish their marginalized status. While this process still remains to be complete, it is attempting to reverse decades of discrimination and provide the native people with their own economic foundations. According to the literature, if wealth and land are redistributed the measure of economic inequality should decrease. This was analyzed by the Center for Economic and Policy Research in December of 2009 and is reported to have changed as follows:

**Table 9: Measures of Income Distribution Inequality**

Year	Gini Coefficient
2002	0.61
2005	0.60
2006	0.59
2007	0.56

\* No data was available for 2003,2004 and after 2007.

According to this research, the Bolivian government has seen success in redistributing wealth and land, and decreasing economic inequality. This demonstrates a change in social status for indigenous people, who have historically represented the lowest income bracket in Bolivia.

As examined in chapter six, the Bolivian economy has seen rapid growth since the election of the MAS. The majority of this growth can be attributed to the controversial nationalization of the natural gas industry. The level of profits being earned since this change has been higher than Bolivia has ever seen, and the promise of using this wealth toward social change has given the MAS a large task to address. However while there has been social change, and aid has been provided in various areas, it appears that the MAS still have much more to achieve. According to the research, in the area of education, the MAS has seen limited success. While the government reports much higher levels of primary school enrollment since the beginning of their plan “Bono Juancito Pinto”, international data does not demonstrate the same outcomes. Although the plan does provide indigenous people with a small incentive to remain in school, the great difficulties of staying in school can still outweigh its benefits. There remains a

low amount of schools in rural areas for children to attend to on a regular basis. Families are still living in extreme poverty and need their children to work rather than attend school. While the plan does provide a starting point, the high poverty level of indigenous people remains as a hindering factor in their academic achievement.

Levels of health in Bolivia are still extremely low, despite attempts at change made by both the national government and international organizations. The infant mortality rate was reported to be 46/1,000 live births in 2008 (World Bank, 2009d). Even in comparison to the rest of Latin America, this is still extremely high. For example, other developing countries in Latin America measure as follows: Ecuador: 21, Dominican Republic: 27, Guatemala: 29, Peru: 22 (World Bank, 2009d). While the MAS has made an attempt at decreasing infant mortality through its programs, including health care for pregnant mothers as well as subsidies for proper care, these have only changed the infant mortality rate by small increments. Because infant mortality is much higher among the poor population, programs that aid in decreasing this would greatly affect the indigenous people. While the MAS has made some progress in this area, there is still much more work remaining. In addition, according to transparency international, the corruption perception rate increased after the election of the MAS in the area of medical services. This may be a contributing factor to the limited success of the MAS' health care initiatives.

In their campaign and throughout their terms in office, the MAS has promised to redistribute wealth and provide more social programs to aid the poorest populations. However, according to the research, the programs in the area of human development have not been as successful as would be expected. For this purpose, two factors remain to be analyzed. The MAS

reports that it has spent a much larger amount of money on social programs than previous governments. According to an economic study by the Center for Economic and Policy Research, spending on social programs is as follows:

**Table 10: Spending on Social Programs**

Year	in Billions of Bolivianos*	in % of GDP
2004	7.7	12.9%
2005	7.9	12.4%
2006	8.5	11.8%
2007	8.1	11.1%
2008	8.4	11.2%

\* According to the value of bolivianos in 1999.

According to this data, if the MAS has contributed to such a large level of economic growth, following their campaign programs they would need to be spending a larger portion of the GDP on social welfare programs. This is one suggestion for the reason that their programs have not been as successful. This research however, has some limitations. The Venezuelan and Cuban governments have been largely supporting government projects in Bolivia since the MAS came into power and this type of aid is not measured in this research. The United States has also historically provided large amounts of aid to Bolivia, which the government has criticized in recent years due to their beliefs about the imperialistic nature of the United States. The rejection of United States aid may play a role in the limited success of human development programs; however this is not measured in this research.

One important limitation of the research is the poor availability of data on the smaller indigenous groups. As the literature reported, there are some indigenous groups with extremely small populations. Unfortunately, these populations can be so excluded that gathering information regarding their human development can be difficult. It also appears, through the research, that the government is more focused on helping the indigenous groups that represent the majority of the population and the majority of the indigenous movement, those being the Aymara and Quechua. While they do acknowledge the other indigenous languages as official languages, and also include the phrase ‘indigenous communities’ (not giving specifics as to which group) in the constitution, many of the projects have a higher benefit for the larger groups than the smaller ones. For example, the previously created textbooks are only in the most widely used languages<sup>20</sup>. According to the literature, distribution of these bonuses can be considered a populist maneuver by the government. They report that the ‘Bono Juancito Pinto’ was distributed by the armed forces, or in some cases, by Morales himself (Petras & Veltmeyer, 2009). While Petras & Veltmeyer argued that Morales would soon face the same fate as his predecessors, Sanchez de Lozada and Carlos Mesa, he has managed to remain in office and continue on to serve a second term. If these are in fact populist measures, they have provided the government with large enough support for Morales to win by a large majority in the election of 2009.

From the research conducted in this study, Morales’ first term has been characterized by a significant ideological shift for Bolivia, without extremely significant results. The re-

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<sup>20</sup> Amnesty International reports 12 ethnic groups as the largest indigenous populations. Those are: the Weenhayek, Ayoreo, Guarani, Chiquitano, Guarayo, Siriono, Itonama, Tacana, Ese Eja, Yuqui, Aymara and Quechua.

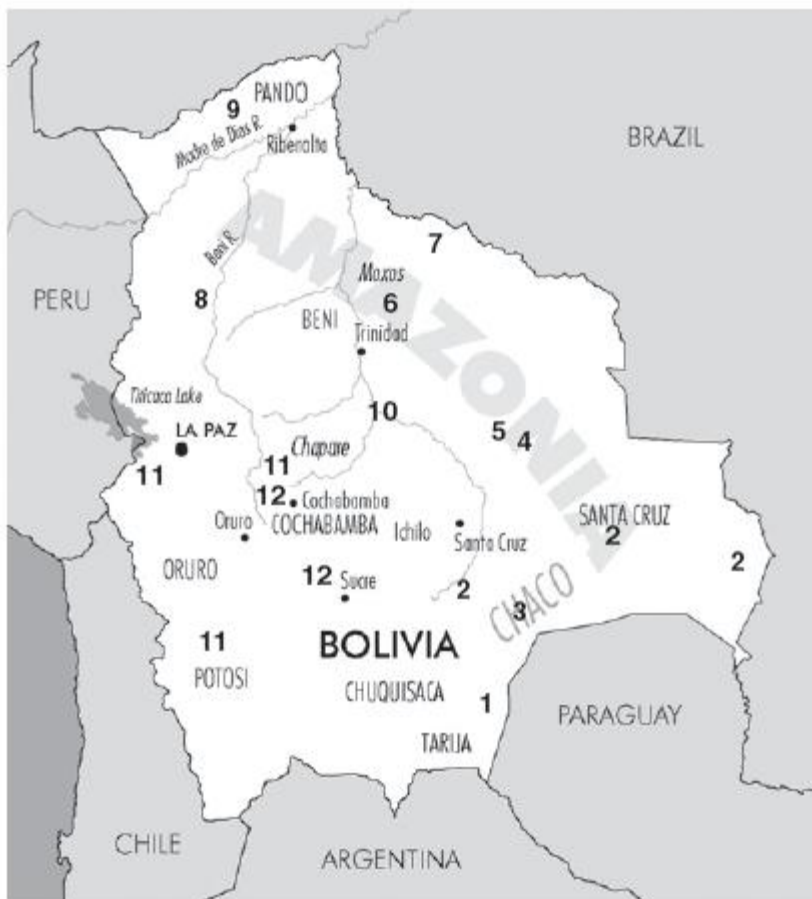
distributive discourse that Morales has supported along with the articles examined in the new constitution have high aims in decreasing the poverty and exclusionary status for indigenous people, however contradictions within the constitution and a lack of increase in government spending have resulted in only modest increases in human development. While it has been argued that Bolivia is following ‘extreme’ and ‘revolutionary’ policies, and has been a puppet government for Cuba and Venezuela, it has neither adopted nor implemented extremely re-distributive policies. The MAS has been successful in achieving economic growth for the country, and according to the Center for Economic and Policy research, inflation has had little impact on the actual growth, which demonstrates a positive impact on furthering the development of the country.

In the case of the indigenous people, many of the previous laws, such as the 1994 Law of Popular Participation and the 1950’s agrarian reform laws, along with signing of different international treaties have all had a positive impact on the status of indigenous people. Prior legislation has given the indigenous groups access to representation, and a large portion of their success can be attributed to this. While the MAS has implemented new policies, many of these policies have only been marginally successful in aiding the indigenous population. The poverty rate in Bolivia is still extremely high, and many of the human development indicators have not changed significantly since the election of the MAS. Contradictions in legislation, violence and ethnic and regional tensions have been a hindering factor in the development of the country as well. While the new constitution grants new rights to indigenous groups, contradictions and difficulty in administration are going to hinder the actual application of these laws. Future research will be needed to examine how laws in the new constitution have been applied and

enforced. Conclusively, while the indigenous people of Bolivia have come a long way since colonization, work still remains in addressing the complicated issue of their poverty and underdevelopment.

## **APPENDIX A: DISTRIBUTION OF LARGEST INDIGENOUS GROUPS**





- |   |           |   |            |   |         |    |         |
|---|-----------|---|------------|---|---------|----|---------|
| 1 | Weenhayek | 4 | Chiquitano | 7 | Itonama | 10 | Yuqui   |
| 2 | Ayoreo    | 5 | Guarayo    | 8 | Tacana  | 11 | Aymara  |
| 3 | Guaraní   | 6 | Siriono    | 9 | Ese Eja | 12 | Quechua |

Source: The Indigenous World

[http://www.iwgia.org/graphics/Synkron-](http://www.iwgia.org/graphics/Synkron-Library/Documents/publications/Downloadpublications/IndigenousWorld/IW%202006/IW2006)

[Library/Documents/publications/Downloadpublications/IndigenousWorld/IW%202006/IW2006%28573pages%29.pdf](http://www.iwgia.org/graphics/Synkron-Library/Documents/publications/Downloadpublications/IndigenousWorld/IW%202006/IW2006%28573pages%29.pdf)

## **APPENDIX B: SIGNIFICANT CONSTITUTIONAL ARTICLES**

## **Chapter 6 Section 1**

### **Artículo 78.**

I. La educación es unitaria, pública, universal, democrática, participativa, comunitaria, descolonizadora y de calidad.

### **Artículo 80.**

I. La educación tendrá como objetivo la formación integral de las personas y el fortalecimiento de la conciencia social crítica en la vida y para la vida. La educación estará orientada a la formación individual y colectiva; al desarrollo de competencias, aptitudes y habilidades físicas e intelectuales que vincule la teoría con la práctica productiva; a la conservación y protección del medio ambiente, la biodiversidad y el territorio para el vivir bien. Su regulación y cumplimiento serán establecidos por la ley.

### **Artículo 84.**

El Estado y la sociedad tienen el deber de erradicar el analfabetismo a través de programas acordes con la realidad cultural y lingüística de la población.

## **Chapter 9**

### **Artículo 402.**

El Estado tiene la obligación de:

1. Fomentar planes de asentamientos humanos para alcanzar una racional distribución demográfica y un mejor aprovechamiento de la tierra y los recursos naturales, otorgando a los nuevos asentados facilidades de acceso a la educación, salud, seguridad alimentaria y producción, en el marco del Ordenamiento Territorial del Estado y la conservación del medio ambiente.
2. Promover políticas dirigidas a eliminar todas las formas de discriminación contra las mujeres en el acceso, tenencia y herencia de la tierra.

## **Chapter 4**

### **Artículo 191.**

I. La jurisdicción indígena originario campesina se fundamenta en un vínculo particular de las personas que son miembros de la respectiva nación o pueblo indígena originario campesino.

II. La jurisdicción indígena originario campesina se ejerce en los siguientes ámbitos de vigencia personal, material y territorial:

1. Están sujetos a esta jurisdicción los miembros de la nación o pueblo indígena originario campesino, sea que actúen como actores o demandado, denunciados o querellantes, denunciados o imputados, recurrentes o recurridos.
2. Esta jurisdicción conoce los asuntos indígenas originario campesinos de conformidad a lo establecido en una Ley de Deslinde Jurisdiccional.
3. Esta jurisdicción se aplica a las relaciones y hechos jurídicos que se realizan o cuyos efectos se producen dentro de la jurisdicción de un pueblo indígena originario campesino.

### **Artículo 192.**

I. Toda autoridad pública o persona acatará las decisiones de la jurisdicción indígena originaria campesina.

II. Para el cumplimiento de las decisiones de la jurisdicción indígena originario campesina, sus autoridades podrán solicitar el apoyo de los órganos competentes del Estado.

III. El Estado promoverá y fortalecerá la justicia indígena originaria campesina. La Ley de Deslinde Jurisdiccional, determinará los mecanismos de coordinación y cooperación entre la jurisdicción indígena originaria campesina con la jurisdicción ordinaria y la jurisdicción agroambiental y todas las jurisdicciones constitucionalmente reconocidas.

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