

THE RIGHTS OF INDIGENOUS PEOPLES

The cooperation between Denmark and Bolivia



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(2005 – 2009)**

– 2010 –

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Photo credits: Tony Suarez: pp. 16-17, 23 and 119
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Agencia Boliviana de Información: p. 29
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CEJIS: pp. 34-35 and 63
Diario *El Deber*: pp. 47, 51 and 62
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Print: Eks-Skolen Trykkeri, Copenhagen, Denmark

ISBN: 978-97-91563-80-5



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CONTENTS

PREFACE	8
PROLOGUE	10
PRESENTATION	12
ABBREVIATIONS AND ACRONYMS.....	14
THE COOPERATION BETWEEN DENMARK AND BOLIVIA	
Background	16
Considerations for defining the Program's phase II	18
Support to the Rights of Indigenous Peoples in Bolivia – ADPI	18
The ADPI components	19
MAINSTREAMING THE RIGHTS OF INDIGENOUS PEOPLES IN PUBLIC POLICIES	
Background	20
Implementation of the component.....	22
General results.....	30
Some preliminary lessons	33
REGULATION AND TITLING OF INDIGENOUS COMMUNITY LANDS	
Background	34
Assessment of phase I	37
The Program for the Support of the Rights of Indigenous Peoples – ADPI phase II.....	38
A new government and the beginning of the “Agrarian Revolution”	41
The regulation of indigenous community lands (TCOs) since 2006.....	46
The beneficiary organizations and their support instances	47
The SAN-TCO regulation process	52
Conflict management	55
The SAN-TCOs in the Highlands and their results.....	60
The SAN-TCOs in the Lowlands and their results.....	63
Simple Regulation in areas adjacent to TCOs	68
Regulation and the gender perspective	70
Results and achievements of the TCO Regulation and Titling component	73
Scope of the component's results	74
Decisive factors for the implementation of the component and its results	76
Some preliminary lessons	78

INDIGENOUS TERRITORIAL MANAGEMENT (GTI)

Background	80
Component design during phase II	84
Challenges for Indigenous Territorial Management.....	84
The objectives of the Territorial Management component	85
Provisions for the implementation of the component	85
Country context and reorientation of GTI's institutional subcomponent.....	86
The role of the State in GTI.....	88
Conceptualization of GTI.....	93
Conceptualization in the ADPI component.....	94
GTI processes in the Lowlands	95
GTI processes in the Highlands	101

GENERAL ACHIEVEMENTS OF THE COOPERATION PROGRAM

Perspectives.....	114
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SOURCES	120
----------------------	-----

APPENDIX	124
-----------------------	-----

PREFACE

It is with great satisfaction that Denmark concludes its sector program in Bolivia, “Support to the Rights of Indigenous Peoples”. The Program is unprecedented in other countries because of its design and size. It was conceived as the culmination of Denmark’s commitment to indigenous peoples, which, at the time, had been decisive for initiating the bilateral cooperation between Bolivia and Denmark. The marches undertaken in the 90s by indigenous peoples demanding their rights contributed to the enactment of the new Law on Agrarian Reform, which benefits indigenous communities in their historical claims for their territorial rights, turning at the same time the land issue into a fundamental expression of the rights of indigenous peoples. The ratification of the International Labor Organization Convention No. 169, and the Law on Popular Participation, are important conquests of the 90s, which have strengthened the role of the indigenous peoples, lead by organizations such as CIDOB and CONAMAQ.

The first decade of this century has been the scenario for the growing political influence of Bolivia’s social and indigenous organizations, including the election of the first indigenous president of the continent. Because of this, the Program found itself at a highly favorable juncture, without precedents in the country’s history, for promoting indigenous rights. This coincidence of factors has allowed the Program to achieve very significant results. During the implementation of this second phase, important progresses were obtained in Bolivia, like the approval of the new Political Constitution of the State, the National Development Plan, the incorporation of the United Nations Declaration on the Rights of Indigenous Peoples in domestic law, and the new Land Policy, which have strengthened and allowed the realization of many of the aspirations inherent to the program objectives.

The governments of Bolivia and Denmark have agreed that indigenous peoples should not be considered as a cooperation sector, but rather as subjects of the development

process that the entire Bolivian society needs. It is a complicated task to mainstream the indigenous dimension into development programs, but Denmark attempts to do it as an explicit policy in its cooperation with Bolivia. Major challenges thus present themselves, such as the management of natural resources, poverty reduction, governance and sustainable development. Every effort to implement the National Plan of Development necessarily coincides with the indigenous peoples’ aspirations to be the subjects of their own development.

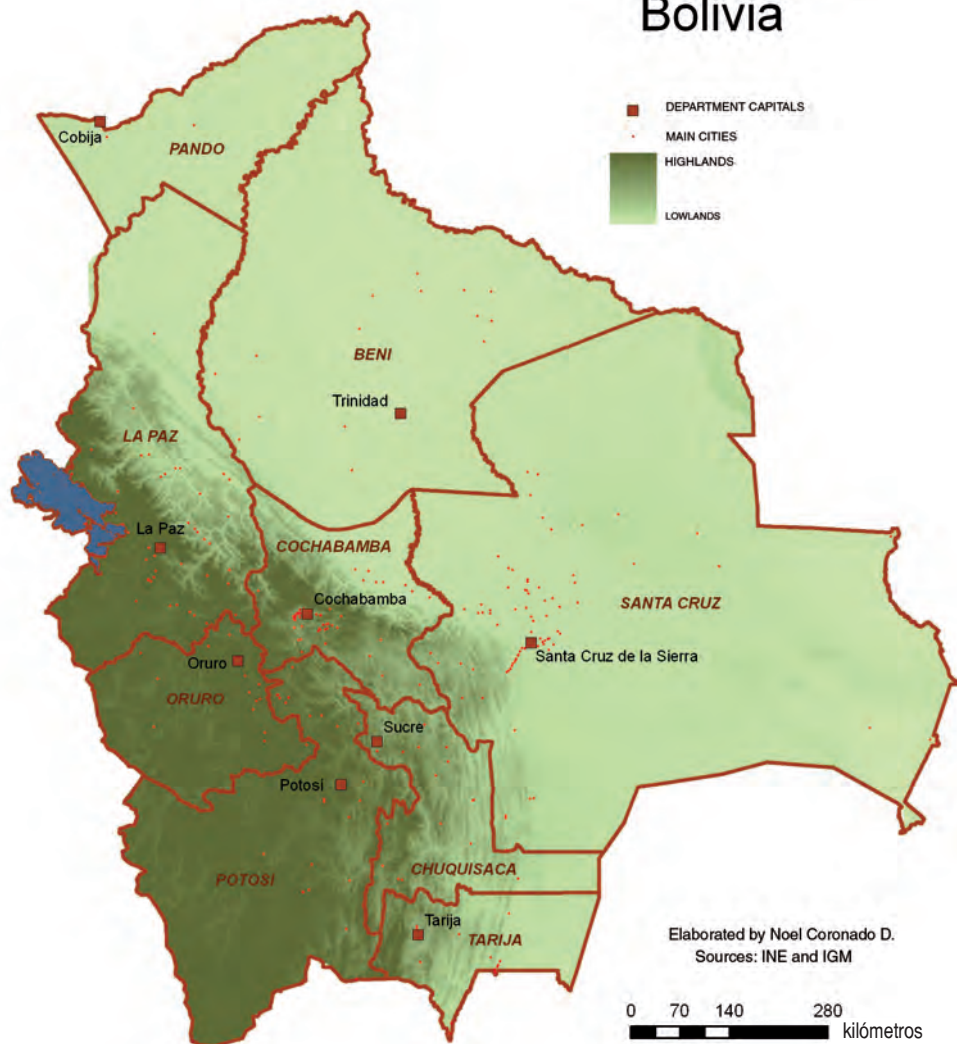
Through the Support Program to the Rights of Indigenous Peoples, Denmark has become a major partner in the Bolivian agrarian reform, which constitutes a fundamental element for stimulating the economic and social development for the benefit of the indigenous population. During the past decade, 70 percent of the Indigenous Community Lands (*Tierras Comunitarias de Origen – TCO*), were regulated and titled by the Vice-Ministry of Lands and the Institute of National Agrarian Reform, thanks to the determined support of Denmark. On the other hand, the Indigenous Territorial Management component teaches us the importance of participative processes in the planning and implementation of actions in order to stimulate the development of indigenous peoples in the regulated and titled community lands and constitutes now the seed of indigenous autonomy.

We hope the lessons this Program leaves behind can be useful for future work initiatives with indigenous peoples and for stimulating development in societies with a majority indigenous population, as is the case in Bolivia.

Morten Elkjær

Danish Ambassador to Bolivia

Bolivia



PROLOGUE

Bolivia is currently involved in the deepest structural transformations in its history. The three fundamental pillars in this change process are: the Plurinational State, the Autonomies and the plural socio-economic development model.

These three pillars express, in a cross-cutting way, the rights of indigenous peoples. The Plurinational State represents the recognition of indigenous peoples as collective subjects and, consequently, the declaration and realization of their collective rights, as well as the incorporation of their collective or communal structures into the organization of the State. The autonomies, on their part, confer governmental quality to their territories. The plural development model adopts the community based economic system as part of its structure.

The background of the abovementioned measures are the three structural fractures or failures of the State: the divorce between the state apparatus and indigenous peoples, the disarticulation in relation to the regions and a heterogeneous economic structure. These three problems can be stated as the national issue, the regional issue and the loss of control over the economic surplus and the unequal exchange relations.

Since the year 2000, it is possible to record the social movements' most important collective actions in that first mobilization stage of the change process. However, the most significant landmarks in the emergence and mobilization of the "other indigenous" have their point of departure in the 1990 "March for Territory and Dignity". Successive demonstrations for land and soon thereafter for the Constituent Assembly—the latter in 2002—reveal the major role played by the lowland indigenous peoples in the substantial modification of the order of things.

The Danish cooperation (Danida) is part of this process. Through its Sector Support Program, it sets forth to contribute to: "[the support] ... of the indigenous peoples so they may obtain the full exercise of their economic, political, social and cultural rights, with gender equality and in an intercultural context". The main components of Danida's intervention are translated into giving support to the titling of Indigenous Community Lands (TCOs) and to their territorial management.

Only in the design of its components is it possible to notice a definite intention of transforming the agrarian structure in its three basic elements: land possession, work relationships and production system. At the same time, the issue of land and territory is adopted as the very fundament of the indigenous peoples' collective rights.

The Peruvian political philosopher, José Carlos Mariátegui, mentions that for indigenous peoples, land represents life itself. Consequently, the so-called relations of "internal colonialism", i.e., economic exploitation, political exclusion and cultural oppression, find in the TCO titling process the true fundaments for a structural transformation. In fact, the recognition of indigenous collective lands implies the breakup of big landowners' economic power monopoly, while territorial management, linked to the indigenous autonomies, prepares the breakup of the political power monopoly.

The Danish cooperation has for more than a decade taken part in this historical process of deep social content. Its areas of intervention have come to represent 70 percent of the TCOs processed in Bolivia by the indigenous peoples of the Lowlands as well as by those from the Andean and Sub-Andean region that emulated this process. This percentage is calculated based on the total of the country's indigenous territorial expectations.

As for the quality of the process, it acquires a similar significance if we interpret it in the light of its characteristics and historical background, particularly in the Lowlands of the country. In fact, in the Oriente¹ and the Amazon, history registers settlements of immigrant foreigners, especially Germans and Italians, attracted by the wealth generated by the rubber boom at the end of the nineteenth century; this rubber exploitation represented the accumulation factor that would give leverage to the concentration of enormous extensions of land, consolidated and expanded thanks to the irregularities in the application of the agrarian reform of 1953. These adventurers, in no case "pioneers", persecuted the indigenous populations living on these lands, hunting

¹ The Oriente (Eastern region) refers to the lowland provinces of Santa Cruz, Pando and Beni.—Trans.

and submitting them to slavery within the process of exploiting the rubber tree. The indigenous people fled towards the “*Loma Santa*” (Holy Hill) where there were no *caray* (whites) that could submit them to vexations and slavery.

“*Loma Santa*” is now represented by their TCOs. These constitute a true paradigm, not only because they definitely revert the various republican attempts of liquidating community lands,² but also because they are projected as true territorial entities in the new autonomous organization of the State, besides representing the jurisdiction—in an broad sense—for realizing the full applicability of the legal, political, economic systems and the scientific conquests of the indigenous peoples within these territories.

This prolific capacity of the indigenous peoples for making proposals has been included in the new Political Constitution of the State, as part of the national project. It has also served to give an ideological content to the Unity Pact—the indigenous and peasant platform of national scope—and to attempt a convergence around the ideas – collective forces in this democratic and cultural revolution process of the Bolivian people.³

In the Danish Cooperation experience, brilliantly systematized in the present document, there have been innumerable training workshops applying an action-reflection-action methodology; various actions of organizational strengthening, support to the formulation of normative and technical tools for the regulation process of the Indigenous Community lands, social control, and the implementation first of the Indigenous Territorial Planning Center (CPTI) and, afterwards, of the Indigenous Territorial Management Program (GTI).

During these years, there have been several successive government administrations. However, the TCO titling process

and the first territorial management experiences have proceeded with continuity and have made fundamental impacts, given their structural scope. From which we could affirm that, among the various contextual factors that have been favorable to the TCO titling process, the support of the Danish Cooperation is to be considered as fundamental, and to such an extent that we could assert that it has been the most important external strategic ally of the indigenous peoples.

We should not conclude this presentation without linking the main results, achieved by the Danida Sector Program in favor of indigenous peoples, to the current change process that the country is undergoing. The conversion of indigenous peoples, from protesting social subjects to socio-political subjects with a vocation for power, emerges from the capacity of indigenous peoples to organize, mobilize and make proposals, based on their territorial claims.

Likewise, the TCO titling represents the breakup of the power relations imposed by big landowners and local power groups, besides projecting indigenous collective rights as the materialization of the Plurinational State's horizon. In turn, the possibility of setting up the TCOs as territorial entities represents the territorial reorganization of the State on a plurinational criterion. Finally, the territorial management processes form part of the new development model that articulates the state economy, the private initiative and the traditional communal economic system.

We underline, therefore, the transcendent role of the Danish Cooperation in the TCO titling process of the indigenous peoples of Bolivia, and its impact on the present moment of constitutional building and of deep structural transformations in our country.

La Paz, May 2010

Carlos Romero Bonifaz
Minister of Autonomies
Plurinational State of Bolivia

² We refer to the emphyteutic lease promoted by Ballivián in 1842, the land auction arranged by Melgarejo in 1866, the delinking of community lands promoted first by the conservatives and later by the liberals, between 1880 and 1920, and to the agrarian reform of 1953's own conception of the land plot formulated by the Bohan Mission as part of the thesis of the farmer development model.

³ Tillman Evers conceives four power factors: ideology, money, law and violence, of which the one that assures a sustainable cohesion of the “social edifice” is ideology, in the Gramsci interpretation.

PRESENTATION

In July 2009, the Danish Embassy in Bolivia made a call for the systematization of the Program “Support to the Rights of Indigenous Peoples” and its implementation starting in 2005 and concluding in 2009. According to the terms of reference, the objective of the systematization was to document the program experiences and identify the lessons learned by its various stakeholders. Special importance was assigned to the interactions between the stakeholders and the Program’s counterparts, and the manner in which they organized themselves for the implementation, follow-up and evaluation of the activities as a whole. Within the scope suggested by the call for systematization, emphasis was given to the identification of critical moments and the strategic and provisional changes made during program implementation, and how adjustments were made according to the changes happening on the national level. It also implied determining the effects and impacts of the Program, especially with regard to the expansion of the rights perspective within state institutions and civil society, and the materialization of the indigenous peoples’ aspirations.

The decision of systematizing the program experience had the purpose of giving inputs both to the international cooperation in order to improve its interaction with indigenous peoples and integrate an inter-cultural perspective in their programs, and to the indigenous and non-governmental organizations on the mainstreaming of indigenous rights and the inter-cultural perspective in public policies.

The time frame given by the call for carrying out the systematization was four months, to be finalized in December of the same year (2009).

As an organization familiar with the experience of supporting indigenous peoples and with the magnitude of the cooperation between Denmark and Bolivia, and therefore also well aware of the scope of such a systematization especially within the timeframe suggested by the Embassy, IWGIA presented its proposal for carrying out the task. It was a unique opportunity for getting a closer and inside view of the empowerment

process of the indigenous peoples of Bolivia, to a large extent sponsored by the Program, and of its impact on the change processes experienced by the country in the last decade. This interest justified the challenge of undertaking the obligation to systematize the execution of the Program in its last five years, not only within the limitations imposed by the given timeframe. It also had to be done taking into account that the Program was in its last months of implementation, which implied that the stakeholders would be concentrated in fulfilling numerous tasks needed in order to fulfill the obligations undertaken by the Program. This fact marked a fundamental difficulty, given that normally the securing of lessons learned from experiences—which is the purpose of any systematization—goes through an *a posteriori* process of reflection by the stakeholders on the experiences they have had. In the case of the Program, these stakeholders were not just a few.

Added to the difficulty of systematizing when the Program had not yet finalized its implementation, was the fact that Bolivia at the same time was preparing itself for the electoral process of electing their president and the first Plurinational Legislative Assembly, a process in which the main program partners would be involved.

Within this framework, IWGIA began the systematization process in September 2009. The projected stages for this included the basic activities that have to be fulfilled by any systematization: revision of the documentation elaborated during the implementation of the Program and of the secondary information necessary for documenting the context; reconstruction of the experience through interviews, meetings and workshops with all the involved social stakeholders, processing the information in order to document the recollected experience, and giving back the systematized information in order to reflect together with the stakeholders on the experience and its results, and draw the lessons learned.

The volume of information produced by all the stakeholders during the five years of work was enormous. Reading more than 300 documents, including reports, evaluations, reviews, memos, concept papers and others, in order to retrieve the

steps taken by each one of the stakeholders in the three program components, the implemented activities and the details of the process, all this alone took the time that had been estimated for going through all the stages.

Concurrent with this stage, interviews were made with more than 50 individuals, including staff members, ex-staff members, indigenous leaders and community members. Meetings with groups of these people were held, trying to approach the reality of what had been experienced from the different interpretations made according to the viewpoint and position of the stakeholders. Field visits were also carried-out to communities in the Highlands and the Lowlands to familiarize us with the functioning of the demonstration projects.

As a next step, and after having preliminarily documented the voluminous information gathered during the previous activities, two workshops were organized to feed-back the information and analyze it together with the stakeholders. These workshops were basically carried out with representatives of the indigenous organizations in the Highlands and the Lowlands, and non-governmental organizations supporting the process. As for staff-members, professionals and technicians from governmental institutions, separate meetings were held due to the difficulty of gathering everybody in a joint event that would have allowed a free-flowing interchange.

Finally, with a preliminary document on the experience in the three program components, a final review workshop was organized, this time counting indeed with the participation of representatives from all the involved organizations and institutions.

The result of this process is the document presented here. This document basically recovers what was realized by the Program in its three components, without going as much in depth with many aspects as the stakeholders would have liked, due to limitations that are inherent in this type of work. Furthermore, taking into account that the process to be systematized started in 2005, it was necessary in order to ensure an adequate understanding to gather the main results,

progresses and obstacles of the first phase implemented between 1997 and 2004.

In spite of the aforementioned limitations, we believe that the document recaptures the experience as a whole, and contributes the necessary elements for its adequate appreciation by the stakeholders and the direct target groups, and by all the persons interested in the development of indigenous peoples and the process which Bolivia is living.

As for the results, effects and impacts of the Program and the lessons that the stakeholders can derive from the experience, this work falls short. This not only because of the magnitude of the process that has been carried out, and whose reconstruction demanded more time than originally anticipated for concluding the entire assignment and it will require more time still to complete and define it. Especially because assessing an experience as rich in contents, in stakeholders, and in internal and international political and social events, as those experienced by Bolivia in these years, is not something that can be dealt with in a matter of a few months, meetings and workshops. Even less so, considering that the last phase of execution of the Program was being carried out and that the concerns of the stakeholders were centered, with good reason, in fulfilling the commitments for the closure of the Program and in planning mechanisms to fill the tremendous gap that the finalization of the cooperation program between Denmark and Bolivia leaves behind.

Considering that the rich experience of the Program for the Support of the Rights of Indigenous Peoples merits a more detailed analysis of, hopefully, each one of its components in order to unravel its profound accomplishments, we submit this work as a first input. We are certain that it gathers the main concerns of the indigenous peoples and the achievements that they reached with the support of the Danish cooperation, and will be a base for their reflection and that of all the stakeholders linked to the future of these peoples and of the Bolivian State.

Alejandro Parellada
Ana Cecilia Betancur J.

ABBREVIATIONS AND ACRONYMS

ADC / CAF	<i>Andean Development Corporation – Corporación Andina de Fomento</i>	CIPOAP	<i>Central de Pueblos Originarios de la Amazonía de Pando – Central of Indigenous Peoples of the Amazon region in Pando</i>
ADPI	<i>Apoyo a los Derechos de los Pueblos Indígenas – Support to the Rights of Indigenous Peoples</i>	CIRABO	<i>Central Indígena de la Región Amazónica de Bolivia – Indigenous Central of the Amazon Region of Bolivia</i>
AGRUCO	<i>Agroecología Universidad Cochabamba – Centre for Agroecology, University of Cochabamba</i>	CITCO	<i>Comisión Interinstitucional de Tierras Comunitarias de Origen – Inter-Institutional TCO Commission</i>
APCOB	<i>Apoyo para el Campesino-Indígena del Oriente Boliviano – Support for Peasant-Indigenous Communities of East Bolivia</i>	CMCOA-BS	<i>Central de Mujeres Campesinas Originarias-Bartolina Sisa – Central of Indigenous Peasant Women-BS</i>
APG	<i>Asamblea del Pueblo Guaraní – Assembly of Guarani People</i>	COAMACH	<i>Consejo de Ayllus y Markas de Chuquisaca – Council of Ayllus and Markas of Chuquisaca</i>
ASDI	<i>Agencia Sueca de Desarrollo Internacional – Swedish Agency for International Development</i>	COB	<i>Central Obrera Boliviana – Bolivian Workers' Central</i>
AVSF	<i>Agrónomos Veterinarios Sin Fronteras – Agronomists Veterinaries without Borders</i>	CONAMAQ	<i>Consejo Nacional de Ayllus y Markas del Qullasuyu – National Council of Ayllus and Markas of Qullasuyu</i>
CAFA	<i>Comisión de Administración de Fondos de Acompañamiento – Commission for the Administration of Accompaniment Funds</i>	CONSAQ	<i>Consejo de Suyus Aymara Quichwa – Council of Aymara Quichwa Suyus</i>
CAOP	<i>Consejo de Ayllus Originarios de Potosí – Council of Indigenous Ayllus of Potosí</i>	CPESC	<i>Central de Pueblos Étnicos de Santa Cruz – Central of Ethnic Peoples of Santa Cruz</i>
CAT-SAN	<i>Sanearamiento Catastral – Cadastral registered land regulation</i>	CPIB	<i>Central de Pueblos Indígenas del Beni – Central of Indigenous Peoples of Beni</i>
CEFOA	<i>Centro de Formación Originaria de Alturas – Indigenous Highland Training Center</i>	CPILAP	<i>Central de Pueblos Indígenas de La Paz – Central of Indigenous Peoples of La Paz</i>
CEFREC	<i>Centro de Formación y Realización Cinematográfica – Center for Cinematographic Training and Production</i>	CPITCO	<i>Central de Pueblos Indígenas del Trópico de Cochabamba – Central of Indigenous Peoples of the Cochabamba Tropic</i>
CEJIS	<i>Centro de Estudios Jurídicos e Investigación Social – Center of Legal Studies and Social Investigation</i>	CPTI	<i>Centro de Planificación Territorial Indígena – Center of Indigenous Territorial Planning</i>
CENDA	<i>Centro de Comunicación y Desarrollo Andino – Andean Center of Communication and Development</i>	CRSUCIR	<i>Central Regional Sindical Única Campesina e Indígena de Raqaypampa – Single Regional Peasant and Indigenous Labor Central of Raqaypampa</i>
CERDET	<i>Centro de Estudios Regionales de Tarija – Center of Regional Studies of Tarija</i>	CSC	<i>Confederación Sindical de Colonizadores – Labor Confederation of Settlers</i>
CICDA	<i>Centro Internacional de Cooperación para el Desarrollo Agrícola – International Cooperation Center for Agricultural Development</i>	CSUTCB	<i>Confederación Sindical Única de Trabajadores Campesinos de Bolivia – Single Labor Confederation of Peasant Workers of Bolivia</i>
CIDOB	<i>Confederación de Pueblos Indígenas de Bolivia (anteriormente: Confederación de Pueblos Indígenas del Oriente de Bolivia) – Confederation of Indigenous Peoples of Bolivia (formerly Confederation of Indigenous Peoples of Eastern Bolivia)</i>	CSUTCOA	<i>Central Sindical Única de Trabajadores Campesinos Originarios de Ayopaya – Agrarian Union of Indigenous Peasant Workers of Ayopaya</i>
CIE	<i>Certificado de Identidad Étnica – Certificate of Ethnic Identity</i>	Danida	<i>Danish International Development Agency</i>
CIPCA	<i>Centro de Investigación y Promoción del Campesinado – Center of Investigation and Promotion of the Peasantry</i>	D.S.	<i>Decreto Supremo – Supreme Decree</i>
		ENRECA	<i>Danida's Bilateral Program for Enhancement of Research Capacity in Developing Countries</i>

FAOI-NP	<i>Federación de Ayllus Originarios Indígenas del Norte de Potosí</i> – Federation of Indigenous Ayllus of Northern Potosí (today known as Chascas Qhara Qhara)	PDCR II	<i>El Plan Estratégico de Desarrollo Regional Concertado</i> – Concerted Strategic Plan of Regional Development
FASOR	<i>Federación de Ayllus del Sur de Oruro</i> – Federation of Ayllus of Southern Oruro	PENSAT	<i>Plan Estratégico Nacional de Distribución de Tierras y Asentamientos Humanos</i> – National Strategic Plan of Land Distribution and Human Settlements
FEPAY	<i>Federación de Productores Agroecológicos de Yucumo</i> – Federation of Agroecological Producers in Yucumo	PGTI	<i>Plan de Gestión Territorial Indígena</i> – Indigenous Territorial Management Plan
FNMC-BS	<i>Federación Nacional de Mujeres Campesinas-Bartolina Sisa</i> – National Federation of Peasant Women-Bartolina Sisa	PIEB	<i>Programa de Investigación Estratégica de Bolivia</i> – Bolivian Program of Strategic Investigation
FOMABO	<i>Fondo para el Manejo de Bosques de Bolivia</i> – Bolivian Forest Management Fund	PIPRGT	<i>Programa de Investigación Participativa Revalorizada en Gestión Territorial</i> – Revalorized Participatory Investigation in Territorial Management Program
GIS/SIG	Geographical Information System – <i>Sistema de Información Geográfica</i>	PUMA	<i>Protección y Uso Sostenible del Medio Ambiente</i> – Protection and Sustainable Use of the Environment
GTI	<i>Gestión Territorial Indígena</i> – Indigenous Territorial Management	REPAC	<i>Representación Presidencial para la Asamblea Constituyente</i> – Presidential Representation for the Constituent Assembly
IADB/BID	Inter-American Development Bank – <i>Banco Interamericano de Desarrollo</i>	RIPIO	<i>Registro de Identidad de Pueblo Indígena Originario</i> – Indigenous Peoples' Identity Register
IFAD/ FIDA	International Fund for Agricultural Development – <i>Fondo Internacional de Desarrollo Agrícola</i>	SAE	<i>Subsecretaría de Asuntos Étnicos</i> – Sub-Secretary of Ethnic Affairs
ILO/OIT	International Labour Organization – <i>Organización Internacional del Trabajo</i>	SAN-SIM	<i>Saneamiento Simple</i> —Simple Regulation
INRA	<i>Instituto Nacional de Reforma Agraria</i> – National Institute of Agrarian Reform	SAN-TCO	<i>Saneamiento Tierras Comunitarias de Origen</i> – Regulation of Indigenous Community Lands
INUET	<i>Identificación de Necesidades y Usos del Territorio</i> – Identification of the Needs and Uses of the Territory	SERNAP	<i>Servicio Nacional de Areas Protegidas</i> – National Service for Protected Areas
ISALP	<i>Centro de Investigación Social y Asesoramiento Legal de Potosí</i> – Center of Social Investigation and Legal Assistance of Potosí	SGTI	<i>Sistema de Gestión Territorial Indígena</i> – Indigenous Territorial Management System
IWGIA	International Work Group for Indigenous Affairs	TCO	<i>Tierras Comunitarias de Origen</i> – Indigenous Community Lands
JAKISA	<i>Jatun Quillaca Asanajaqi</i>	THOA	<i>Taller de Historia Oral Andina</i> – Andean Oral History Workshop
MAIPO	<i>Ministerio de Asuntos Indígenas y Pueblos Originarios</i> – Ministry of Indigenous Affairs	UAGRM	<i>Universidad Autónoma Gabriel René Moreno de Santa Cruz</i> – Autonomous Gabriel Rene Moreno University in Santa Cruz
MAS	<i>Movimiento al Socialismo</i> – Movement Towards Socialism	UGTI	<i>Unidad de Gestión Territorial Indígena</i> – Indigenous Land Management Unit
MDRMA	<i>Ministerio de Desarrollo Rural y Medio Ambiente</i> – Ministry of Rural Development and Environment	UMSS	<i>Universidad Mayor San Simon</i>
NGO	Non-Governmental Organization	UNASUR	<i>Unión de Naciones Suramericanas</i> – Union of South American Nations
OICH	<i>Organización Indígena Chiquitana</i> – Indigenous Chiquitana Organization	VAIPO	<i>Viceministerio de Asuntos Indígenas y Pueblos Originarios</i> – Vice Ministry of Indigenous Affairs
OPIM	<i>Organización del Pueblo Indígena Mosestén</i> – Organization of the Mosestén Indigenous People	WWF	World Wide Fund For Nature
ORCAWETA	<i>Organización de Capitanías Weehnayek de Tarija</i> – Organization of the Weehnayek Capitanías of Tarija		
OTB	<i>Organización Territorial de Base</i> – Grassroots Territorial Organizations		

THE COOPERATION BETWEEN DENMARK AND BOLIVIA

Background

Danida initiated its support to the recognition and application of indigenous peoples' rights in Bolivia in 1995, through a pilot project with the Sub-Secretary of Ethnic Affairs. This support later became a component of the Sector Program for Indigenous Peoples, Decentralization and Popular Participation, implemented between 1998 and 2004, and for which cooperation was offered to the Vice-Ministry of Indigenous Affairs, under the Ministry of Popular Participation.

The first five years of the implementation of the Program, conceived as sector support, involved six main components: decentralization and popular participation; bilingual intercultural education in the Lowlands; titling of Indigenous Community Lands (*Tierras Comunitarias de Origen*—TCO); sustainable natural resource management in the TCOs; and support to the strengthening of the Vice-Ministry of Indigenous Affairs and of the civil society organizations.

After the first years of implementation, it was assessed as a very efficient strategy to work both with civil society and with the Government in order to achieve the planned objectives. At the same time, however, the complexity of involving within the same Program the issues of indigenous rights and of decentralization was noted, and the conclusion taken was to separate these components into two different, but complementary programs.

In 2002, an agreement was reached between the two countries to continue the cooperation with respect to indigenous peoples, and an initiative was launched to identify the most relevant areas. A preliminary version of the new Program was elaborated in 2003, at the same time as an extensive pre-appraisal process was carried out, presenting its recommendations in June 2004. On the basis of these recommendations, the final design of the new Program to Support the Rights of



Indigenous people in La Paz during the presidential inauguration of Evo Morales – 2006



Indigenous Peoples (*Apoyo a los Derechos de los Pueblos Indígenas*—ADPI) was elaborated with three components: Mainstreaming of Indigenous Rights, Regulation and Titling of Indigenous Community Lands (TCOs), and Indigenous Territorial Management (*Gestión Territorial Indígena*—GTI).

Considerations for defining the Program's phase II

The levels of extreme poverty in Bolivia are high and affect indigenous peoples in general, and the rural municipalities in the Highlands, in particular.⁴ Especially in northern Potosí and the departments of Chuquisaca and La Paz, indigenous peoples live dispersed in zones of difficult access, with low levels of basic services, insufficient productive infrastructure and low agricultural outputs. In the Lowlands, although statistics suggest a better situation, the majority of indigenous peoples are not integrated in the systems that generate wealth, and their poverty levels are similar to those found in the Highlands.

The Bolivian Strategy for Poverty Reduction, adopted in 2004-2007, proposes, among other topics, social inclusion; universal school education, especially bilingual education; the introduction of an intercultural and participative focus for the access to public services; the strengthening of the technical and judicial capacity of indigenous peoples' organizations and their articulation with the State, as well as the development of the links between the municipalities and the units of Indigenous Territorial Management.

Among the main challenges faced by indigenous peoples, the Program identified the following:

- Insecurity over their land rights
- The integrity of their territories is at odds with the administrative divisions
- Uncertainty regarding the recognition of their rights by the State and by society in general
- Few advances in gender equality caused by strategies which do not reflect the culture of indigenous peoples
- Development initiatives, too, do not reflect the values and necessities of indigenous peoples.

⁴ In Bolivia, the terms "*pueblo originario*" and "*pueblo indígena*" are used to refer to highland indigenous peoples and lowland indigenous peoples, respectively. As there is no directly corresponding term in English for "*originario*", we have chosen to use only the term "*indigenous*". —Trans.

In 2004, the realization of the Constituent Assembly, demanded by the indigenous peoples since their march in 2002, is seen as an opportunity to develop a dialogue on the recognition and application of the rights of indigenous peoples and to resolve contradictions in the legislation, with the purpose of guaranteeing the integrity of the TCOs in the face of the concessions for the exploitation of natural resources (oil and gas, forest resources and mining).

As for the Danish Strategy for Indigenous Peoples, adopted in May 2004, it contemplated four main elements: strengthening indigenous peoples' rights through international processes; inclusion of indigenous peoples' concerns in bilateral development cooperation; cooperation with indigenous peoples' organizations and NGOs; and taking into consideration indigenous peoples in matters related to economy and trade.

The strategy furthermore emphasizes the cross-cutting themes of human rights and democracy, women's needs, and the protection of the environment and natural resources.

It is within this framework that the new cooperation program between Denmark and Bolivia is conceived.

Support to the Rights of Indigenous Peoples in Bolivia – ADPI

In the second phase of the cooperation, the Support to the Rights of Indigenous Peoples in Bolivia is characterized by a sector focus based on rights, which implies working simultaneously at different levels (policies, institutional framework, direct support and specific activities); it considers the indigenous territories as the basic units for action, and takes on the indigenous organizations as its main stakeholders, always with the "two-pronged strategy" of lending balanced support to these organizations as well as to the Government, under different modalities, and promoting their coordination and articulation, while respecting the integrity of both parties.

The Program's development objective was established in terms of "Achiev[ing] the application of the rights of indigenous peoples stipulated in the International Labor Organization's (ILO) Convention No. 169, Law 1257 of 1991, within the framework of democratization and poverty reduction".

The immediate objectives were defined as follows:

1. Incorporate the rights of indigenous peoples, as established by Law 1257 (ILO Convention No. 169), in the actions taken by the State, in general, and institutionalize policies in their favor within the public administration of Bolivia.
2. Ensure the property rights of the Indigenous Community Lands (TCOs), legally recognized in sufficient quantity and quality in order to contribute to the sustainable development of the indigenous peoples within the framework of Article 171 of the State Constitution, the Agrarian Reform Law (No. 1715) and ILO Convention No. 169.
3. Procure that the indigenous peoples manage the Indigenous Community Lands (TCOs) in a sustainable way, in accordance with Article 7 of ILO Convention No. 169.

In accordance with these objectives, the result to be achieved was conceived as “the growing recognition and implementation of the rights of indigenous peoples, in combination with an active and democratic participation of the indigenous population in an economic and political development process”.

The ADPI components

In order to fulfill the three immediate program objectives, three main components were designed: Mainstreaming the Rights of Indigenous Peoples, Regulation and Titling of Indigenous Community Lands, and Indigenous Territorial Management.

1. Mainstreaming the Rights of Indigenous Peoples

The aim of this component was to consolidate the new rights of indigenous peoples within the public sector and within society in general. The fulfillment and monitoring of these rights would contribute to remove many barriers that impede the equal participation of indigenous peoples in society and to invert the growing marginalization of the indigenous peoples and their seclusion from the sources of wealth and well-being. Its design was conceived in order to contribute to the fulfillment of the mandate of the Ministry of Indigenous Affairs (*Ministerio de Asuntos Indígenas y Pueblos Originarios*—MAIPO) through an active support to its annual and long term plans of action.

2. Regulation and Titling of Indigenous Community Lands

This component aimed at achieving the application of indigenous peoples' property right to Indigenous Community Lands (TCOs), as a way of contributing to their sustainable development. With the titling of land in sufficient quantity and quality, the impoverishment originating in the continuous reduction of their traditional environment would be controlled, thereby directly contributing to poverty reduction, especially in the Lowlands, since collective titling gives indigenous peoples the right to exploit the renewable natural resources within their territories. Even though subsoil resources remain property of the State, having title deeds for their land gives indigenous peoples the right to be consulted and receive a compensation for the exploitation of the subsoil resources within their territory. In this way, the legalization of collective land ownership becomes a structural means for poverty reduction.

This component was conceived to contribute towards fulfilling the mandate of the National Institute of Agrarian Reform (*Instituto Nacional de Reforma Agraria*—INRA) in the areas claimed by indigenous peoples.

3. Indigenous Territorial Management of Indigenous Community Lands

This component (*Gestión Territorial Indígena*—GTI) aimed at improving the way indigenous peoples manage their lands and natural resources, in order to improve their output, generate a higher income, and consolidate their cultural values and identity. It also proposed to develop the capacity for indigenous participation at the municipal level, and to ensure that development plans and investments in the public and private sectors are implemented in accordance with indigenous peoples' requirements for land management and for the benefit of their interests. Agrarian reforms without improved land management have generated disappointing results all over Latin America. This component should play an important part, together with the Ministry of Indigenous Affairs and a large group of stakeholders interacting through the Committee for the Development of Territorial Management, by supporting the fulfillment of the latter's mandate in this matter.

MAINSTREAMING THE RIGHTS OF INDIGENOUS PEOPLES IN PUBLIC POLICIES

Background

The experiences from the first phase of the Sector Program determined the design of this component directed at overcoming the barriers identified in the period prior to the new Program.

Despite an explicit commitment by the Bolivian State to protect and respect indigenous peoples' rights, and despite the existence since the 1990s of an entity dedicated to the formulation and promotion of policies and strategies for the development of indigenous peoples and the promotion of their rights, the results of the mainstreaming of these rights in the first phase of the Program were very insufficient. The main obstacles that impeded better results at the different levels of the State are found in the following areas:

- The inexistence of institutionalized mechanisms for consultations, negotiations and coordination between the public sector and indigenous peoples.
- Insufficient incorporation of a gender focus in the formulation of policies and indigenous development programs.
- Normative and legal gaps that show the necessity of mainstreaming indigenous rights into the institutions of the legislative power and the elaboration of proposals and inputs that would allow guiding the formulation of laws and norms.
- Difficulties for effectively fulfilling the institutional roles regarding the promotion and application of policies and programs in different sectors and at different levels of the State. This due to the lack of continuity in the operative governmental instances, to the failing ability to attend the urgent demands of the indigenous issue and to the lack of sensitivity and capacity of the technical personnel.
- Lack of strategy, methodology and work platform, lack of systems to monitor the application of, and follow-up on, policies and programs, and lack of relevant indicators.





- Weakness of some indigenous organizations to consolidate proposals and take advantage of emerging spaces and opportunities.

In short, the institution in charge of indigenous affairs was affected by the political instability of the country. Its frequent changes since the beginning of the Danish support, just as much within the institution itself⁵ as with in its staff, minimized the possibilities of generating a sustained and sustainable process of institutional strengthening.

This led to the discussion whether the issue of indigenous peoples should be tackled through specific programs or whether it should be a cross-cutting element in existing policies and programs. Although it does not constitute a sector in the traditional sense, the State's growing attention to the topic of indigenous peoples, with specific legislations, policies and institutions directed at them, justified the sector focus, and the conclusion became that the support should be directed at a process of ministerial institutionalization that included the staff.

For this reason, the sector focus included the support at different levels, beginning with the formulation of policies, the promotion of legislation and institutional strengthening, and finishing with specific development activities at the local level. This combination would allow the generation of synergies and provide coherence to the intervention, becoming itself a major tool for the recognition and implementation of indigenous peoples' rights.

This focus was specifically directed at supporting the incorporation and implementation of indigenous peoples' rights in various sectors and institutions, with the objective of gradually improving the awareness and capacity of the Bolivian society, the indigenous peoples and the public institutions to respect and apply these rights together with other fundamental human rights, with gender equality and in an intercultural context.

For this, it was considered fundamental that, at the level of government, key ministries and public servants, there should

be the necessary understanding and capacity to promote and apply the rights of indigenous peoples when providing services and carrying out their activities, and that society in general should be informed about indigenous cultures, with a view of overcoming prejudice and changing attitudes until achieving a positive appreciation of the life, culture and language of indigenous peoples. Another aim was to guarantee and ensure the fulfillment of their rights as a way to remove many of the barriers that prevent their equal participation in society, and reverse its growing marginalization with respect to the sources of wealth and wellbeing.

The component's immediate objectives and its resulting indicators are specified as follows:

- a. The incorporation of indigenous rights in the executive, legislative and judicial powers.
- b. The awareness-raising of the Bolivian population regarding the rights of indigenous peoples and the support policies for them and about the advances and difficulties in the recognition and implementation of these rights and policies.
- c. The generation of sustainable capacity within the Ministry of Indigenous Affairs for a participative institutional management and an efficient exercise of its role as head of sector.

Convinced that in order to reach the objectives of the component, a minimum of institutionalization is required, the letter of understanding between the Danish Royal Embassy and the Ministry of Indigenous Affairs established as a requirement for this institution to guarantee labor stability and staff recruitment by means of public notification and based on qualifications.

Implementation of the component

The initial period of implementation of the Program's second phase coincided with the highest peak of social mobilization in Bolivia in the later years (1999-2005), and the story of an extraordinary presidential succession repeating itself. President Carlos Mesa, the successor of Gonzalo Sánchez de Lozada (2003), was not able to control, nor resolve, the social conflicts initiated years ago around the structural crisis of the country and which manifested themselves with clashes between the interests of the popular sectors, on one hand, and those of the sectors historically exercising the political power, on the other. In June 2005, Eduardo Rodríguez Veltzé assumed the presidency of the Republic, entitled to this position for being

⁵ Between the 1990 decade and 2002, when the Ministry of Indigenous Affairs (*Ministerio de Asuntos Indígenas y Pueblos Originarios—MAIPO*) was created as a ministry without portfolio, there existed different lower ranking bodies, attached to different ministries, like the Sub-Secretary of Ethnic Affairs (*Subsecretaría de Asuntos Étnicos—SAE*), the Vice-Ministry of Indigenous Affairs (*Viceministerio de Asuntos Indígenas*), and the Vice-Ministry of Indigenous Affairs and Native Peoples (*Viceministerio de Asuntos Indígenas y Pueblos Originarios—VAIPO*).

at that moment the President of the Supreme Court of Justice since there was no Vice-President and after the President of the Parliament had been obliged to desist from his right to occupy the country's highest mandate.

The presidential succession was accompanied by the announcement of general elections to take place in December of the same year, and from then on, the country experienced a kind of paralysis, a decision taken by the Government itself with the aim of making way for in-depth solutions to be taken by a new government elected by popular vote (ADPI, phase II, Technical Advance Report April-December 2005).

The mainstreaming focus that the Ministry of Indigenous Affairs (MAIPO) adopted at the beginning of the year, was translated into a Platform of Public Policies for the Support of Indigenous Peoples, on the basis of which agreements were concluded with sectors selected for the revision and adjustment of their respective policies, strategies and programs, and for the follow-up on their execution. The actions of these sectors would be complemented by a dissemination and awareness-raising strategy.

The Ministry of Indigenous Affairs undertook the task, focusing on priorities towards the possible setting up of a Constituent Assembly and embarked on joint actions with the Ministries of Education, Health and Defense.

With the Ministry of Education, preference was given to consultations with communities and organizations about educational policies, and a preliminary draft of a Law on Linguistic Rights and Policies was formulated. With the Ministry of Health, local and regional experiences were promoted in the formulation of state policies and a political proposal was elaborated for giving indigenous peoples access to national health programs based on the recognition of indigenous medical practices and traditional doctors. A proposal was also elaborated for the inclusion of indigenous women into intercultural health programs, taking into consideration their norms and customs in relation to pregnancy, birth and post-natal care. With the Ministry of Defense, coordination was established in order to implement the pilot program *Equal Opportunities* for the enrolment of indigenous applicants in Army Institutes and the Military Engineering School.

Marching to La Paz – 2002



At the level of judicial power, coordination was initiated with the National Agrarian Tribunal in order to formalize an information and awareness raising program on the issue and perspective of indigenous peoples in agrarian matters. An Agreement was also signed with this Tribunal and the Universidad Mayor San Simón with the objective of implementing an Office of Public Agrarian Defense destined to lend legal assistance to the indigenous and peasant sector in judicial and administrative affairs related to agrarian issues.

Intended for the Parliament, work documents were elaborated on indigenous subject matters for the Constituent Assembly, based on the systematization of the demands and aspirations of indigenous peoples regarding different topics.

The dissemination of indigenous peoples' rights was mainly focused on their participation in the Constituent Assembly, and, to this end, radio programs and the publication of folders were promoted together with an updated compendium on indigenous legislation in Bolivia and ILO Convention No. 169 in Quechua, Aymara and Guaraní languages.

The actions related to the Constituent Assembly represented the largest budgetary execution and concentration of efforts.⁶ The work on the systematization of indigenous proposals, although it was not circulated, constituted a basis for developing the proposal made by the indigenous organizations of the Lowlands to the Unity Pact (*Pacto de Unidad*) that was adopted by all the rural organizations at the national level during the Constituent Assembly and which allowed the recognition of their rights in the finally approved Constitution. Departmental workshops were also held for the generation of proposals by indigenous women and neighborhood working groups were promoted in the peri-urban neighborhoods of Santa Cruz. These working groups constituted spaces for the articulation of indigenous peoples' demands with urban organizations.

The 2005 presidential elections and changes in the Program

With the election, in December 2005, of Evo Morales, an Aymara Indian, as president of the Republic, a turnabout in the interpretation of *indigenous* occurs and a new perspective on

the relationship between indigenous peoples and the State is established. The new Government decided to close the Ministry of Indigenous Affairs (MAIPO), announcing that indigenous rights and perspectives would be structurally incorporated into all public policies and institutional plans (Camacho, 2006). Having an institution specialized in indigenous affairs corresponded to a peripheral location and a trivialization of the issue, since it did not reflect the sectors and activities prioritized by the Government and had no influence whatsoever on structural policies, as it was an institution far away from the decision-taking spheres and with little influence on them (Camacho, 2009).

In this context, the new Government considers two challenges:

- Support the indigenous peoples in the constitutional process for the reorganization and consolidation of a State that incorporates their proposals and realities;
- Implement a National Development Strategy within the logic of *Living Well* that mainstreams indigenous rights and specific actions, directed at changing the mercantilistic development vision.

In order to advance the realization of its strategy, the Government at first entrusted the indigenous subject matter to the Ministry of Rural Development and Environment (*Ministerio de Desarrollo Rural y Medio Ambiente*—MDRMA), and later left it in charge of the Ministry of the Presidency, which was converted into the institution responsible for promoting, coordinating, managing and developing strategies, programs and actions benefiting indigenous peoples, through the Vice-Ministries of Governmental Coordination, Decentralization, and Coordination with Social Movements and Civil Society.

The Government's decision meant, in practice, the integration of indigenous rights and perspectives into public policies and that the mainstreaming of indigenous rights, still incipient, would become a State policy. That implied fulfilling the objective proposed by the Program with the help of factors external to its implementation, and therefore changes were introduced in four aspects of the component.

1. Its reorientation towards supporting the integration of indigenous perspectives and rights in public policies concerning the construction of the intercultural State.

⁶ According to the annexed financial execution reports, two thirds of the budget (64%) were spent on work related to the Constituent Assembly.

2. Its localization in the strategic entity for formulating and setting ethnic and culturally sensitive policies in motion.
3. The support to the consolidation of the state entities envisaged for the incorporation of indigenous visions in their sector (Vice-Ministries of Land, Community Justice and Intercultural Health, among others).
4. Support to the Government for consultations with indigenous peoples and society in general about their expectations regarding interculturality in public policies.

Within this framework, the component proposed to strengthen the role of the Ministry of the Presidency in both its normative and political tasks, and in its function to formulate, institutionalize, mainstream and monitor public policies. For an improved and more effective mainstreaming, the Program's very small team had to maintain direct links with each of the ministries, state entities and prioritized sectors, all of which would allow the central coordination and a permanent feedback.

The implementation by the Ministry of the Presidency

The implementation by this Ministry, which practically began at the end of 2006, has, in general, been irregular. This has in part been due to the transfer process from the Ministry of Indigenous Affairs, which took almost a whole year, and the consequent instability generated by staff turnover and changes in the leadership. The Mainstreaming Unity of the Ministry of the Presidency initiated, in early October of that year (2006), the necessary contacts to provide continuity in the work, which had begun the year before, especially in the areas of Community Justice (Ministry of Justice) and Traditional Medicine (Ministry of Health). In addition, the Ministries of Hydrocarbons and of Mining, which had not originally been included in the Program, were incorporated to work with the specific issue of indigenous peoples' right to consultation and participation regarding the exploitation of their territories.

To facilitate the work with the other ministries involved in the component (Education, Defense, Health, Justice and Labor), the Ministry of the Presidency established a team of consultants and the respective agreements were signed, including those on information dissemination and on vulnerable peoples.

The actions and their results

a. Mainstreaming indigenous rights within state powers.

Following the actions carried out by the Ministry of Indigenous Affairs in 2005, the Ministry of the Presidency directed its main actions towards advocating in the Constituent Assembly in particular the incorporation of community justice and indigenous autonomies within the text of the new Constitution, the latter being done in coordination with the Presidential Representation for the Constituent Assembly (*Representación Presidencial para la Asamblea Constituyente*—REPAC).

As a result of this process, and besides the incorporation of the two abovementioned rights into the new Constitution, the national Government regulated the holding of municipal referendums for the implementation of indigenous autonomies.⁷

With the Ministry of Justice, an entity was created for the promotion and documentation of the fulfillment of indigenous rights as established by international instruments, which include the possibility of initiating actions at the national and international level in case the said rights are abused. In coordination with this ministry, too, a national strategy against racism and discrimination of indigenous peoples was formulated. This strategy was approved and socialized by the latter's representative organizations.

In order to mainstream indigenous rights at other levels of public policies, special importance was given to the process of discussing relevant international instruments. In this area, it is worth mentioning the coordination of efforts with the indigenous organizations for the approval of the United Nations Declaration on the Rights of Indigenous Peoples and its later incorporation as a Law of the Bolivian Republic. The impulse given to the discussions about the American Declaration Project should also be noted, as well as the joint representation of the Government and the indigenous organizations at the United Nations Permanent Forum on Indigenous Issues.

At the regional level, the formulation of development plans incorporating indigenous rights were promoted, in particular the

7 A Transitory Electoral System was adopted by Law 4021 on 14 April 2009. Its final dispositions establish the basic conditions for setting up indigenous and peasant autonomies by way of municipal referendums. This disposition was regulated by Supreme Decree 231 of that same year.

productive-economic rights, through the realization of forums and workshops about the right to development, with emphasis given to the Amazon region.

Jointly with the Vice-Ministry of Lands, in charge of the implementation of the institutional subcomponent on Indigenous Territorial Management, a basic proposal was formulated on the attention to be given Highly Vulnerable Indigenous Peoples and a first inter-ministerial commission was created for the implementation of a special plan of attention for the Yuqui people.

On a general level, work was initiated to incorporate ethnically sensitive indicators into the National Development Plan, with the goal of monitoring and evaluating its results from an indigenous perspective. This effort, however, was not carried out due to high staff turn-over.

The planned work with the Departmental Units of Indigenous Affairs (*Unidades Departamentales de Asuntos Indígenas y Pueblos Originarios*) was not developed, due to the difficulties generated by the political polarization that the country experienced until 2009, when the new Constitution was approved.

b. Awareness-raising on the rights and policies to support indigenous peoples

For the fulfillment of this objective, the Ministry of the Presidency implemented a dissemination and sensitization strategy about indigenous peoples' rights and their proposals to the Constituent Assembly about autonomy and a Plurinational State. Initially, it provided meeting spaces with indigenous organizations and private institutions, among others the Center for Cinematographic Training and Production (*Centro de Formación y Realización Cinematográfica—CEFREC*), to generate consensus around the dissemination strategy. In the framework of the elaborated agreements, television spots and two documentaries about the rights of indigenous peoples were made and distributed, incorporating the United Nations Declaration, ILO Convention No. 169 and the new Political Constitution, as well as the mechanisms contemplated for their application in the National Development Plan.

Regarding the generation of regional spaces of analysis, dissemination and reflection for the promotion and application of support policies, studies into the state of indigenous peoples'

rights in five eco-regions of Bolivia were carried-out and published through the Bolivian Strategic Investigation Program, and reflections with educational entities were promoted. As a product of these spaces, an agreement was subscribed with the Law Faculty of the Universidad Mayor de San Andrés to work jointly in this field.

c. Enhancement of the institutional capacity of the State

For this objective, the Ministry planned to improve its own capacities, procuring labor stability for its staff and establishing efficient management systems in accordance with the stipulations in the national legislation. For this purpose, software was designed for monitoring the implementation of the National Development Plan, which was to begin in 2009, and internal manuals and regulations with a decolonizing perspective were elaborated jointly with the Ministry of Culture, and adopted.

By 2008, the Unit of Coordination and Promotion of Policies on Indigenous Rights (*Unidad de Coordinación y Promoción de Políticas de Derechos Indígenas*) was created to be in charge of the component and its three main objectives. This new body took over the coordination with the Ministries of Education, Defense, Health, Justice and Work by hiring a team of consultants within, for instance, the issues of information dissemination and vulnerable peoples.

The implementation of mainstreaming in other ministries

The abovementioned implementation was done jointly with the ministries selected as priority areas for mainstreaming the rights of indigenous peoples. But in addition, each sector also carried out its own strategy.

a. Ministry of Health

This Ministry formulated a proposed Law on Traditional Medicine and promoted its process in Parliament through the realization of different events. By the end of 2009, the proposed law was being processed by the National Congress. In coordination with the National Service on Intellectual Property and the Vice-Ministry of Traditional Medicine and Interculturality, a Draft Bill on Intellectual Property was prepared, but was not formally presented for approval. The ministry also carried out

basic studies for a policy on the attention to be given to highly vulnerable indigenous peoples, based on a diagnosis of the health situation of some of these peoples. Studies were also made on the access of indigenous peoples to health systems, with emphasis on children and women.

The activities in the health sector were limited, due to administrative difficulties, which disallowed the continuity of hired personnel, but also because of limitations in making the technical work compatible with the vision of the indigenous organizations.

b. Ministry of Justice

After the approval of the new Constitution in 2009, the Ministry of Justice made progress in its analysis and discussion with the organizations on making the indigenous community justice compatible with ordinary justice. In accordance with article 190 of the Political Constitution of the State, a Law on Jurisdictional Demarcation must be promulgated in order to establish the personal, material and territorial competences of indigenous justice. For this purpose, the Bolivian Program of Strategic Investigations (*Programa de Investigación Estratégica de Bolivia*—PIEB) directed comparative studies on the interpretation of indigenous rights in different regions of the country, and on this basis a draft law was prepared, and subsequently, analyzed and adjusted together with the indigenous peoples.

A proposal was also prepared for a law on the Prevention and Elimination of all Forms of Discrimination, which, by the end of the Program was being dealt with by Parliament. Regarding discrimination and racism, research was conducted, focusing on the events of September 2008 in the Department of Pando, where 15 peasants were murdered.⁸ The objective was to put in evidence the situation of racism in the region, as the first step of a strategy to deal with such phenomena. An international event was also organized in La Paz about racism and discrimination.

With the indigenous peoples of the Highlands, the application of the *chacha-warmi* principle of duality and the reflection on gender equality were promoted. The United Nations Declara-

tion on the Rights of Indigenous Peoples was also socialized with indigenous women.

A joint follow-up on the legislative processes was made by the Ministry of the Presidency and the Ministry of Justice within their respective areas of competence, as for example, the law project which establishes the propagation of the official languages Quechua, Aymara and Guaraní.

It is important to note that the agreement with this portfolio had very ambitious objectives such as institutionalizing indigenous jurisdiction in the Lowlands and the Highlands, training the Judicial Power on indigenous rights and the implementation of an inter-ministerial body that, in coordination with the organizations, would assume the defense of indigenous rights, all actions that could not be realized before the closure of the Program.

c. Ministry of Defense

In 2004, a seminar on “Democracy, Multiculturalism and Armed Forces” was organized, enabling an encounter with indigenous peoples to discuss aspects referring to the role of indigenous peoples in the Bolivian army. That seminar provided a base for developing a Program on *Equal Opportunities*, conceived to promote the enrolment of young indigenous men and women having graduated from rural schools into the Armed Forces’ Institute of Higher Education (*Instituto de Formación Superior del Ejército*).

This program has been replicated since, becoming possibly the most sustained action for mainstreaming indigenous peoples’ rights. Its main activities in this period were the following:

- Systematization of the 2005-2008 experience and consolidation of a public policy that guarantees access, attendance and achievement of indigenous youth in the military academic education system.
- Preparation of a Supreme Decree proposal with a view to institutionalizing the incorporation of indigenous applicants in the military training institutes.
- The implementation of an orientation program for officers and conscripts which allowed learning their needs for being trained in indigenous peoples’ rights. Based on its results, a proposal for intercultural and indigenous rights training was designed to be conducted by the Military University.

⁸ These investigations were published in two volumes under the title “Tahuamanu: Racism and Massacre in the Amazons”, Pando, Bolivia 2008.

Within the framework of the abovementioned actions, research into interculturality and the Plurinational State was prompted as part of the promotion of respecting indigenous peoples' rights in the Ministry of Defense. The program was conceived for the admittance of 20 young men and 5 young women per year; however, by May 2009, only 36 cadets, including five women, were between their first and fourth year of military training. This is due to the fact that 41 cadets, including 10 women, were dismissed during 2007 and 2008, the majority because of low academic performance or personal request.

An analysis about the program execution made during 2009 mentions that the program has only been effective when it comes to admitting cadets of indigenous origin to the Military College and their training, but has been deficient at the academic level.

It is also observed that the incorporation of indigenous individuals in the Armed Forces implies a certain degree of acculturation or "whitening", which goes against the spirit of the program. In this connection, it is mentioned that:

Though the doors have opened to this space of officers' training, the curricular content of the latter still remains unchanged and with a strong homogenization component of the cadets, which in the end does not allow the multicultural conscience to which the Political Constitution of the State refers.⁹

Among other deficiencies in the program execution, it was identified that, during the selection of applicants, the defined mechanisms were not rigorously applied and the admittance of individuals closely related to agrarian union leaders or politicians prevailed. These individuals would, to a large extent, come from urban schools, thus generating new spaces of discrimination against indigenous peoples coming from the rural areas.

Regarding training workshops with officers and conscripts, it is considered that the Armed Forces have been made aware of the rights of indigenous peoples with emphasis on equality and gender. However, it was observed that officers maintain concepts and interpretations about indigenous peoples which differ from pluralist and intercultural criteria, and it is felt that among the conscripts there is a total lack of knowledge about their rights in general and their rights as indigenous in particular.

Based on this diagnosis, the consultant recommended to address the detected deficiencies and to have the Military University implement the teaching modules that have been designed for topics related to multiculturality, interculturality, ethnocide and indigenous rights, with the perspective of overcoming the prejudices of the past related to indigenous peoples and consolidating an inclusive mindset within the Armed Forces.

The teaching modules were designed to include the characteristics of the indigenous peoples of the country, gender relations, the socio-political organization, and the history of the legislation on their rights. Pilot tests for its implementation and later replica by the various military institutes were being made by the end of the period.

d. Ministry of Labor

Under the leadership of this ministry, a public policy was formulated for the eradication of forced labor in indigenous and peasant communities, and its execution was put in charge of a specialized unit. As a result of this work, which was carried out together with the Vice-Ministry of Lands, the adoption of the Supreme Decree (*Decreto Supremo*—D.S.) 29802 of 2008 was promoted. This decree establishes the existence of servitude systems, forced labor or analogue forms of exploitation in rural areas and indicates how INRA should deal with it.

Within the framework of this policy, an Inter-Ministerial Emergency Commission undertook the implementation of an *Inter-Ministerial Plan for the Eradication of Servitude of the Guaraní People*. This plan includes the labor rights for the communities that have lived enclosed within the cattle ranches of the Chaco region. A similar plan was elaborated to intervene in the sugar cane sector, including supervision mechanisms in the sugar mills, and this plan was later analyzed by the interested sectors. It was also furthered, toward the closure of the Program, to adopt a normative regulation for Rural Wage Laborers and extend the policy of forced labor eradication to the brazil nut sector.

e. Ministry of Education

By contracting a specialized consultancy on indigenous education, lobbying was carried out in order to have this Ministry incorporate indigenous rights within two fields of its public policies: i) the curricular contents, and ii) the access to educa-

⁹ Gonzalo Linares, Consultant on Indigenous Subjects in the Ministry of Defense. Activity report, July 2008 – May 2009.

tion, especially of indigenous girls, women and young men. In 2009, advances can only be seen in the field of curricular contents, with the elaboration of a document on Educational Units, the creation of Educative Councils and the revision of the Plan on teacher training.

A document entitled *Identity and Difference: Education and the Logics of Living Well* was also produced. It establishes a theoretical framework and evaluates the Educational Reform Law on a proposed new curriculum based on “community logics”.

The Ministry of Education was the only ministry that took advantage of the consultancy offered by ADPI’s Mainstreaming component, incorporating it in the structure of the ministry with its corresponding budget (Camacho, 2009).

f. Ministries of Hydrocarbons and Mining

Beginning in 2006, the Ministry of the Presidency decided to start working in coordination with the Hydrocarbons and Mining Ministries, something which initially had not been incorporated in the ADPI Program. It was agreed with these ministries

to coordinate the specific subject of consultancy and participation of indigenous peoples.

With the Ministry of Hydrocarbons, support was given to the work of indigenous organizations, especially in the Lowlands, on the regulation through a Supreme Decree on the right of indigenous peoples to be consulted on hydrocarbon activities. Subsequently, support was provided for the elaboration of the Supreme Decree on the socio-environmental control and monitoring of hydrocarbon activities.

With the Ministry of Mining, lobbying for the respect of indigenous rights was done in relation to the preparation of a proposed Mining Law, and in this relation, several national and regional events were organized to socialize, debate and improve the proposed law. Joint negotiations were also made by indigenous organizations with the ministry, obtaining the latter’s preliminary commitment to incorporate indigenous rights in the Preliminary Draft of the Mining Law. To this effect, a technical document of analysis and inputs on mining policies was elaborated and, together with an analytical report on the Draft Mining Law, presented to the Minister of Mining for his consideration.

March for a Constituent Assembly



A joint task was also undertaken with the objective of elaborating a Supreme Decree proposal on the Consultation and Participation of indigenous peoples in mining activities. Both proposals were being discussed by the end of the period.

g. Ministry of Rural Development

In this Ministry, the work related to indigenous peoples' rights was set to be in the areas dealing with the protection of indigenous peoples' rights related to genetic resources, food sovereignty, intellectual property and traditional knowledge, and cultural values (material and immaterial). Its implementation was basically centered on participating on the Board of the Fund for Indigenous Development (*Fundo de Desarrollo Indígena*), created with resources derived from the taxes on hydrocarbons for the implementation of development programs for indigenous peoples and dealing especially with the normative rules regarding the structure and functioning of the Fund. By the end of 2009, the indigenous peoples' projects to be financed by this Fund were in the initial phase of being elaborated and presented to the Fund.

Additionally, a consultancy was contracted for Mainstreaming Public Policies with focus on the Rural Development in the Bolivian Amazons. During this consultancy, five workshops on the Right to Development were organized in order to socialize government policies in favor of indigenous peoples' rights and train the organizations in formulating development projects. Workshops were also held in the regions of the Pantanal and of north and southeast Potosí in order to begin formulating the development visions of the indigenous peoples in the Highlands.

Jointly with other ministries, an analysis and follow-up was made to law projects related to indigenous peoples' rural development, such as the law projects on Traditional and Natural Medicine, the law project on the Promotion of the Industrialization of the Coca Leaf, and the law project that provides the obligation of having consultations with indigenous and peasant communities prior to initiating any kind of procedures for the exploitation of natural resources. By the end of the period, the law projects were in the process of being considered by the Congress.

General results

As a result of the proposal to build a platform of policies and instruments for the benefit of indigenous peoples, mentioned at the beginning of this chapter, it can be observed that both the defunct Ministry of Indigenous Affairs (MAIPO) and the Ministry of the Presidency, as well as other governmental instances, developed numerous activities around the constitutional debate and indigenous peoples' participation in this process, a first-rate issue in the Bolivian political context, not only for state institutions, but also for society as a whole. Governmental institutions contributed to the process by providing spaces for reflecting on indigenous rights, conducting studies and systematizing proposals presented by the organizations, in addition to giving support to the coordination of the latter around the Constituent Assembly. A special mention should be made of the contributions of the Program component to themes related to communal justice and indigenous autonomy, which in the end were incorporated in the text of the new Political Constitution of the State.

Other important results are the impetus given to the approval of supreme decrees such as the ones that regulate the right of indigenous peoples to be consulted on gas and oil operations in indigenous territories and the socio-environmental control and monitoring of such activities, as well as the decrees on land related issues that were approved regarding the application of the policy to eliminate servitude or forms of semi-slavery in which families belonging to the Guaraní people find themselves.

However, the results that perhaps in a more exclusive manner can be attributed to the component, have to do with the creation of policies aimed at the materialization of indigenous rights or the initiatives and spaces of coordination established for this purpose. The Ministry of the Presidency points out in this field the following results by areas:

- Health policies that incorporate the rights of indigenous peoples with emphasis on indigenous children, women and peasants, and draft laws on traditional medicine and other subjects related to indigenous peoples' health.
- Policy for the eradication of forced labor in indigenous and peasant populations, for which specific plans of implementation were adopted (in the Guaraní case, and in process



in the sugar-cane producing areas and areas of Brazil (nuts exploitation) and legal norms (Supreme Decree—D.S. 29802 from 2008 for dealing with servitude systems, forced or similar forms of labor in rural areas) and others that are being planned (regulation of the Wage-Earning Rural Worker).

- The process of formulating educational policies to include the rights of indigenous peoples in curricular contents (document about the Educational Units and Educational Councils and the revision of the Plan on Teachers' Training), and a theoretical framework for the access of especially indigenous girl-children, women and youths (Theoretical Framework Document on *education and the logics of living well*, that evaluates the Educational Law Reform for a proposal of a new curriculum based on community logics).
- *The Equal Opportunities Program* for the admittance of young men and women of indigenous origin to the Armed Forces' Institute of Higher Education, which leaves important lessons regarding the subject matter of indigenous rights and the Armed Forces.
- Policies for highly vulnerable indigenous peoples.
- Framework for the formulation of policies focusing on Rural Development in the Bolivian Amazon.
- Comparative studies about the interpretation of indigenous rights in the different regions of the country and proposals for the application of communal justice and making it compatible with ordinary justice.

Critical factors for the component's implementation

Starting the Mainstreaming component met with difficulties from the very beginning. These difficulties are ascribed in a general manner to the country's state of political unrest during the period, but also to the institutional weakness of the State. The context of social and political unrest experienced by the country during the period determined the realization of successive electoral processes (referendums on departmental autonomies, the repeal of mandates, the approval of the new Constitution and general elections, among others) that, undoubtedly, affected the normal functioning of the state institutions in general and made it impossible to implement the planned work with the departments and municipalities, especially in the Lowlands.

Regarding the institutional weakness of the State, this made itself clear in the turnover and instability of the personnel

instigated, in part, by the transfer of the Program from the Ministry of Indigenous Affairs (MAIPO) to the Ministry of the Presidency, the changes in the leadership of the latter, as well as in that of several related ministries.

An element that made it difficult to achieve a better implementation of the component was the fact that the planned *Inter-Institutional Council of Indigenous Peoples* was not established. This council had been planned as a coordination and follow-up instance, not only for the Program but for the public policies in general that the former intended to promote. Although such an instance was kept permanently on the agenda of the Ministry of the Presidency and that the institutions involved in the implementation of the component were convened to establish it, this did not happen before the Program came to its closure.

The absence of a space of analysis to be used jointly by the various government instances and the indigenous organizations for the elaboration of strategic definitions around the mainstreaming of indigenous rights in public policies, determined that this work remained under the initiative of the people hired as consultants in each ministry, without it being possible to generate a joint view and orientation of the government's action and, even less, to shape the state policies aimed at generating long term changes transcending the periods of government administration.

In spite of this, the growing visibility of the indigenous movement as a first class player in Bolivian politics facilitated a great number of the abovementioned advances, especially the formal recognition of the rights of indigenous peoples and their access to, and participation in, the State's decision-taking bodies.

The high degree of identification by the main indigenous organizations with the government headed by President Evo Morales, however, also acted as a negative factor for the achievement of greater and more substantial results. The empowerment that the indigenous peoples are experiencing, combined with the persisting limitations in the understanding of the significance and scope of their rights, was perhaps one of the causes that made it difficult to put into practice a general coordination instance and even to articulate specific processes.

The enthusiasm generated by the ascension of an indigenous person to the presidency of the Republic caused the organiza-

tions to assimilate with the Government, and this led to giving priority to the consolidation of the political power in the context of the conflicts experienced by the country over the perspective of materializing their rights in sound, long-term policies. Instead, the mainstreaming of indigenous rights was, to a great extent, understood as the insertion of indigenous persons in positions of coordination or the hiring of consultants, who, in many cases, performed away from the general dynamics and policies of the respective ministries or institutions, with the result that the base lines or the policies designed in each subject could not be consolidated as part of an integral institutional management.

It could therefore be asserted that the “double strategy” that characterized ADPI was not adequately reflected in the component, in part due to the fact that a clear differentiation between the Government on one side and civil society and indigenous organizations on the other was not feasible in this context. Perhaps this factor determined the absence of the coordination instance that would have made it possible for the organizations to be directly involved in the definition and execution of the actions that, with a view of mainstreaming the focus on indigenous rights, were implemented by various governmental instances.

Some preliminary lessons

The experience has not yet been sufficiently evaluated by the players themselves and it is too soon to identify substantial results in connection with the recognition and acceptance of cultural diversities in Bolivian society and changes in the conditions of life of indigenous peoples. However, the factors pointed out earlier lead us to consider as a lesson learned that the definition and implementation of cross-cutting policies with focus on indigenous rights in societies where indigenous peoples constitute the majority, be it population wise or politi-

cally, require greater efforts of coordination between the State and these peoples’ representative bodies, owing to the fact that both can end by being assimilated, even more so when indigenous rights form part of the ideology or the official political discourse.

In these cases, it seems recommendable to generate an open social debate and involve other perspectives, with the intention of bringing closer the views of different sectors of society so they may contribute to generate or consolidate an inclusive and intercultural environment and a long term perspective.

In order for the focus on mainstreaming indigenous rights in public policies to become effective, it is necessary for these policies to be part of an integral project with a national vision, as was proposed by the Government in the National Development Plan. Similarly, the definition and execution of the policies aimed at materializing the Plan’s assumptions must be done in an articulate manner between the different instances and sectors involved in order to generate complementarities and better and more consistent results. The coordination deficiencies that presented themselves during the execution of the ADPI component invite to rethinking which state organism should be in charge of leading the process, when there is no organism specialized in the subject matter.

Some of the people involved in this process have seen it as a difficulty that the State has not yet created strong institutions and has not yet managed to form a governmental team with corporate spirit that would make a coherent and consistent action easier. This led to the decision of locating the responsibility for the implementation of the component within a ministry with “hierarchy”, but experience leads to think that instead of this criterion, mainstreaming should be located in the organ in charge of general development planning, since it will be the Plan that must rule the entire governmental implementation.

REGULATION AND TITLING OF INDIGENOUS COMMUNITY LANDS

Background

The Danish Government's support to the process of recognizing and titling indigenous territories began in 1997 with a pilot phase that was implemented between August of that year and January 1999. The idea was to test Law 1715 on the National Agrarian Reform Service. This law, also known as the INRA Law for having created the National Institute of Agrarian Reform (*Instituto Nacional de Reforma Agraria*—INRA),¹⁰ was the first law to recognize the right of indigenous peoples to collective titling of their lands as Indigenous Community Lands (*Tierras Comunitarias de Origen*—TCO), in accordance with article 171 of the amended Constitution of 1994.

Law 1715 stipulated the classification and regularization of agrarian property rights in the entire country and for that purpose three types of regulation (*saneamiento*—SAN) processes were introduced: Simple Regulation (*Saneamiento Simple*—SAN-SIM) for the properties of individuals and peasant communities; Cadastral Registered Land Regulation (*Saneamiento Catastral*—CAT-SAN) for areas of public interest, and Regulation of indigenous lands (SAN-TCO) in territories claimed as Indigenous Community Lands. To begin the regulation and titling of TCOs, four claims were selected for the pilot stage: Monteverde, Guarayos and Lapuaguaso in the Department of Santa Cruz, and Tapieté in the Department of Tarija.

The procedure for carrying out the regulation was established by the Regulation of the Law and included 11 stages, each one of which was further developed by INRA with very detailed

¹⁰ The agrarian reform initiated by the 1953 Law, had created the National Council on Agrarian Reform and the National Institute of Colonization as institutions in charge, respectively, of furthering the agrarian reform, and promoting land colonization in Oriente. Both institutions worked until 1992, when they were put under administration due to numerous corruption scandals regarding land granting, especially in the Lowlands of the country. This situation lasted until 1996, in which year Law 1715 was passed, creating the National Institute of Agrarian Reform, INRA.





administrative dispositions, making the whole procedure very slow and encumbered with numerous difficulties.

However, this first experience constituted the background, which the future TCO titling processes were to take as their point of departure, since it allowed to built up trust among the indigenous peoples and their organizations; it generated professional capacities to confront this task within both the State and the indigenous organizations and their support NGOs; and it helped design the first implementation tools and methodologies.

In June 1998, the Bolivian and Danish governments signed the intergovernmental Agreement on the Support to Indigenous Peoples, Popular Participation and Decentralization, incorporating, as one of its components, the Regulation and Titling of TCOs. The intention was to advance the process of recognizing 16 TCO claims in the Oriente, the Chaco and the Bolivian Amazon, that had an extension sufficient in quality and quantity to guarantee the sustainable development of the beneficiary peoples. In 2001, an amendment to the original Agreement broadened the goal of the component with nine additional claims in the Lowlands and with at least seven claims in the Highlands.

During the first phase, different stakeholders intervened in the process. These included, from the part of the State, INRA and the Vice-Ministry of Indigenous Affairs (*Viceministerio de Asuntos Indígenas y Originarios*—VAIO, later MAIPO), the first being in charge of carrying out the regulation process and the second being responsible for elaborating the Studies to Identify Spatial Needs (*Estudios de Identificación de Necesidades Espaciales*) and issuing Certificates of Ethnic Identity (*Certificaciones de Identidad Étnica*—CIE); from civil society, participated the organizations representing indigenous peoples, the Confederation of Indigenous Peoples of Eastern Bolivia (*Confederación de Pueblos Indígenas del Oriente Boliviano*—CIDOB) and the National Council of Ayllus and Markas of the Qullasuyu (*Consejo Nacional de Ayllus y Markas del Qullasuyu*—CONAMAQ) with their respective

technical support entities. In the case of CIDOB, its technical branch was the Center of Indigenous Territorial Planning (*Centro de Planificación Territorial Indígena*—CPTI), and in the case of CONAMAQ, the Center of Social Investigation and Legal Assistance of Potosí (*Centro de Investigación Social y Asesoramiento Legal de Potosí*—ISALP).

On the other hand, the execution of SAN-TCO implicated other important players. The so-called “*terceros*” (third parties), who pretended having ownership rights over a good part of the lands claimed by the indigenous communities, the forest concessionaires responsible for the timber extraction from an important percentage of the natural forests in the same territories, as well as mining concessionaires, “*pirateros*” (illegal loggers) and land traffickers, among others, who filled the regulation process with obstacles.

The complex procedure established for implementing the regulation, added to geographical and climate difficulties and strong pressures from political quarters, large producers’ associations or other powerful groups were the reason why the titling of the originally planned TCOs was not completed within the original time frame (until December 2003) (Table 1).

In 2003, the Government presented the National Plan of Regulation and Titling, with the goal of re-launching the agrarian process and planning the activities up to its conclusion in 2006—the deadline established by Law 1715. In this Plan, INRA sat out to delegate the regulation functions to the departmental level and private companies, leaving the supervision at the national level. Furthermore, it sat out to move the regulation forward by geographical areas rather than according to financial availability; simplify the procedure, strengthen the

SAN TCO progress by December 2003

Table 1

Region	Extension of TCO claims ^{(1) y (2)}	Extension of ⁽³⁾ titled lands (ha)
Highlands	11,702,388	99,882
Lowlands	25,794,177	2,629,053
TOTAL	37,496,565	2,728,935

¹ Rada, A.
² Romero, C.
³ INRA, 2009

social participation and the roles of the Departmental Agrarian Commissions, and putting into action a monitoring system capable of accounting for the relationship between physical and financial implementation.

The social unrest worsened, and in October 2003, the government of President Gonzalo Sánchez fell, allowing Vice-President Carlos Mesa Quisbert to assume office. From then on and until January 2005, when the second phase of the Support to the Rights of Indigenous Peoples of Bolivia begins, a bridging project was executed to ensure the continuity of what had been initiated during the first phase.

By the end of 2004, the National Plan of Regulation and Titling was still in the implementation stage and there was a growing unrest throughout the country. INRA had adopted decisions in order to get closer to fulfilling the Plan, like prioritizing the process by geographical areas and entire municipalities, hiring specialized firms, and it had progressed in an organizational restructuring, which included the delegation of responsibilities to, among others, the departmental authorities.

Nonetheless, around 530,000 hectares were titled that year: 308,628 in the Lowlands and 221,664 in the Highlands (Table 2).

Assessment of Phase I

According to the assessment made for the formulation of ADPI, perhaps the main obstacle to be identified was the intransigence of the traditional power groups, who concentrate under their control a large part of the lands and natural resources and exert their defense with corporate spirit, determined to bring

the confrontations to their ultimate consequences (Danida, 2004). As a matter of fact, the powerful groups complicated the process in the Lowlands to the point of unleashing violent actions against indigenous leaders, peasants and support institutions. The obstacles met by the process and the unrest were the cause of several massive indigenous mobilizations, pressing for results within the terms established by the law.

The resistance of the powerful landowners in the Lowlands coincided with the distrust felt by traditional political parties towards the TCO titling in the Highlands, due to the possible increase of conflicts with indigenous inhabitants regarding the access to water and mines, with the consistent economic demands to reduce environmental impacts and recognize benefit sharing. It was also noted that TCO titling could lead to changes in the exercise of local powers, for example through the creation of indigenous municipalities or indigenous empowerment in local governments beyond the political control of the parties.

In fact, the application in the Highlands of ILO Convention No. 169 on indigenous rights was felt by the political parties and social sectors as a threat to the unity of the country, since the indigenous population constitutes a vast majority in that region.

It could be assumed that, in the case of the Lowlands, the abovementioned prejudices would be fewer due to the low number of indigenous peoples. On the contrary, there prevailed (and still does) a marked racist tendency that considers indigenous peoples as an inferior population, an object of economic and political exploitation, subordinated to the *patrones*, who historically have been the owners of the land. This is per-

SAN TCO advances to December 2004

Table 2

In the middle of numerous obstacles, the regulation and titling process in the first phase—including the bridging project—led altogether to the results that are presented in this table.

Region	Extension of TCO claims ^{(1) y (2)}	Extension of titled lands (ha) ⁽³⁾
Highlands	11,702,388	321,548
Lowlands	25,794,177	3,015,455
TOTAL	37,496,565	3,337,003

¹ Rada, A.
² Romero, C.
³ INRA, 2009

haps the reason why the intransigent attitude towards TCO titling was from its outset directed at capsizing the process, which was coming to an end in October 2006 as originally stipulated by the INRA Law.

Other factors that prevented major results during the first phase had to do with:

- The regulatory norms of the law which imposed procedural obstacles to the regulation, such as the Studies to Identify Spatial Needs and the verification of the fulfillment of the Social Economic Function of the lands claimed by third party (animal density on grazing lands, among other criteria).
- The verification of the fulfillment of the Social Economic Function became a major obstacle because, after the data collection in the field, during which information was collected for each property, documents began to appear in which claims were made to work and investments that had not been identified during field work. This entailed that entire processes would be delayed by innumerable discussions, objections, agreements and new breaches.
- These and other obstacles, caused by norms issued by the Government and INRA, turned the process into a space of distrust and permanent confrontations.
- Conflicts with other social sectors, in particular peasant communities, settlers and individual producers, most of them neighbors to the TCOs but for whom no regulation or titling process of their possessions had been supported. In this respect, it is worth mentioning that some of these conflicts may have originated from the way the TCO claims were conceived and, in some cases, elaborated without adequately dimensioning their extension with respect to other owners with titling rights.
- The objections presented before the National Agrarian Tribunal, the jurisdictional organ in charge of resolving emerging conflicts in the regulation process, became the source of important conflicts. The resolutions of this Tribunal ordered INRA to repeat stages of the process, and this would revive the expectations of one of the conflicting parties and the conflict would grow, as would the costs and the time foreseen for the finalization of the regulation process.

The Program for the Support of the Rights of Indigenous Peoples – ADPI phase II

Based on the results attained during the implementation of the first phase, but taking into account that the regulation of approximately 16,000,000 hectares in the entire country had already begun, the governments of Denmark and Bolivia decided to give continuity to the process of regulation and titling of Indigenous Community Lands, this time within the Sector Program Support to the Rights of Indigenous Peoples (ADPI), to be implemented from 2005.

For this phase, the goal was to overcome the multiple obstacles that were challenging the process, whose first phase had developed in the midst of continuous social mobilizations and a marked political instability. The problem of access to land and the legal security of indigenous and peasant ownership were priority matters to be resolved in order to achieve democracy and social peace. The support to the SAN-TCO process turned out to be crucial for this purpose, apart from being the means for recognizing and applying indigenous peoples' rights as a whole, as enunciated in ILO Convention No. 169.

In fact, through the recognition of indigenous peoples' territorial property, their rights to an identity and to decide their own development priorities become effective, and other rights, especially the right to autonomy, are ensured. Territorial security is also considered a fundamental tool to fight poverty among indigenous peoples and communities since having a territory assures them access to the resources they need for satisfying their material, spiritual and cultural needs, taking into account that the true poverty indicator for indigenous peoples is associated with the deterioration, reduction, privatization or loss of their territory. The TCO titling also allows indigenous peoples and communities to exert a greater control on the protection of the environment, through observing and reporting the impacts that may be caused by the exploitation of natural resources and, in the case of the Highlands, allows them to fight against soil and water contamination. Lastly, the SAN-TCO process was also considered being an instrument that would bring about the participation of men and women on an equal footing and generate motivation and appreciation of the roles that women fulfill within the framework of their cultural identity.

With these criteria, the support to the regulation process was framed with precision within the guidelines of the Danish cooperation, whose priorities were poverty reduction, promotion of human rights, governance and democracy, environment and diversity, gender equality and support to indigenous peoples.

For this second phase, the proposition was to work with four specific objectives:

- The conclusion of the regulation of TCO claims initiated during the Program's first phase—19 in the Lowlands and 42 in the Highlands—and of at least 37 new claims in the Highlands, including the regulation of zones of influence (e.g., national parks) and adjacent lands of settlers and peasants through simple regulation.
- The Certification of Ethnic Identity and the Identification of Spatial Needs, to be taken care of by the Ministry of Indigenous Affairs for new TCO claims in the Highlands; the promotion by this entity of peoples' participation in the regulation process; and its contribution, together with

INRA, towards the resolution of conflicts related to the process.

- The participation of social organizations and representative organizations of indigenous peoples in the exercise of social control, conflict resolutions and the promotion towards incorporating a gender perspective in the regulation and titling processes of their TCOs.
- The formulation by the Ministry of Sustainable Development of a land policy agreed with indigenous peoples and large sectors of the population, anticipating that this would be feasible in the National Constituent Assembly, which, at the time, was in the process of becoming a reality. The component contemplated an unspecified support for initiatives and proposals around this process.

The intention was to contribute towards the implementation of the National Plan of Regulation and Titling, presented by the Government in 2003, and which would have a geographical focus. For this purpose, it was considered combining SAN-TCO with other types of regulation in conflict areas and sup-

Indigenous technicians marking waypoints with GPS



port the INRA restructuration process, especially strengthening the departmental offices that would assume the decentralized functions.

For this second phase, priority was given to the fulfillment of processes initiated in the previous phase, to the TCOs that were planning the implementation of the Indigenous Territorial Management (*Gestión Territorial Indígena*—GTI) component and to those TCOs that were able to make their objectives compatible with those of the indigenous municipal districts, with the purpose of improving the governance conditions in both spheres.

Special attention was given to conflict resolution, for which several precautions were taken, among them, the generation of capacities within the involved parties for handling and resolving conflicts, the promotion of alternative resolution mechanisms based on dialogue and coordination, and social control during the process in order to reduce rural violence and restore the credibility of state institutions. It was also decided to act preferably in areas where conflicts were foreseeable (Lowlands) and in some highland TCOs with land shortage, boundary conflicts, overlapping concessions, and other issues

As a measure to avoid the high costs entailed by extremely conflictive claims, it was decided that the process would be suspended, when conflicts were identified as apparently impossible to resolve (boundary conflicts between departments, for instance), or when a high degree of internal disagreement existed regarding the type of property (individual or collective titling), unless all parts were motivated to overcome their disagreements and reach consensus about a realistic model for their resolution.

The component's first implementation year: "Agrarian Counter-reform"

The initiation of the Program coincided with one of the most complex years for Bolivia in the entire decade. The saturation of social and political unrest led the country to a new presidential succession and to the general elections in December, in which Evo Morales was elected.

During 2005, the advances of the program implementation as a whole were not significant and dispositions were adopted

instead, contributing markedly to increase the unrest. During May of that year, President Mesa emitted four Supreme Decrees (*Decreto Supremo*—D.S.), which the organizations qualified as "an agrarian counter revolution".

- The D.S. 28140 created forestry property, in violation of the agrarian and forestry legislation. With this decree, the TCOs would lose a large proportion of their natural forests, which had been given in concession after the INRA Law was approved.
- The D.S. 28148 awarded full authorization to the INRA departmental directors to implement the regulation process. With this decree, the control of land issues was conferred to the regional powers, which were, especially in the Lowlands, openly against the agrarian reform and the titling of indigenous and peasant lands. Furthermore, it promoted the contracting of private companies to carry out the regulation.
- The D.S. 28160 created the Fund of reimbursable credit to allow indigenous peoples and peasants to acquire lands, which was contrary to the gratuitous nature of donation.
- The last of the decrees, D.S. 28153, approved the National Strategy of Rural and Agricultural Development, which integrated the applications of the abovementioned norms.

During that year's administration, and within the framework of the National Regulation and Titling Plan, INRA carried out a process of Institutional Strategic Planning with the purpose of improving its capacity to respond and attain greater impact on social problems originating from land ownership. However, a status report on the situation in October 2005 indicated that many of the processes had been delayed due to specific conflicts and that the defined operational strategy had not been put to use. INRA and the Ministry of Indigenous Affairs were, in this aspect, not fulfilling their role, and they were reducing conflict management to a legal issue without taking into account the conflicts' political and social complexity. Moreover, the report noted that there was no public policy framework concerning indigenous issues and that the Ministry of Indigenous Affairs lacked institutionality for being a Ministry without portfolio, for the continuous change of minister, and because the social organizations and the public institutions in general took it for being a bastion of patronage, limiting even more its legitimacy and capacity for lobbying.

That year, only some 272 thousand hectares are effectively titled in the Highlands and none in the Lowlands.

A new government and the beginning of the “Agrarian Revolution”

In 2006, a new stage begins after the presidential elections. The Government project of Evo Morales aimed at reforming the State through measures such as the nationalization of the oil and gas industry, the intensification of the agrarian reform and the convening of the Constituent Assembly. All this began to be implemented in the midst of strong tensions.

That same year, a number of events occurred: the convocation to the Constituent Assembly and to referendums on departmental autonomies; the nationalization of the gas and oil industry, the restructuring of the Executive Power and the adoption of the National Development Plan which marks a clear intercultural approach, sympathetic to the indigenous peoples.

In fact, the chapter “Productive Bolivia” of the National Development Plan includes a Strategic Land Plan, which prioritizes the access to land by indigenous peoples and peasant communities and generates adequate conditions for their integral development and the full legality of their territorial rights,

putting emphasis on vulnerable peoples and peoples in voluntary isolation. For its implementation, the Plan proposes the adoption of a new normative framework which allows concluding the regulation process in a responsive and transparent manner, lowering the costs and increasing the social control.

The execution of this Plan remained in charge of the Ministry of Rural Development and Environment through the Vice-Ministry of Lands, which assumed the functions previously fulfilled by the Ministry of Indigenous Affairs.

Land Policies and Adjustment of the Agrarian Normative Framework

The new Vice-Ministry of Lands undertook the task of formulating a new Land Policy¹¹ and giving impetus to the new normative framework.

¹¹ This policy was the subject of a broad negotiation process with the social movements and organizations of the rural sector, technical support institutions, members of the Constituent Assembly, parliamentarians, and the sectors of the Executive Power linked to the thematic, as well as with the international cooperation community. According to the Vice-Ministry of Lands, the associations representing the large businessmen in the Oriente were reluctant to participate in spaces for discussion.

Indigenous mobilization for a Constituent Assembly



The Land Policy, directed at resolving the agrarian issue and bringing an end to land ownership as a power factor and source of social conflict and instead turning it into a factor of well-being, bases itself on four core issues considered as cross-cutting within the “Agrarian Revolution”:

- The decolonization of the agrarian structures, aiming at eliminating large estates (*latifundios*), the practice of servitude and human labor exploitation and at consolidating indigenous peoples’ territorial rights.
- Equity in land access and ownership as a condition for political, social and economic structural changes, considering the access to land by means of individual and collective property for women and men, whose life and well-being depend on agriculture, fishing, cattle farming and forests.
- Food sovereignty, based on peasant agriculture, the rehabilitation of the latter and the strengthening of communal enterprises.
- Sustainable use of soil, water, forests and biodiversity, through the stabilization of the agro-livestock and forestry frontier, the recuperation of soil and degraded forests and the management of hydrographic basins.

In order to consolidate the indigenous peoples’ territorial rights, it was necessary to adapt the agrarian normative framework, which was one of the specific objectives of the component and of the Program in general. The priority was to straighten up the TCO regulation process, which until then had been constrained by multiple factors, including the normative framework that made it arduous, slow, costly and conflictive.

Given that the majority of seats in parliament were held by the forces opposing indigenous territorial rights, in particular the TCO titling in the Oriente because of the major interests it involved, it was not expected that amendments to the Law would be promptly adopted. At the same time, there was an urgent need for adopting mechanisms that would allow unblocking the process and reverting the application of the counter-reform decrees adopted by President Mesa, the year before.

While the Law Project to amend Law 1715 was prepared and presented to Parliament, the Government enacted seven supreme decrees, which it identified as the start of the “Agrarian Revolution”. The decrees of 2 June 2006 were agreed by the Government and the indigenous organizations, and were aimed at:

- The direct abrogation of President Mesa’s decrees. This way, the recognition of “forest property” was overturned since it pretended to illegally remove from the TCOs the forest concessions given when the INRA Law was in force.
- Decreeing the distribution and re-distribution of public lands in favor of indigenous peoples and communities as well as peasant communities with insufficient land or without any land at all.
- Ordering the mandatory implementation by INRA of the land regulation in order to prevent the contracting of private enterprises, and return to INRA the functions, which had formerly been decentralized.
- Regulating the intervention of agrarian judges during the regulation process and eliminating the possibility of a double impugment (before the agrarian judges and before the Agrarian Tribunal), which was delaying the processes indefinitely and successively.
- Prioritizing titling in favor of women (Paredes and Canedo, 2007).

In addition, the decrees expanded the integration and competences of the National Agrarian Commission and established simple regulation modalities for peasant properties titled during the agrarian reform of 1953.

In October 2006, and in the midst of a massive indigenous and peasant mobilization that surrounded the Parliament, Law 3545 on the Community Redirection of the Agrarian Reform (*Ley de Reconducción Comunitaria de la Reforma Agraria*) was approved. This Law, besides incorporating the measures adopted through the abovementioned Supreme Decrees, adjusted the rules to avoid the consolidation of land holding ownerships that do not comply with the Social Economic Function and of lands that were acquired in an illegal manner, among other dispositions directed at ordering the process and guaranteeing equal access to agrarian property. It also introduced the expropriation of lands intended for indigenous peoples in need of land. In procedural matters, it introduced qualitative changes to reduce the time spent on regulation.

Prior to this, the adoption of Law 3501 had prolonged the regulation period until 2013.

In 2007, a new regulation of the agrarian legislation was launched (Law 1715 from 1996 and Law 3545 from 2006) in a consensual process with the main interested parties and their technical support entities. The new Regulation, adopted

through Supreme Decree 29215 (2 August 2007), provided the mechanisms for simplifying and accelerating the regulation process, for improving the social control and for guaranteeing transparency; and it granted the National Agrarian Commission and INRA the right to identify and revert the ownership of non-cultivated lands to the State in order to be redistributed later to indigenous and peasant communities without land.

Parallel to the formulation of a policy and the new normative framework, a dissemination campaign was undertaken through the printed media (folders, books, and publications), television and radio spots about the contents, achievements and benefits of the Law on Community Redirection of the Agrarian Reform, its Regulation and the new Land Policy. The campaign generated a favorable public opinion, not only for its application but also, as a whole, for recognizing the rights of indigenous peoples, contributing, in this way, to the debates in the Constituent Assembly.

Political conflict and the approval by referendum of the new Constitution

The correlation of forces was not favorable for the application of the new political and judicial framework. The departments of the *Media Luna*¹² had called for their autonomy, through which they were seeking to “...maintain the regional conditions in order to perpetuate this concentrated, predatory, and speculative latifundo model” (Urioste, quoted in Danida, 2007), and the political unrest and instability of the country continued.

In 2008, the opposition increased the pressure mechanisms. Its protests included occupying by force strategic government institutions, among them INRA, and in Pando a social crisis was generated, reaching its climax with the massacre of 15 peasants, the declaration of a state of emergency in the department and the destitution and trial of the prefect. The use of force was not welcomed by public opinion, and this favored the start of a dialogue between the Government and the departmental authorities in opposition, which was carried-out under the supervision of the Catholic Church, the European Union, the United Nations, the Organization of the American States and the Union of South American Nations (*Unión de Naciones Suramericanas*—UNASUR).

Following this dialogue, Congress presented a consensual constitutional text to be ratified by referendum, which was held in January 2009, approving the new Political Constitution of the State with a vast majority. This referendum also included a consultation on the maximum size of agrarian property. Nearly 81 percent of the voters endorsed the size of five thousand (5,000) hectares, thereby demonstrating a resounding rejection of the concentration of land ownership.¹³

Concerning the Constituent Assembly, formally installed in August 2006, it should be stressed that indigenous peoples from both the Lowlands and the Highlands, as well as peasants were represented and made alliances among themselves and with the national Government in order to promote a joint proposal that included the issues of indigenous and peasant territories and their natural resources.

The Constitution approved by referendum incorporates to a large extent this proposal and in general configures a framework broadly favorable to the rights of indigenous peoples. On the matter of lands, it establishes the character of collective indigenous property as indivisible, imprescriptible, non-seizable, inalienable, and irreversible; it stipulates the exclusive donation of public lands to indigenous, peasant and intercultural communities; it guarantees the right of women to access land ownership; it prohibits large estates (*latifundios*) and labor relations in rural areas based on servitude and forced labor, considered a causal factor for reverting agrarian property to the State, while it guarantees and protects individual property as long as it fulfills a socio-economic function.

Once the new Constitution was approved, the Congress of the Republic maintained its legislative competency only to regulate in a transitory manner some electoral aspects. The general legislative activity for developing the new Constitution was to be taken over by the Plurinational Assembly, elected in December 2009.

Provisions for the application of the new Land Policy

The National Regulation and Titling Plan, elaborated in 2003, was not consistent with the new situation of the Bolivian agrar-

12 The region of Bolivia known as “la Media Luna” (The Half Moon) includes four departments: Pando, Beni, Santa Cruz and Tarija.—Trans.

13 The Government agreement with the prefects of Media Luna included, as part of the referendum, a consultation about the maximum size of property ranging between 5,000 hectares, as approved by the Constituent Assembly, and 10,000 hectares as claimed by these departments’ large landowners.

ian process and resulted contrary to the guidelines laid out for the new Land Policy. To replace the plan, the National Strategic Plan of Regulation and Titling (*Plan Estratégico Nacional de Saneamiento y Titulación*) was formulated with the view of concluding the agrarian property regulation by 2013, the deadline for the regularization of the agrarian property.

The regulation (*saneamiento*) had not been implemented in 68 percent of the lands in the country (72,600,000 hectares) and to conclude the process within the aforementioned period, the new Plan quantified the goals to be achieved per year:

- 40,500,000 hectares regulated by 2008
- 57,600,000 by 2010
- 72,600,000 by 2013

In coordination with INRA, the Vice-Ministry of Lands also began the formulation of the National Plan for the Distribution of Public Lands and the National Plan for Human Settlements to regulate the processes. The mechanisms to recuperate public lands for its later distribution were contemplated in the Law on Community Redirection of the Agrarian Reform: on one side, the reversion of property when not complying with the Social Economic Function, when forms of servitude violating labor rights are being practiced within the property, or when productive practices accelerating the degradation of soils and forests are applied, or illegal deforestation is being carried out; on the other side, the expropriation as a mechanism to acquire lands not just for public works, but also with the aim of conservation, distribution or land regrouping in favor of indigenous peoples and peasants.

In 2007, the policy was complemented with the design of a Land Administration System, in order to collect all the information referring to the subject and generate reliable and low cost information; the definition of instruments for handling geo-referential information; and the development of a Technological Toolbox (satellite images, aero-photography, field surveys and digital and analogue products). A proposal was also elaborated for a National Registry of Public Lands (*Registro Único Nacional de Tierras Fiscales*) and for a National Registry of Beneficiaries (*Registro Único Nacional de Beneficiarios*) (Vice-Ministry of Lands, 2008).

In order to apply the new policy, an institutional strengthening of INRA was seen as necessary and strategic, since it was the main institution responsible for the material and financial exe-

cution of the agrarian regulation and, as such, for guaranteeing the planned results. For this purpose, the Royal Danish Embassy signed an agreement with the Swedish Agency for International Development (*Agencia Sueca de Desarrollo Internacional—ASDI*)¹⁴ in order to channel its support to INRA into the framework of the cooperation agreement between the Bolivian Government and the Danish Government. The project “Support to the Institutional Strengthening of the National Institute of Agrarian Reform”, implemented from the second semester of 2008, included an international technical support consultancy specialized in institutional strengthening and in the development and handling of a cadastre; the contracting of national consultants to deal with the communication strategy and conflict management; the development of a Planning, Monitoring and Evaluation system and the design of a decentralized model for the administrative management of INRA.

Global results of the new policy application

Between 2006 and 2009, a total of 31,500,000 hectares were regulated, which added to the 9,300,000 hectares regulated during 1996 and 2005, sums up to 40,800,000 hectares whose regulation has been concluded (Table 3). Of the total regulated area, 25.5 million hectares have been titled under the different modalities of agrarian property and 15,350,000 hectares have been identified as public lands. Of the latter, only 3,880,000 hectares are available for donation and up to December 2010, 1,150,000 hectares had been effectively titled (INRA, 2010).

The TCOs represent 41.13 percent of the regulated and titled property to date, which added to the 12.03 percent represented by communal property, means that 53.16 percent of the total regulated lands correspond to the collective property of indigenous peoples and peasants (Table 4).

In order to implement the new Land Policy, the Vice-Ministry of Lands, together with other ministries, adopted the Strategy of Territorial Restitution to the Guaraní People benefiting indigenous peoples and communities living as captive or in a situation of servitude in the Bolivian Chaco region. In compliance with Supreme Decree 29292 (2007) that established the Inter-Ministerial Council for the Eradication of Servitude,

¹⁴ For a total sum of US\$573,000.

Forced Labor and Similar Forms of Exploitation, INRA started a process to reverse the ownership of eight properties to be given to these communities. At the end of the period, 601 hectares had been reversed and donated to the TCO Guaraní Avtiri Huacareta, while another 2,085 hectares are still pending the resolution of impugnments presented by the affected individuals before the National Agrarian Tribunal. Additionally, the resolution to declare the reversion of another 2,900 hectares for the benefit of the same communities is being processed.

Regarding the expropriation established as a mechanism for regrouping and redistributing lands to communities, Supreme Decree 29354 was issued. This decree stipulates that the processing of 180,000 hectares destined to the same communities should be started and at the closing of the Program, these processes were in their initial stage, waiting for the first expropriation resolution of an 836-hectare estate to be issued.

In application of the new Land Policy, impetus was given to penal investigation processes on land trafficking, hoarding, illegal and punishable divisions of agrarian property and irregularities in the regulation process. Special emphasis was put on cases where indigenous peoples' rights had been violated, and cases that had been denounced in previous years, but had not advanced in the judicial instances. An example of this is the case of the TCO Guarayos. During its regulation, reconciliation agreements were made between former INRA employees and former indigenous leaders to consolidate the property rights of third parties who did not comply with the legal requisites (Social Economic Function), taking away a large part of the TCO area from the communities. Illegal settlements of foreigners on national territory were also confronted, like the case reported by the social organizations of Pando on land trafficking and exploitation of forest resources by illegal Brazilians, who were evicted. Investigations were also started on the concentration of land in the hands of some families in the departments of Beni, Pando, and Santa Cruz, who had

General results of the agrarian regulation as of December 2009

Table 3

The implementation of a new legal and political agrarian framework started in 2007 and at the closing of the Program, in December 2009, the Government presented the general advances of the regulation process (table 3)

State of regulation	Area	%
Total area of Bolivia	109,858,100	
Area object to regulation	106,751,723	100.00
Regulated and titled area	40,854,533	38.27
Area in process of regulation	13,026,957	12.20
Area still to be regulated	52,870,232	49.53

Titled Areas

Table 4

Type of Property	Titled areas			
	1996-2005	2006-2009	Total	%
Agro-livestock enterprise	921,166	421,511	1,342,677	3.29
Medium sized property	309,247	356,083	665,330	1.63
Small property	707,711	1,070,984	1,778,695	4.35
Communal Property	1,514,311	3,401,257	4,915,568	12.03
Peasant Plot	146	540	686	0.00
TCO	5,762,058	11,042,849	16,804,907	41.13
Total titled	9,214,639	16,293,224	25,507,863	62.44
Public Lands	106,886	15,239,784	15,346,670	37.56
Total regulated and titled	9,321,525	31,533,008	40,854,533	100.00

been favored by previous governments with the allotment of large extensions of land without any legal basis.¹⁵

According to the assessment made by the Vice-Ministry of Lands, the Land Policy made it possible to attain greater efficiency in the regulation process, greater equity in the access and ownership of land, and thereby, a reduction of social conflicts. A larger degree of transparency of the process was also achieved. In this case, the active participation of the involved social organizations was fundamental, thanks to the “double strategy” support, implemented by Danida.

General costs and financing of the agrarian process

Once the institutions of the Agrarian Reform had been put under administration in 1992, the process of regularizing agrarian property and institutionalizing INRA was to a large extent sponsored by the international cooperation community. From 1995 and until 2004, the so-called National Program of Land Administration was funded by the World Bank, which in order to expand this program's area of intervention, linked up with the Nordic Development Fund. The Government of the Netherlands supported financially the regularization of agrarian property in the department of Chuquisaca, through the procedure of cadastral regulation, CAT-SAN. The European Community supported the regulation in the Chapare zone, department of Cochabamba, within the frame of the Support Program to the Alternative Development Strategies in that region, and by means of cadastral regulation and simple regulation of peasant properties, with which the cooperation of the United States (USAID) was also associated through Chemonics with the land titling project in Bolivia.

When it comes to the regulation and titling of TCOs, the main financial contributor has been Danida, while IFAD/ADC (International Fund for Agricultural Development and Andean Development Corporation) and the Government of Canada have co-financed the regulation of prioritized areas in the TCOs of Chimán, Isiboro Sécuré and Territorio Multiétnico II.¹⁶

During the first 10 years of process implementation, the international funding covered 67 percent of the total costs of the process, the remaining 33 percent being funded with resources from the General Treasury of the Nation. For the 2006-2009 period, the international support was in average equivalent to 55 percent of the costs, the national contributions increasing to 45 percent. But the Government seeks to revise this relation, and the goal established by the National Strategic Plan of Land Distribution and Human Settlements (*Plan Estratégico Nacional de Distribución de Tierras y Asentamientos Humanos—PENSAT*) is to reduce the international cooperation to 25 percent. In 2009, the international cooperation had fallen to 51 percent.

From 1997 to 2005, INRA invested a total of US\$85.1 million in the regulation process, ending up with 9.3 million hectares, while another 36.8 million hectares were still in the process of being regulated. In the period 2006-2009, the investment was US\$35.3 million and the regulation was concluded for 31.5 million hectares, among which were included some of the areas for which the regulation process had started prior to 2006 (INRA, 2010).

Based on these data, INRA states that the regulation costs per titled hectare decreased from US\$9,3 to US\$1,13. It is equally stated that the duration of the regulation process in each area was reduced from approximately 800 days under the application of the previous law's regulations, to between 3 and 9 months from the start of the regulation process until the delivery of titles, under the new rules (INRA, 2010).

INRA acknowledges that it does not have consolidated information on results achieved with specific regulations, especially CAT-SAN and SAN-SIM, because their implementation was carried out by means of contracting private, national and foreign companies, considering that the State did not have the implementation capacity and was not efficient. Contrary to what happened with other funding, the Danish cooperation for the SAN-TCO was directly executed by the State, achieving better results.

The regulation of indigenous community lands (TCOs) since 2006

With the application of the “double strategy”, the Program gave support to both state entities and to indigenous organi-

15 In Beni, 10 families hold 123 properties with a total area of 459,467 hectares; in Pando, 10 families own 820,361 hectares, most of which are unproductive; and in Santa Cruz, 15 families hold a total area of 76,497 hectares.

16 Other sources of funding were IADB/BID, Fonabosque, Transredes, WWF, Cosude, Total Petrol, Transierra Gasyrg, BG Bolivia and Petrobras that funded the regulation of some TCOs within the frame of investment projects.

zations with TCO claims and their technical instances. For TCO claims funded by Danida, INRA had to guarantee the implementation of the regulation, the Vice-Ministry of Lands had to guarantee the issuance of indigenous peoples' identity registers (*Registro de Identidad de Pueblo Indígena Originario*—RIPIO) and of documents on the Identification of the Needs and Uses of the Territory (*Identificación de Necesidades y Usos del Territorio*—INUET); the indigenous organizations and their technical support instances, for their part, had to guarantee their adequate participation and social control in the process. These instances, involved in the execution of the component, also had the responsibility of transferring the necessary information to the communities, authorities and organizations in order to guarantee their direct and effective participation, strengthen their capacities in conflict management and resolution, incorporate a gender focus, and support the actions for improving the legal norms and agrarian policies, the territorial security and the access

to natural resources, in accordance with the indigenous vision and their titling necessities.

The beneficiary organizations and their support instances

CONAMAQ

Since the mid 80s, there began in the Highlands of Bolivia a gradual process of recognizing its population as indigenous peoples and of reinstating their traditional authorities that, since the middle of the past century, started to be replaced by agrarian unions and their leaderships.¹⁷

¹⁷ The agrarian reform of 1953 identified them as farmers and titled part of their territories as agrarian unions that combined the individual property of land plots with the property in *pro indiviso* of the communal areas.

Field work by INRA technicians



The process originated in the departments of Oruro and Potosí, where the ayllus resisted adhering to organizations formed along union lines. By 1983, the Federation of Ayllus from Southern Oruro (FASOR) already existed, and later the Federation of Indigenous Ayllus of Northern Potosí (FAOI-NP) emerged, as well as the Council of Indigenous Ayllus of Potosí (CAOP). It was precisely starting with these first organizations that vindicate their indigenous character, that the first ayllu meetings were promoted at the beginning of the decade of the 90s. For this, they relied on the support of institutions such as the Andean Oral History Workshop (*Taller de Historia Oral Andina*—THOA) and the Center of Social Investigation and Legal Assistance of Potosí (*Centro de Investigación Social y Asesoramiento Legal de Potosí*—ISALP), among others.

It is in 1997, during the First Encounter of the Indigenous Authorities of the Ayllus and Markas of Qullasuyu, that CONAMAQ (*Consejo Nacional de Ayllus y Markas del Qullasuyu*) is created with the objective of bringing together organizations determined to reinstate their indigenous authorities (García Linera et al., 2004).

Today, the National Council of Ayllus and Markas of Qullasuyu is formed by the following federations and councils:

- The Federation of Ayllus of Southern Oruro: FASOR
- The Federation of Indigenous Ayllus of Northern Potosí: FAOI-NP (Today known as Chascas Qhara Qhara)
- The Council of Indigenous Ayllus of Potosí: CAOP
- The Council of Ayllus of Jach'a Charangas
- The Council of Ayllus of Cochabamba
- The Council of Ayllus and Markas of Chuquisaca: COAMACH
- The Council of Aymara Quichwa Suyus: CONSAQ

The organizational structure that the indigenous peoples of the Highlands finally built begins at the territorial grass roots level corresponding to the ayllu. A group of ayllus form a marka and a group of markas form a suyu. Local councils often correspond to a marka and the regional organisations or federations to a suyu. The different levels of an organization may or may not coincide with the State's political and administrative division in municipalities, provinces and departments.

Beside the restoration of the grass roots levels of traditional organization around the ayllu, the organizations of Potosí, also with the support of ISALP, undertook the task of initiating the struggle for territorial restitution and for this, they adopted

the form of the TCO, directed in principle towards the indigenous peoples of the Lowlands. The first TCO claims in the Highlands were applied in Potosí by the ayllus Uma Uma and Sikuya, which were also the first to get their titles.

CONAMAQ promoted the exchange of experiences between organizations from different territories and regions in order to analyze the territorial restitution process, not only in relation to collective property, but also when it came to their situation when facing the impacts from the exploitation of natural resources, especially mining, which, since the nineteenth century and up to now, has had periods of important expansion, leaving behind serious environmental impacts. Attempts were also made to encourage and improve the participation of the indigenous authorities in the SAN-TCO process.

The restoration process of indigenous authorities and territories has made progress both in Potosí and in the department of Oruro, but has had less impact in the departments of Chuquisaca, Cochabamba and La Paz, where the agrarian unions and the organizations that articulate the unions (the peasant centrals and federations), have greater weight perhaps as a result of their market oriented economic dynamics and their coordination with urban centers that are to a greater extent linked to development and national political powers.

The process has in general been conflictive, given that it implies modifying a form of organization that has been appropriated during the last five decades of Bolivia's recent history, with strong roots in the population as a whole and with great weight as a social movement. In many areas, disagreements have emerged regarding the legitimacy of the external representation of the base communities, especially because of the link of the agrarian unions with political parties expecting to expand their representation in rural areas, including the ones dominated by the ayllu structure. There exist, however, areas where the indigenous organization and the syndicates have merged into a kind of hybrid system, in which the ayllu authorities are in charge of administrating the agricultural activities as well as internal and ritual affairs, while the union assumes the external coordination and political representation (Danida, 2004).

CIDOB

The Confederation of Indigenous Peoples of Bolivia (*Confederación de Pueblos Indígenas de Bolivia*—CIDOB) represents

the 34 indigenous peoples of the Bolivian Lowlands. It was formally constituted in 1982 by the Guaraní-Izoceño, Chiquitano, Ayoreo and Guarayo peoples as the Indigenous Central of Eastern Bolivia and was based in Santa Cruz. From then on, an accelerated process of organizing the various communities began, establishing as the basic level of the organization “sub-centrals” of peoples or territories and, in the case of the Guaraní, “*capitanías*”. All these, in turn, group into “centrals” of peoples or regions, and in the case of the Guaraní, into the Assembly of Guaraní People (*Asamblea del Pueblo Guaraní*—APG). It is only in 1989, with the holding of the VI Great Assembly of Indigenous Peoples, that the Indigenous Central of Eastern Bolivia becomes the Confederation of the Indigenous Peoples of the Bolivian Eastern Region, with eight organizations of regional or ethnic character grouping the 34 indigenous peoples that inhabit the Lowlands (www.cidob-bo.org).

CIDOB is integrated by the following organizations:

- The Indigenous Central of the Amazon Region of Bolivia (CIRABO), which groups eight peoples in the south of the Pando Department and the north of the Beni Department (Araona, Caviveño, Chácobo, Pacahuara, Esse-Ejja, Machineri, Tacana and Yaminahua).
- The Central of the Indigenous Peoples of Beni (CPIB), which groups 10 indigenous peoples organized in eight centrals and 26 sub-centrals (Baure, Canichana, Cayubaba, Itonama, More, Movima, Moxeño, Trinitario, Sorionó and Tsimane)
- The Assembly of the Guaraní People (APG) which groups 28 *capitanías* of the indigenous peoples of Guaraní and Tapieté in the departments of Santa Cruz, Chuquisaca and Tarija.
- The Central of Ethnic Peoples of Santa Cruz (CPESC), which groups four centrals of the Ayoreo, Guarayo, Chiquitano and Guaraní peoples, settled in the department of Santa Cruz.
- The Organization of the Weehnayek *Capitanías* of Raija (ORCAWETA).
- The Central of Indigenous Peoples of the Cochabamba Tropic (CPITCO), which groups two centrals of the Yuqui and Yuracaré people.
- The Central of Indigenous Peoples of La Paz (CPILAP), which groups the centrals of the Leco, Mosetén and Tacana peoples settled in the northern part of that department.

- The Central of Indigenous Peoples of the Amazon region in Pando (CIPOAP) which groups the peoples of Yaminahua, Machineri, Tacana, Caviveño, and Esse-Ejja, which inhabit the Amazon region in northern Pando.

The territorial claim process in the Lowlands begins with the “March for Territory and Dignity” initiated in 1990 by several indigenous peoples of the Amazon and Chaco, starting out in Trinidad, the capital of the Beni Department, and ending in the city of La Paz. As a result of this march, not only did the organizations consolidate a decade-long organization of the indigenous peoples of the Oriente. Furthermore, the Government was obliged to recognize the existence of indigenous territories, which it did by issuing various supreme decrees, committing itself to establish a commission for the formal recognition of the rights of indigenous peoples. From this event derives the recognition of the TCOs in the constitutional reform of 1994 and later the settlement on the INRA Law to be approved in 1996, and which recognized the first claims for the regulation and titling of TCOs.

Support instances to the SAN-TCO process

The institutions in the Program committed to support the organizations’ participation in the process, were the Center of Social Investigation and Legal Assistance of Potosí (ISALP) with respect to the TCO claims in Potosí, and AVSF-CICDA (*Agrónomos Veterinarios Sin Fronteras-Centro Internacional de Cooperación para el Desarrollo Agrícola*)¹⁸ with respect to specific claims in Oruro, Chuquisaca and Cochabamba, both instances in close coordination with CONAMAQ. In the case of the Raqaypampa and Ayopaya claims in Cochabamba, the Andean Center of Communication and Development (*Centro de Comunicación y Desarrollo Andino*—CENDA) participated and in that of the claims in the Lowlands, the Indigenous Territorial Planification Center (*Centro de Planificación Territorial Indígena*—CPTI), as a technical branch of CIDOB.

ISALP emerges in 1985 at the request of the Christian Church as an instance to work with groups of young professionals. From the end of that decade, its work is directed towards indigenous peoples, promoting a training process on indigenous rights and later promoting the restoration of ayllus. After the

¹⁸ AVSF: Agronomists - Veterinaries without Borders; CICDA: International Cooperation Center for Agricultural Development.

so-called “Three Damned Laws” (the INRA Law, the constitutional reform of 1994 and the Popular Participation Law),¹⁹ ISALP started working with traditional legal systems and undertook the procedures for the communities to get registered as entities with a juridical personality. From the start, ISALP linked itself to the organizational process of the ayllus in the Highlands together with two other institutions: THOA and Pio XII, supporting CAOP and FAOI-NP (today Chascas Qhara Qhara). Since then and until now, more than 180 ayllus have been reconstituted in the department of Potosí.

ISALP linked up with the Program from its first phase, supporting 28 TCO claims in Potosí, later to be increased to 39. For the second phase, it committed itself to finalize the regulation of the previous claims and of another 23 new TCO claims.

CENDA is an NGO whose mission is to strengthen the Andean peoples in natural resource management and in the collective mechanisms for the use and control of these resources. It is based in Cochabamba and mainly works in the municipality of Mizque where it supports rural development processes.

In the second phase of the Program, CENDA had the mission of supporting the conclusion of the regulation and titling of the Raqaypampa TCO in the municipality of Mizque, but this TCO had already been titled towards the end of 2004, when the bridging project between phase I and II of the Danida support was concluded. In 2008, CENDA assumed the support of the regulation of the TCO Ayopaya.

AVSF-CICDA has been in Bolivia since 2002, working in the “Zona Intersalar” (“zone between the salt pans”, at an altitude of 3,600 to 4,700 m above sea level) with a program aimed at reestablishing the balance between the production of Andean *camelidae*²⁰ and quinoa, as a condition for environmental balance. The program is undertaken with Aymara communities and associations of quinoa producers in the municipality of García Mendoza and aims at strengthening the mechanisms, knowhow and practices used by the organizations and traditional authorities in the management of their traditional lands

as well as strengthening their production systems in a sustainable way (www.veterinariossinfronteras.org).

In 2006, at the request of CONAMAQ, AVSF-CICDA was included in the ADPI Program as part of the SAN-TCO component to support TCO claims in the departments of Oruro, Chuquisaca and Cochabamba. The first agreement was implemented between June 2006 and July 2007 and the second between September of that year and August 2008. As part of its commitment, AVSF-CICDA took upon itself to support the regulation process of 29 TCO claims, the majority of them in Oruro. At the end of the second agreement, 16 out of 29 claims had been titled. A third and last agreement was subscribed in 2008, according to which 11 additional claims were taken on, their implementation having to be concluded by the end of the Program in 2009.

When they joined the process, the claims had already been formulated and some of the processes had advanced while others were delayed by conflicts.

CPTI was formed in 1996 as a technical support entity of CI-DOB and its member organizations, to assist in the formulation and argumentation of the claims and policies of indigenous territorial re-appropriation in the Lowlands. CPTI has been part of the Program, since its first phase, for the regulation and titling of 25 TCO claims in the Lowlands.

The support instances were to strengthen the indigenous participation in the entire process, especially in the coordination of actions between the land claiming organizations and INRA and the Vice-Ministry of Lands for the planning, implementation and monitoring process. In order to fulfill this mission, they had to provide consultancy and training to the organizations in the legal-technical aspects of the regulation; compile, systematize and socialize information and participate in the SAN-TCO support network, which was to be formed with the claiming organizations, their advisers and other involved NGOs.

In addition to these instances involved in the execution of the Program, other NGOs supporting the processes of organizing and reclaiming indigenous rights were closely linked to the process of regulation and titling TCOs not included in the Program. These were, mainly, the Center of Investigation and Promotion of the Peasantry (*Centro de Investigación y Promoción del Campesinado*—CIPCA) with the TCOs of the Guaraní people in the departments of Santa Cruz and part of Chuquisaca and also with the TCO Guarayos; the Center of

19 These laws were given this name because mainly the indigenous peoples of the Highlands did not agree with their formulation as they did not establish their specific rights on territories and autonomy. The organizations of the Highlands in general, assumed these laws to be a state strategy in order to incorporate them in the dynamics of the neoliberal development model and get their organizations co-opted by successive governments

20 In South America, the *camelidae* (or camel family) include the alpaca, llama, vicuña, and guanaco—Trans.

Regional Studies of Tarija (*Centro de Estudios Regionales de Tarija—CERDET*) (Itika Guyasu-Guarani) and the Center of Legal Studies and Social Investigation (*Centro de Estudios Jurídicos e Investigación Social—CEJIS*), with the TCOs in the departments of Santa Cruz, Beni and Pando. Other claims such as those of the Weehnayek, Tapieté, Tacana and Mo-setén peoples, among others, were supported also by state instances, like the Vice-Ministry of Indigenous Affairs, later Ministry of Indigenous Affairs (MAIPO), and by the Vice-Ministry of Lands. Others were attended through punctual consul-tancies connected to specific projects that affected the indig-enous territories (natural resource exploitation, gas pipelines, and transoceanic corridors).

Accompaniment Fund

In order to fulfill the abovementioned functions, organizations both in the Lowlands and the Highlands relied on an Accompaniment Fund (*Fondo de Acompañamiento*) destined to

strengthen and facilitate the participation of the organizations in the process of regulation, prioritizing work with base organi-zations in order to fulfill the recommendations of ILO Conven-tion No. 169 (articles 6 and 7). The Fund was managed by a commission formed between indigenous organizations (CI-DOB and CONAMAQ) and implementing entities (CPTI and ISALP and later also AVSF-CICDA). The use of its resources had to be approved by the Inter-institutional Commission of Indigenous Community Lands (*Comisión Interinstitucional de Tierras Comunitarias de Origen—CITCO*), according to the regulations set up by this same commission.

Beneficiaries of the Fund also included agrarian unions in-volved in the process, be it as claimants, third parties or ad-jacent to TCOs.

The Fund's resources were used especially for the participa-tion of organizations in the execution of field surveys, used for the negotiations with the National and Departmental INRA and for obtaining a title deed (the so-called *Título Ejecutorial*).

INRA technicians doing field surveys



The beneficiaries also participated directly in the budgetary management and the control of expenditures.

The Fund made it possible for communities and organizations to actively intervene in the entire SAN-TCO process and exert social control over its execution, strengthening at the same time their capacities in implementation and administrative management (CPTI, 2006).

In the case of the Highlands, the Commission for the Administration of Accompaniment Funds (*Comisión de Administración de Fondos de Acompañamiento*—CAFA) was established and its regulations were agreed with the indigenous counterpart and later approved by CITCO. The implementation in Potosí was done in tight coordination between ISALP and CAFA but in the case of Oruro, Cochabamba and Chuquisaca, there were problems with the disbursements, which impeded the timely mobilization of the organizations for a good control of the process. This deficiency was overcome by beginning of June 2008 (CICDA, 2007 and 2008).

The SAN-TCO regulation process

The Agrarian Reform Law, adopted in 1953, although recognizing the existence of indigenous communities, did not establish specific rights for these communities for titling their territories. Indigenous peoples were beneficiaries of land donations as were the agrarian unions, but the lowland communities, as a matter of fact, only got some individual titles. On the contrary, during the implementation of the 1953 agrarian reform, the colonization of the Lowlands was encouraged and, for this reason, groups of peasants and indigenous people coming from the Highlands and the valleys founded settlements, especially in Santa Cruz. Moreover, during the dictatorship period (1971-1978), large expansions of land were the subject of distribution as political favors to the most powerful families in the region, a situation which prevailed until 1992 and was the reason why the responsible agrarian reform institutions were put under administration.

After the “March for Territory and Dignity” in 1990, eight indigenous territories in the Lowlands were recognized, through a Supreme Decree, with an extension of approximately 1.5 million hectares. However, these territories did not attain their titling before the agrarian reform institutions were put under administration.

The intervention against these institutions had, as one of its functions, to suggest a legal framework for the National Service of Agrarian Reform. During the period 1992-1996, negotiations regarding the new rules were conducted between the Government and the social sectors linked to the agro-livestock sector. In 1996, the indigenous peoples of the Lowlands led by CIDOB set out on a new march, given that the proposals for the new law did not adequately incorporate their constitutionally recognized rights. With this march, they managed to get their main demands incorporated in what became, the same year, Law 1715 of the National Service of the Agrarian Reform or the INRA Law (18 October 1996).

Law 1715 created the National Agrarian Reform Institute, which, among its main functions, had that of clarifying the situation of the propriety rights on agrarian lands in the entire country, and that of “*recognizing the rights of indigenous peoples in Bolivia to access Indigenous Community Lands (TCO) as a physical and vital space for their development and reproduction from an economic, social, cultural and religious point of view*”. The same law established property titles for the indigenous territories recognized by supreme decree, their extension being subject to consolidation; it allowed 16 TCO claims to be processed, and ordered the immobilization of their areas with regard to new titling applications.

In order to accomplish the abovementioned functions, the law ordered the implementation of the agrarian property regulation, through which the fulfillment of the Social Economic Function must be verified prior to at least two years of its approval, as a condition for consolidating the property rights. Lands that do not comply with this function revert to the State’s control, and if found within a TCO, they will be assigned to this TCO.

The regulation process was established according to three modalities:

- Regulation of Indigenous Community Lands (SAN-TCO) to be implemented in areas occupied or claimed by indigenous peoples.
- Simple regulation (SAN-SIM) to clarify the property of individuals and peasant unions. The internal regulation realized by peasant communities was developed and later admitted within this modality.
- Regulation integrated in the legal cadastre (CAT-SAN), to be implemented in areas of public interest.

Preparation	<ul style="list-style-type: none"> • Presentation of claims • Admission if law prerequisites are being met • Determinative resolution on Regulation Area by Departmental Director of INRA • Release in Cabinet of available information on the determined area for regulation • Certification of the Indigenous Peoples' Identity Register in charge of the Vice-Ministry of Lands
Phase of Field survey or cadastral data recollection	<ul style="list-style-type: none"> • Public campaign to disseminate information on regulation among the interested people and prepare the land verification • Field survey by estate to identify data and verify the fulfillment of the Social Economic Function (may be carried out by zone in order to facilitate the process) • Final report of field surveys by estate and by TCOs or by zone. Report with field surveys' conclusions and draft resolutions regarding the regulation • Rectification of errors, should there be any
Resolution and titling	<ul style="list-style-type: none"> • Administrative resolutions on lands claimed by third parties according to the results of the phase described above • Notification of the interested parties, who will be given a period of 30 days to raise objections before the National Agrarian Tribunal • Delivery by the Vice-Ministry of Lands to INRA of the Report on the Needs and Uses of the Territory (previously called Identification Study of Space Needs) • If no objections are raised:* Draft Supreme Resolutions (cancellation, modification or confirmation of claimed properties by third parties) • Reference to the Presidency of background and draft of Supreme Resolution for the issuance of property titles • Registration in <i>Derechos Reales</i> (National Land Registry) of the property title • Second presentation in the field of the regulated areas to third parties based on definitive results • Assignment in favor of the TCO of areas taken from third parties • Implementation of evictions • Consolidation of the information in <i>Derechos Reales'</i> Cadastral System Registry on the areas taken from third parties and assigned to the TCO • Transfer of information to the municipalities

* If objections are presented before the National Agrarian Tribunal, INRA must assume the defense and once this Tribunal has pronounced itself, the process continues with the phase that corresponds to what has been ordered.

The regulation process was administered by Supreme Decree 25763 of 1997, which stipulated numerous stages and proceedings for its fulfillment, making it a slow, bureaucratic, discretionary and time-consuming process. For the first years of its implementation, INRA itself estimated a duration of minimum 800 days, which led to the suspicion that the process was suffering from the same deficiencies that made the agrarian reform of 1953 fail (Romero, 2003). The regulation was modified in 2000 by Supreme Decree 25848 as demanded by the "III Indigenous March for Land and Territory".

The first 10 years of the application of the INRA Law produced an endless amount of difficulties and irregularities, which not only determined the low results until 2005, but were also one of the reasons behind the major social conflicts that had emerged, year after year, in Bolivia during the past decade. It was precisely this situation which led the Morales Government to assume, as one of its main challenges, the resolution of the problem regarding land property and to undertake what it called the "Agrarian Revolution" by taking up once more the land regulation process.

Even though the procedure has not been substantially modified (see Table 5), at least the political will is now evident through the adoption of rules and mechanisms aimed at guaranteeing its execution with greater speed and transparency. According to INRA, the process in each area may currently take between 90 and 270 days (INRA, 2010).

Although the implementation of the regulation was made more expeditious after the adoption of a new legal and political framework, conflicts caused by its application are still frequent.

Until 2005, it corresponded to the Ministry of Indigenous Affairs, as part of the regulation process, to issue the Certificate of Ethnic Identity to the communities claiming TCOs and to carry out a Study of Space Needs Identification through which the area to be titled as a TCO was recommended.

Both instruments were the cause of strong controversies between indigenous organizations and the Ministry of Indigenous Affairs, since it was because of them that the obstacles already inherent to the regulation process would increase. The Certificate of Ethnic Identity (CIE) gave the State the power to define who were indigenous and who were not, openly going against the established principle by ILO Convention No. 169 on self-identification. The Studies on the Identification of Space Needs meant that it was the State that estimated how much land the indigenous peoples needed for their survival, thereby altering their original right to recognize their ancestral property. During the first years of the implementation of the regulation process, these studies were carried out using methodologies and criteria of quantification that did not take into account the indigenous dynamics and were used on several occasions to reduce the areas to be recognized as TCO, in order to salvage the rights claimed by third parties.

From 2006, the essence of both instruments was modified. The Certificate for Ethnic Identity became an Indigenous Peoples' Identity Register (*Registro de Identidad de Pueblo Indígena Originario—RIPIO*), on the basis that the identity is defined by the peoples themselves and the State only has the competence to register and certify it. The studies became documents of Identification of the Needs and Uses of the Territory (*Identificación de Necesidades y Usos del Espacio Territorial—INUET*), so that they could become an instrument that could be applied in the management of the TCOs. The meth-

odology for their elaboration was also modified and converted into a simple process, coordinated with the claiming communities and organizations and these must ratify the results of the base studies in order to issue both instruments.

Indigenous Peoples' Identity Register accounts for the self-recognition of an indigenous identity and the belonging to a territory if appropriate; it includes a historical account of the people and its forms of organization as well as a referential sketch of the ancestral territory if dealing with property and its geospatial location. The certificate is issued by the Vice-Ministry of Lands and sent to INRA so that the order to initiate the regulation process can be given. The delivery period for the certificate is 15 days after INRA has presented a request (a reduction to one sixth of the time it used to take).

The Identification of the Needs and Uses of the Territory basically includes the description of the peoples' historical and present habitat and a declaration on whether the claimed area is sufficient or not for the indigenous people in question. It also comprises an analysis of territorial use, which includes socio-cultural characteristics and the systems of natural resource production and management. This is a requisite if INRA is to issue the final resolutions of regulation prior to the TCO titling and it must be done in a period of maximum sixty days, starting from the receipt of the INRA request (Supreme Decree 29215).

In 2005, the issuance of 15 Certificates of Ethnic Identification and 18 Identification Studies on Territorial Space Needs initiated in the previous phase was finalized. Between 2006 and the first semester of 2009, 25 Identity Registers and 29 Identifications on the Needs and Uses of the Territory were issued. According to the Vice-Ministry of Lands, shortening the regulation process has meant not only a reduction in regulation times, but also of approximately 40 percent of its cost in relation to the procedures prior to 2006.

The Inter-Institutional TCO Commission (CITCO)

CITCO (*Comisión Interinstitucional de TCO*) was created in 1996 to contribute to the monitoring and control of the regulation process in the Lowlands. Based on the experience of the first phase, its geographical scope was extended to the Highlands, thereby becoming the most important coordination space between the indigenous organizations and the state institutions responsible for land matters.

CITCO's statutes establish the participation of the national INRA and its departmental offices, the Vice-Ministry of Lands, the organizations at a national, departmental and TCO level, and their respective technical support institutions. ADPI contributed with resources to ensure the participation of all TCOs without regard to whether their processes were being funded by Danida or not. The Danish Royal Embassy was part of its structure until the approval of the Law on Community Redirection of the Agrarian Reform in 2006, after which it ceased to be a full member of CITCO. From then on, the Embassy only participated in the quality of observer.²¹

The national meetings of CITCO are held separately for the Highlands and the Lowlands, respectively, and it is in these meetings that the Annual Operative Plans of INRA and the Vice-Ministry of Land are approved; the time frames of the regulation process are adjusted, and strategic actions are defined with a view of overcoming the difficulties resulting from the context. Progress reports from both institutions are also analyzed; the process in each TCO and other relevant matters are evaluated. In general, these meetings allowed the indigenous peoples to assess and re-adjust the processes, to monitor them and define commitments for their conclusion, optimizing resources and time. In these meetings, the indigenous participants frequently demand that the State guarantee the resources for the regulation of the TCOs, given that not all of them can count on funding and for this reason priorities based on consensus are needed to determine which TCOs to include in the Annual Operative Plans.

In ADPI's phase II, an average of two meetings per year was held by CITCO in each region (Highlands and Lowlands). Additionally, between 2006 and 2008, during which period the SANTCO processes were particularly given a boost, nine preparatory meetings were held between authorities at a higher level and the technical support teams (CICDA, ISALP and CPTI).

Besides CITCO, the coordination between the component's implementing institutions was continuous and varied, in the Lowlands as well as in the Highlands, and took place within strategic as well as operative fields.

The implementing institutions' and the organizations' assessment of the coordination is positive. In the Highlands, ISALP

and CICDA indicate that although difficulties did arise, the coordination allowed to push the processes forward and was meticulous in the way it managed and resolved conflicts. In the Lowlands, CPTI indicates that the coordination with national INRA had its difficulties, especially in 2005 and 2006, but subsequently the relation became more fluid. With the Vice-Ministry of Lands, the coordination was reduced to monitoring the regulation and to the preparatory tasks for the meetings of the Inter-Institutional TCO Commission.

Conflict management

Based on the experience of the Program's phase I, it was decided for phase II to apply the "traffic lights" technique in order to classify the conflicts by levels: *Red* for those that had the potential of paralyzing the regulation, *Yellow* for those that, although important, were not able to paralyze the process, and *Green* for those that were not relevant to the regulation. Conflict typology was also elaborated, considering the origin of conflicts within three fields:

- Territorial conflict originated in the Political Administrative Units
- Structural conflict, referring to the demarcation of the TCO boundaries
- Structural-conjunctural conflict, referring to organizational structures

The criteria for solving conflicts were elaborated according to each type, to regional circumstances and to the strategies of each institution. The general methodology for conflict management contemplates three stages: alert and analysis of the situation; design of the management process and negotiations and follow-up on performances:

- Alert and analysis of the situation, in charge of the departmental brigades of INRA, in the phase prior to or during field verification. In this phase, the conflict and the players are identified, possibilities for a solution are assessed and the first overtures are made.
- Design of the process for dealing with the conflict in charge of the same brigades together with INRA's conflict units, and the Ministry of Indigenous Affairs – Vice-Ministry of Lands as negotiators. In this phase, a strategy that defines objectives, rules and roles is elaborated; possible limitations for conflict management are

21 The decision to remove the Embassy as a full member of CITCO generated some controversy given that it was in this instance that issues relating to the Danish funding were defined or approved, and some organizations insisted that this practice be kept.

envisaged, and actions for the basic relation-building are implemented.

- Agreements are left in charge of the implementing entities of INRA and the acting Ministry or Vice-Ministry and the follow-up on their fulfillment is in charge of their conflict units and the departmental brigades.

The role of INRA as implementing entity of the regulation and that of the Ministry of Indigenous Affairs, initially, and later the Vice-Ministry of Lands, as coordinator and generator of proposals, significantly contributed to the resolution of conflicts within the framework of the Inter-Institutional TCO Commission (CITCO). The general procedure included the analysis of the conflict in CITCO, meetings for strategy defining and process planning with all the involved sectors (TCO claimants and opponents); CITCO meetings with governmental instances at the departmental and municipal level, and the realization of events (seminars, workshops and others) considered to be opportune.

Conflict resolution strategies in the Highlands

In previous periods, INRA limited itself to declare claims for TCOs with conflict situations as being non-viable. This situation began to change, based on the observations made by indigenous peoples' organizations, to the point of acknowledging these conflicts with the view of overcoming them through an adequate intervention.

In the Highlands, conflicts were classified in the following categories:

- Organizational conflicts between the indigenous organization and the union organization because of their different visions regarding land and territory
- Political-administrative conflicts, generally caused by the departmental boundaries between Oruro and Potosí, and between Chuquisaca and Potosí
- Boundary conflicts between communities or ayllus, or conflicts due to overlapping TCO claims, which date many years back

ISALP and AVSF-CICDA, in charge of supporting the processes in these departments, turned to the Inter-Institutional Conflict Management Commission in the cases of departmental boundaries and of disagreement between indigenous and union organizations.

Regarding conflicts between neighboring territories, they applied a methodology, which began with mapping the conflict as a first approximation in order to visualize its scope and shape the intervention strategies. This mapping is first made by revising the existing documentation and the elaboration of talking maps together with the stakeholders, including the participation of representatives from INRA, the departments and the municipalities. Talking maps make it possible to visualize the areas in conflict, the stakeholders and possible solutions. Work is later done on the basis of a satellite image in order for the community to identify the precise borders of the community, the physical characteristics of the land and all the information that may be useful for analyzing the conflict. Based on the satellite image, conflict spots can be identified. Diagnosis techniques were also used, as for instance the conflict web, which specifies the conflict's location and evolution over time, its characteristics and stakeholders.

The solution strategies were fundamentally based on a dialogue between the confronting parties with the purpose of overcoming the conflict for the benefit of everybody involved. For this purpose, workshops were held for analyzing and designing solution proposals, and field visits to the disputed areas were organized with the participation of indigenous authorities and women as well as youth from the ayllus, with good results in all the cases.

In other cases, the choice was made to divide the TCO into zones, leaving aside the conflict areas to be managed and continuing the regulation process in the other areas until they could be titled. Nevertheless, because of the dimension of some of the conflicts, funding was withdrawn from several TCOs, in some cases by decision of the indigenous organizations and in others through the unilateral decision of INRA.

In Potosí, between 2005 and 2008, of a total of 10 TCOs subject to conflict management, three TCOs (Bustillos, Pacasi and Tolapampa) were resolved and seven are still being dealt with. In this period, INRA declared unilaterally nine claims to be non-viable.

In Oruro, a departmental inter-institutional commission was formed for conflict analysis and management that involve the department or the municipalities, achieving advances concerning various TCOs until their final titling (Arona, for example), while in other TCOs (Salinas, Pampa Aullagas, Collana Norte Condo and Yucasa) regulation is kept suspended in zones with conflicts.

Part of the conflicts in this region was associated with the return of migrants motivated by the boom in quinoa cultivation:

All the Killacas are found on the fringe of the quinoa expansion. It is a zone with high migration where women were left alone, without being able to cultivate the land since only men have the right to use the land. These zones were traditionally used for livestock rather than agricultural production but its conversion occurred during the green revolution, in the 80s, changing the cultural patterns. The crop is grown on communal plots. With the rise in the price of quinoa (from US\$30 to US\$100 per 100kg in September 2007), many migrants returned and conflicts were generated due to the expansion of crops.

(Sarah Metais, AVSF-CICDA)

Conflict resolution strategies in the Lowlands

Contrary to the Highlands, conflicts in the Lowlands are generally with third parties claiming properties inside the TCO including logging firms, oil companies and large landowners. Conflicts also occur with farmers and settlers, as for instance in northern La Paz (Lecos Apolo and Larecacha) where these aspire to be given public lands. Some conflicts also arose with other stakeholders, as for instance the municipalities (TCO Baures).

In general, it can be said that all the lowland TCOs presented some level of conflict. The traffic lights system allowed differentiating levels and defining strategies for attending them, with differentiated strategies according to the type and stakeholders of the conflict:

- For conflicts originating from internal divergences among the claimants as well as with peasants, workshops on capacity building in conflict management were organized (case of the TCO Guarayos).
- In conflicts with peasants (the TCOs Guarayos, Lecos de Apolo and Larecacha), spaces for dialogue between basically organization leaders and state authorities were provided, reaching agreements in some cases. Support was also given to simple regulation processes in order to give peasants access to agrarian property. A conflict was solved this way in the TCO Guarayos, but there was little progress in La Paz, because INRA and the Vice-Ministry of Lands decided

to suspend the regulation until the parties had reached an agreement, assuming the position of mediators and in many cases of plain observers. Some zones of the TCOs Lecos de Apolo and Lecos de Larecacha remain paralyzed, although the zoning of the latter, allowed some progress.

- In the cases of conflicts with third party, the intervention of the Inter-Institutional Commission was used for seeking agreements, and the division of TCOs into zones was used to move the regulation forward in the places where there were no third parties. Conflicts with cattle farmers were solved in the TCOs Itonama, Baures and Movima II in Beni, and Itikaguasu in Santa Cruz, finally allowing the titling of the TCOs with land reductions.
- Conflicts originating in the granting of forest concessions inside the TCO land claims were solved by the responsible institutions through the donation of the concession areas as TCOs, as befits according to the rules in force (TCO Guarayos and Monteverde).

In general, the Inter-Institutional Commission made little progress in the resolution of conflicts in the Lowlands, due to staff instability in INRA and the Vice-Ministry of Lands, but also due to the type of conflicts. This Commission dedicated its greatest efforts to solving conflicts that paralyzed regulation, especially in the Highlands.

The results of conflict management

An INRA analysis on the level of conflicts in the TCO regulation, based on the traffic lights technique, indicates that the conflicts were progressively diminishing between 2005 and 2009, while the percentage of TCOs without conflicts or irrelevant conflicts was increasing (Table 6 and Graph 1).

The decrease in conflicts with the potential of stopping the TCO regulation process from 30 percent in 2005 to 8 percent in 2009 is the result of not only the strategies used for identifying and managing conflicts, but also the changes in the country's political context and the reforms introduced in the legal normatives. The decrease in the percentage of conflicts was also caused by the fact that several TCOs in the Highlands were replaced by claims considered to be viable, just as it was anticipated in the general component strategy. Nevertheless, at the closure of the Program in 2009, there are still TCOs that have not yet attained their titling due to on-going conflicts.

In the case of conflicts that are important but not able to paralyze the regulation process, these maintained the same percentage at the beginning and closure of the Program, and although they did not paralyze the process, they contributed in delaying it.

The year by year analysis of the conflict situation made by Danida shows that, in 2005, it remained at the same level and began to drop in 2006, because these were years of transition, and in its first months, the current Government did not fully assume its role in conflict management, something which turned the conflicts, whether internal, with third parties or with neighbors into important obstacles for the regulation process. As a matter of fact, in 2005, conflicts increased the number and percentage of paralyzed TCOs in the Highlands, and in the Lowlands, the progress of the regulation process was lim-

ited (Danida, 2006). As opposed to this, during 2007 and with greater strength in 2008, and despite its own difficulties, the Inter-Institutional Commission began to show results.

According to ISALP's assessment, many of the conflicts that delayed the titling progress in Potosí were due to politico-ideological factors, like the intervention of public authorities (sub-prefects, mayors, *corregidores* [delegates of the prefect])²² with stances against the titling of TCOs, or to conflicts with the union organizations, they too opposed to collective titling. Difficulties about political administrative boundaries also contributed to paralyze the process. In 2008, some of

²² Prefects (prefectos) and sub-prefects are at the head of the departmental government (also called "prefectura"). Prefects were for the first time elected by popular vote in 2006.—Trans.

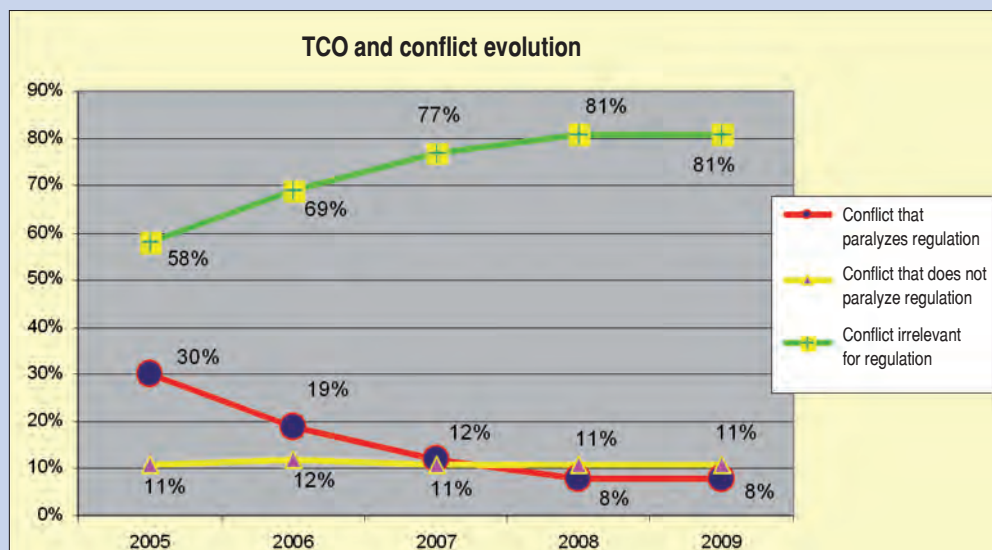
TCO with conflicts

Table 6

Type of conflict	2005	2006	2007	2008	2009
Conflict that paralyzes regulation	30%	19%	12%	8%	8%
Relevant conflict without paralyzing regulation	11%	12%	11%	11%	11%
Irrelevant conflict	58%	69%	77%	81%	81%

The progression in the level of conflicts can be seen in the following graph:

Graph 1



the conflicting claims were replaced and others divided in zones so as to progress in areas without conflict. That same year, INRA presented the Danida Review Mission with a proposal of additional resources for funding 10 TCOs in Oruro, exclude nine claims in Potosí, whose conflicts could not be solved before the closing of the Program, and incorporate new areas for Simple Regulation to assist with solving conflicts with peasants and settlers in the lowland TCOs.

The acceptance of the drastic proposal of transferring the funding of some claims to others clearly showed the weaknesses of the conflict management strategy, something which INRA corroborates. In its report for 2008, it states that the regulation in the Highlands showed considerable

progress, thanks to the fact that the most conflictive claims were replaced or divided in zones, in order to continue the regulation in areas without conflicts. In 2009, claims with conflicts without any prospects of solution before the closing of the Program were left out from receiving funds. In 2009, funds were not given to claims where the conflicts did not have any prospects of being solved before the end of the Program.

All this partially explains the declining curve during those years, going from 19 percent to 12 percent and 11 percent, respectively, and accounts for why the most critical conflicts around TCO titling in the Highlands remain unsolved.

Handing over the title deed to the TCO Marka Totora



The SAN-TCOs in the Highlands and their results

In accordance with the strategy designed by the highland organizations, the territorial restitution process through TCO begins with the respective ayllus' application for support in the elaboration of their claims, and contemplates several stages: the realization of dissemination workshops about indigenous peoples' rights and the intention of presenting a TCO claim, on the basis of which the application is analyzed and the technical preparation of the claim begins. This includes the collection of prerequisites, the procedures for the recognition of juridical personality, events for the identification of ownership and identity of the ayllus and communities involved, right up to the formal presentation of the TCO claim. In a second stage, and jointly with the authorities, the communities and their mother organizations, a strategy for promoting and monitoring the process is designed, including definitions for conflict management (ISALP, 2009).

In the meetings sponsored by CONAMAQ's Land and Territory Commission for the exchange of experiences, the first agreements were reached regarding the articulation of the claim processes, among these the definition of a methodology for the analysis, planning and evaluation of the processes, bi-monthly schedules with assignation of responsibilities, meetings for exchanging experiences and reflections on the process as a whole. This dynamic allowed furthermore to reflect on the transition of the TCO's territorial environment towards indigenous autonomy, within the framework of the constituent process that Bolivia experienced between 2006 and 2009 (CICDA, 2009).

In the entire process, from the elaboration and presentation of the claims until titling, numerous difficulties appeared that were solved through coordinated actions. In the preparatory stage, it is worth noting that it was not easy to achieve consensus between the ayllus on the definition of the TCO claim, due to the tradition and influence of the agrarian union. The numerous workshops, carried out to inform and raise awareness, were key factors to overcome this first obstacle. Delays also occurred during the procedures for getting juridical personality but were sped up thanks to the actions taken by the indigenous authorities before the responsible public authorities.

Once the SAN-TCO has been initiated, apart from the mentioned conflicts, the main difficulties are related to the delays

of government authorities in implementing the various procedures, which generally is done without respecting the deadlines foreseen in the norms. To this, can be added the annual change of indigenous authorities, which reduces the speed of the process as the transition and the training of the new authorities takes time.

In close coordination between the indigenous authorities of the TCO claimants, the organizations and support institutions, follow-ups were made on the processes, and the design and execution of strategies were undertaken for the resolution of conflicts. To that effect, quarterly meetings were institutionalized, in which organizations of different levels participated (CONAMAQ, CAOP and the Charca Qhara Qhara Ayllus). This was especially important for the sustainability of proposals generated for resolving conflicts with neighbors.

The participation of community members and indigenous authorities, men as well as women, during the different stages of the process, was agreed upon in accordance with their own norms and customs and within the framework of their culturally differentiated roles. The speed with which the progress and conclusion of the regulation and titling process and the registration of titles in *Derechos Reales*, has proceeded, shows the growth in the indigenous authorities' management capacity.

Potosí

In the department of Potosí, 83 TCO claims were presented since the end of the 90s, totaling altogether approximately 6 million hectares. The ADPI funded the regulation of 64 of the 83 claims, and until the closing date of the Program, 53 TCOs had been titled and seven more in some of the zones in which TCOs were divided (Aransaya and Urinsaya of Tolapama, Calcha, Phuna Alta and Baja, Pocoata, Qhurqa, Karacha and Killakas of Urmiri). In total, an area that adds up to more than 1.78 million hectares has been titled. The TCOs Chulpa de Bustillos and Aimaya find themselves delayed by conflicts, just as part of the TCO Karacha does.

The titled TCOs benefit a population of approximately 107 thousand inhabitants belonging to the Aymara people.

In Potosí, however, there are still 100 ayllus that have not started processing their claim, and today there is no longer any capacity to deal with the process.

Oruro

In the department of Oruro, 35 claims were presented and their regulation was funded by ADPI. These claims correspond to 17 markas, 21 ayllus and 1 community, and their direct stakeholders are the regional councils Suyu Jatun Killaka Asanaijaqi (JAKISA), Suyu of the Suras Nation and Marka of the Suyu Jach'a Karangas.

For the regulation, the claims were divided in zones, in some cases because of conflicts and in others by decision of the claimants themselves. The 35 TCOs were left divided in almost 50 zones in which the regulation process was undertaken and titles were issued. Until the closing of the Program, more than 50 titles had been issued corresponding to 34 TCOs, leaving one claim delayed due to conflicts (Ayllu Yanaque of Culta). In six TCOs (Yucasa, Aroma, Pampa Aullagas, Salinas, Collana, Primera Cabeza and Marka El Chorro) some zones are pending titling, a number of them being delayed by conflicts caused by the departmental boundaries between Oruro and Potosí.

The division in zones is at the center of the debate, because it contravenes CONAMAQ's strategy of territorial consolidation and it contravenes the traditional distribution of authority. (CICDA, 2009)

In the future, it is being considered to unify the TCOs through the merging of several titled zones, but that requires procedures, which are not yet clear and could generate new conflicts.

Chuquisaca

In Chuquisaca, the four claims correspond to markas, of which three (Valle de Quillacas-Pojpo, Council of Caciques Jatun Kellaja and others, and Yucas Jatun Ayllu San Juan de Orkas) have been titled and another (Valle de Tiquipaya of Poroma) is delayed due to conflicts originating in the disagreements between unions and ayllus.

Cochabamba

In Cochabamba, Danida funded the regulation of four claims: Kirkiawi, Challa Grande, Raqaypampa and Ayopaya.

The TCO claims of Raqaypampa and Ayopaya in Cochabamba were formulated around the union. The TCO Raqaypampa coincides with the people congregated in the Single Regional Peasant and Indigenous Labor Central (*Central Regional Sindical Única Campesina e Indígena*—CRSUCIR) and has been recognized, since 2002, as the Indigenous District of the Mizque Municipality. Its indigenous inhabitants are from the Highlands (Cochabamba is a valley) and are therefore known as “*alteños*” (“those from high up”). Organizationally, there is not a great difference with the ayllu, but the Central is deeply rooted due to a common history in relation to the *hacienda* (large private estate), the revolution of '52 and the agrarian reform promoted since 1953.

The reconstitution of the indigenous territory dates from the 90s. The Regional Central of Raqaypampa was the first in the department to reclaim a collective territory. This was spurred by the growth of mining activities, which led them to complain against the mining concessions on their territory. Raqaypampa was titled in December 2004 with an extension of 55,025 hectares.

The regulation of the TCO Ayopaya was initiated years back, through the mandate of the V Ordinary Congress of the Agrarian Union of Indigenous Peasant Workers of Ayopaya (*Central Sindical Única de Trabajadores Campesinos Originarios de Ayopaya*—CSUTCOA) in 2003, but was paralyzed towards the end of 2008 for lack of funding.

During the regulation, they had to confront various difficulties in the process such as border conflicts, opposition by third parties and weakening of the organic agreements and failure to comply with them for the integration of land holdings,²³ as well as legal errors and administrative omissions in the different steps in the process. But the greatest difficulty to be confronted, and one which is still being dealt with, was the promotion by TCO opponents of a disinformation campaign with the intention of paralyzing the process. It was argued that the regulation as TCO would cause the Province of Ayopaya

²³ The integration of land holdings refers to the internal agreement to hand over the individual property titles received by community members during the application of the agrarian reform of 1953.

to lose a large part of its territory;²⁴ or that the Government, with a false regulation, would take away from the community members the little land they had left in order to give it back to the State as TCO (*El Diario*, 3 September 2009).

Faced with this campaign, it was necessary to unfurl a response of massive information on the status of the regulation, the legality and legitimacy of the process, and clear the doubts generated about the implications of titling land as TCO. The campaign was made through written media and radio programs, destined to reinforce the organic will and the collective appropriation of TCOs in communities, sub-centrals and regional centrals in Ayopaya.

At the end of the Program and exceeding the expectations of all involved, the title deed (*Título Ejecutorial*) was issued for two of the four zones in which the TCO had been divided, with an extension of 536,377 hectares, representing 70 percent of the territory to be regulated, and corresponding to the re-

gions of Icari, Altamachi, Colorado and Choro. However, the reactions of those opposing the TCO prevented the delivery of the title in August 2009 and mobilizations were organized against the collective regulation, soliciting the cancellation of the title deed. Although the objectives were not achieved, the communities in zone 3 (Morochata sector), formed by the Regional Centrals of Vilayaque, Chinchiri, Yayani and Morochta, which are not part of the titled territory, mobilized, demanding that INRA nullify the title and paralyze the regulation. These conflicts have severely affected the unity and strength of the provincial organization.

The electoral agenda (December 2009 and April 2010) has kept the conflict pending and in the VIII Ordinary Congress of the Ayopaya Province to be held in April 2010, a decision will probably be taken on whether to continue or stop indefinitely the regulation process. As of December 2009, closing date of the Program, the title deed had not yet been delivered to the title holders, but was kept in the Office of the President of the

24 On the web site of the Salesian Network of Independence (Red Salesiana de Independencia).

President Evo Morales hands over title deeds to TCOs



Republic, which shows the influence of the TCO opponents. Nevertheless, four Regional Centrals (Choro, Altamachi, Icarí and Colorado) established strong integration agreements in the titled zones in the TCO CSUTCOA that guarantee future legal security over the property. Together with the Central of Indigenous Peasant Women (*Central de Mujeres Campesinas Originarias*—CMCOA-BS), they are in the process of agreeing on and developing the usage and management of natural resources, mainly in the tropical zones of Ayopaya, Colorado and Santa Elena Cotacajes. The Central of Colorado is particularly involved, together with the TCO Masetén, in the execution of a pilot project on Territorial Control promoted by the Vice-Ministry of Lands (CENDA, 2010).

The TCOs Challa Grande and Kirkiawi were also titled between 2008 and 2009, the latter in 2 zones. In total, both TCOs reach an extension of almost 70 thousand hectares.

The San-TCOs in the Lowlands and their results

In the Lowlands of Bolivia comprising the departments of Beni, Pando, Santa Cruz and Tarija, and part of the departments of La Paz, Chuquisaca and Cochabamba, indigenous peoples presented 59 TCO claims, exceeding an area of 22,000,000 hectares. Among these demands, Danida initially decided to fund the process corresponding to 25 claims starting in 1999, and including the four TCOs whose regulation started in 1997 in the so-called pilot stage (Guarayos, Monte Verde and Iupaguasu in Santa Cruz and Tapieté in Tarija). In practice, Danida's funding led to the regulation and titling of a total of 32 TCOs. From the very beginning, the regulation of TCOs in the Low-

lands was a highly conflictive process, due not only to the flaws that the rules presented, but also to the multiple interests in lands and natural resources that existed in that region. One primary conflict factor had to do with the fact that one year after the promulgation of the INRA law, which recognized the territorial claims of indigenous peoples and ordered their titling within one year, the Forestry Superintendence granted 85 forest concessions of an extension of approximately 5,800,000 hectares, from which 25 were left superimposed with eight (8) TCOs on an extension of 714,958 hectares. The resolution on forest concessions was challenged and in its ruling, the Supreme Court of Justice ordered that the concessions, subject to the regulation process, should be reduced by what was necessary for the TCOs²⁵ (Tamburini, 2001).

Nevertheless, the application of what had been decided by the Court did not seem feasible due to the numerous obstacles imposed upon the regulation process that aimed at not only consolidating the forest concessions, but also at reducing as much as possible the land areas to be donated to indigenous communities. In fact, despite the standstill to which the TCO claims had been subjected in the early stage of regulation, land claims by third parties were admitted without any legal support and without verifying any work that would accredit the fulfillment of the Social Economic Function. All the associations in the agro-livestock sector, in particular ranching, also hindered the process, demanding that the rate of animal density, established in five (5) hectares per head of cattle, be increased as a way to expand their properties.

Conflicts in several TCOs and the marches and counter-marches caused by the regulation process and the regulatory norms depending on the correlation of forces at the time,

were the motive for successive indigenous mobilizations and turned the TCO regulation and titling in the Lowlands into a practically non-viable process. Nevertheless, in the first phase of the Danida support, including the pilot stage (1997-2004), it was possible to achieve the titling of 6 TCO claims and the partial titling (per zone) of another 11 TCOs out of the 16 claims that

Highland TCOs titled with ADPI funding – by department

Table 7

Department	No. of TCO	Titled areas		
		Phase I	Phase II	Total
Chuquisaca	3	0	101,807	101,807
Cochabamba	4	55,025	606,299	661,324
Oruro	34	4,153	1,231,582	1,235,735
Potosí	62	262,370	1,516,638	1,779,008
Total	103	321,548	3,456,326	3,777,874

Source: INRA, 2010

15 Ruling of the Supreme Court dated 5 May 2000.

by then were being regulated with Danida funding. The titled areas amounted to a little more than 3,000,000 hectares, out of a total of 5,400,000 hectares titled TCO areas in the Lowlands (Romero, 2005).

During 2005, the first implementation year of ADPI phase II, titles in favor of TCOs in the Lowlands were not issued. On the contrary, provisions for an agrarian counter-reform were decreed, recognizing, among others, forest property (Supreme Decree 28140). This would allow forest concessions, granted in 1997 but overlapping TCOs, to be consolidated as forest property. The same rule would also have allowed large exploitations of rubber and brazil nut in northern Amazon to pass into the hands of the *patrones*, known as “*barraqueros*”, to the detriment of the indigenous claims in that region.

With the Redirection of the Agrarian Reform promoted by the Government of Evo Morales, regulation and titling of the TCOs in the Lowlands started showing better results. Forest concessions were reduced by 1,300,000 hectares, out of which 600,000 hectares were consolidated into TCOs in

the departments of Beni (Tacana, Movima, Isiboro Sécuré and the Multi-Ethnic Indigenous Territory), La Paz (Tacana) and Santa Cruz (Bajo Paraguá, Monte Verde, Guarayos and Trinitaria Pallar). Moreover, the application of the norms for appraising the Social Economic Function and the animal density of five (5) hectares per head of cattle, and the annulment of agrarian titles and dossiers processed during the agrarian reform of 1953, were critical for reducing the areas claimed by third parties inside TCOs. According to the information consolidated by INRA, a total of 391 dossiers and titles were nullified for a documented area of 2,000,700 hectares, of which only 122 dossiers representing 237,000 hectares were located during fiels visits. Of these, 68,770 hectares were donated to TCOs in the Lowlands.

As for medium and large properties, INRA maintains that, instead of an area of 2,700,000 hectares claimed by owners of land holdings of these sizes at the national level, these only received 1,540,000 hectares in consolidation, leaving for the consolidation of other owners the remaining 1,370,000 hectares, out of which 1,000,000 hectares were donated to TCOs.

Handing over the title deed to the TCO Monte Verde



Monte Verde and the SAN-TCO in the Lowlands of Bolivia

The indigenous people of Chiquitano were one of the first to process their TCO claim, after the constitutional reform of 1994. Their claim to the TCO Monte Verde was presented in 1995 but although the first surveys were carried out while INRA was under administration, it was not processed until after its recognition by Law 1715 of 1996. During that period, 21 private properties were identified within its borders, covering an extension of approximately 70,000 hectares.

The regulation process began by the end of 1997 for an area of 1,059,964 hectares. At that time, INRA identified 26 properties of an extension of 137,700 hectares. The indigenous centrals of Concepción, Lomerío and Paikoneka of San Javier (CICC, CICOL and CIP-SJ), the Monte Verde TCO's claimants, assumed at that moment a strategy of active participation in the process, prioritizing the field verification stage, in which rights claimed by third parties would be defined. During this stage, carried-out in 1999, INRA measured all the properties that third parties presented, including those that did not have any supporting documents and those that were based on documents visibly forged. A total of 160 alleged proprietors presented themselves and the properties they claimed were measured to cover an extension of 498,000 hectares.¹ From then on, the conflicts began (Tamburini, 2002).

The idea was that this irregular situation could be reverted in the subsequent stage of the Legal Technical Evaluation, since the organizations relied on sufficient elements to correct the error committed by INRA, thanks to their active participation during the verifications in the field. This did not happen, however. Instead, INRA issued two administrative resolutions, which in fact served to consolidate third parties' properties that had been wrongly measured. The resolutions were contested by the organizations, wherefore INRA paralyzed the process in Monte Verde. In this context, the III Indigenous March for Land, Territory and Natural Resources was realized from Santa Cruz in July 2000, attaining modifications to the Law Regulation and INRA's illegal resolutions.

The Monte Verde regulation was to continue with the application of the modified norms, which would allow reducing to less than half the properties claimed by third parties.² Instead, INRA promoted conciliations, thanks to which the TCO lost 35,000 hectares. As for the third parties that did not benefit from the conciliations, they went to the National Agrarian Tribunal, attaining that the regulation process be reopened, and hurrying to start working on their ill-gotten territories so they could be recognized as having ownership rights in the new regulation process. The opposition instigated by the communities, who closed the points of access in order to prevent the entry of those who were claiming more than 400,000 hectares from their TCO, unleashed violence.³

Bound by the conciliation strategy, INRA offered as a practical exit to divide the TCO by zones in order to finalize the regulation in the "free areas", leaving the areas "in conflict" to be solved later. But the *zoning*, considered to be a *titling by pieces*, was rejected by the title holders of Monte Verde and by other lowland organizations, as they saw it as a strategy to favor opposing interests, as was happening in other TCOs. Instead, they demanded that the conflicts due to third party's illegal claims should be resolved, according to what is stipulated in the legislation (Tamburini, 2009).

Another distortion of the Monte Verde process had to do with the forest concessions. Three of the 85 concessions, granted by the Forestry Superintendence in 1997 for more than 120,000 hectares, remained inside the Chiquitano

territory. The affected indigenous organizations challenged the concessions and the Supreme Court of Justice, in its ruling, warned that these had to be reversed or reduced in favor of the TCO, according to the regulation results.⁴

During 2002 and 2003, the process remained practically paralyzed, due to the constant social mobilizations that led to the fall of President Gonzalo Sánchez de Lozada. In 2004, under the pressure from a new march organized by the *Bloque Oriente*,⁵ INRA issued the final resolutions of the regulation process, against which more than 30 challenges were presented, paralyzing once more the process. The legal procedure before the Agrarian Tribunal, paradoxically, did not anticipate an intervention by the indigenous peoples, but thanks to a Constitutional Tribunal Ruling reverting this absurd procedure, they were able to participate as “interested third parties”.

Once the Government of Evo Morales had been appointed and after 10 years of regulation, INRA issued the resolution on the donation and titling of the TCO Monte Verde, consolidating the forest concessions in favor of the indigenous Chiquitano people. The challenges presented by the concessionaires and by some of the third parties were resolved in favor of the indigenous communities. Until December 2009, the solution to challenges regarding third party property, representing an extension of 35,000 hectares—but under the control of the communities—was still pending. The TCO received the title for an area of 947,441 hectares located in the municipalities of San Javier and Concepción, Province of Ñuflo de Chávez in the department of Santa Cruz, and benefits more than 100 communities with a population exceeding ten thousand inhabitants. The titled TCO includes 120,000 hectares reverted from the forest concessions and more than 300,000 hectares of property illegally claimed by third parties.⁶

Notes

- 1 Sixty-nine of the properties claimed by individuals inside the TCO were supported by fraudulent titles or procedures and three more were illegal possessions. Altogether they added up to more than 300 thousand hectares.
- 2 Another of the grave anomalies that it was necessary to correct at this stage of the process was the alteration of data gathered from the cadastral records with a view to favor third parties.
- 3 Between 2001 and 2004, there were frequent physical aggressions and death threats against organizations, leaders and consultants.
- 4 The ruling, issued in 2000, was only made effective in 2006.
- 5 The *Bloque Oriente* (the Eastern Block) was the articulation of a group of indigenous and peasant organizations in the Lowlands who, dissatisfied with the dynamics of CIDOB, undertook their own actions on issues regarding lands and the constituent assembly.
- 6 In some of the areas reverted from the concessions, the communities currently execute a project of community forest use supported by the Vice-Ministry of Lands within the framework of the GTI component of ADPI.

In the case of third parties within TCOs in the departments of Beni, Santa Cruz and Tarija, 422,000 hectares of the 690,000 that had been measured during field verifications were taken from them to be finally donated to 16 TCOs.

Finally, between 2006 and December 2009, a total of 4,500,000 hectares were titled in the Lowlands. Added to the 3,000,000 hectares titled during the implementation of the Program's phase I, this brings the total to 7,500,000 hectares for 32 TCOs titled with Danida funding.

Until June 2009, six of the Danida funded TCOs had some zones (Itonama, Cayubaba, Movima II, Lecos de Apolo, Lecos Larecaja), whose titling was still pending. In the TCO

Itonama, a part was excluded due to internal conflicts and in the TCO Lecos de Apolo, the process is currently suspended too because of conflicts. In Cayubaba, Movima II, Guarayos and Larecaja, the titling of one zone in each is pending.

Legal Control of the National Agrarian Tribunal

An important part of the regulation process is the intervention of the National Agrarian Tribunal, as the highest jurisdictional body for matters on agrarian reform, to which corresponds, among other functions, solving the demands for actions against the administration's final regulation resolutions.

**Areas taken from third parties in the SAN TCO process
(in hectares)**

Table 8

Department	TCO	Measured to third parties	Titled to third parties	Consolidated to TCOs
Beni	Cavineño	33,073	12,659	20,414
	Chácobo	106,620	54,567	52,053
	Pacahuara			
	Itonama	25,938	8,252	17,685
	Joaquiniano	25,924	15,740	10,184
	Tacana Cavineño	13,133	4,377	8,756
	Tim Multiétnico II	123,990	6,641	117,349
Santa Cruz	Bajo Paraguá	12,684	3,177	9,507
	Charagua Norte	15,526	8,569	6,957
	Charagua Sur	31,907	19,179	12,728
	Guarayos	4,388	2,029	2,359
	Isoso	159,854	69,255	90,599
	Iupaguasu	7,670	3,088	4,582
	Lomerío	49,737	18,830	30,907
	Monte Verde	57,871	26,287	31,584
Tarija	Weehnayek de Capirendita	10,731	6,934	3,797
	Itika guasu	11,018	8,314	2,704
Total		690,062	267,899	422,163

Source: INRA, 2010

**Titled TCOs in the Lowlands with ADPI funding
by departments (in hectares)**

Table 9

Department	No. of TCOs	Titled areas		
		Phase I	Phase II	Total
Beni	13	1,249,776	2,056,127	3,305,903
Cochabamba	1	241,170		241,170
La Paz	4	174,582	328,867	503,449
Pando	1	25,675		25,675
Santa Cruz	11	1,231,026	2,104,143	3,335,169
Tarija	2	93,226	27,008	120,234
Total	32	3,015,455	4,516,145	7,531,600

Source: INRA, 2010

During the first phase of the Program implementation, the interventions of the Agrarian Tribunal were considered to be one of the greatest obstacles to the process, because many of its sentences ordered the repetition of several already concluded stages of the process, in many cases the verifications in the field on

the fulfillment of the Social Economic Function, thereby not only ignoring the principle of preclusion of the stages in the process, but, moreover, turning the agrarian formalities into an indefinite and highly expensive process. Taking into account that the SAN-TCO process in this way suffered severe standstills

and delays, it was considered, for the second phase, to support INRA in order for this institution to assume the defense of the resolutions emerging from the regulation, which were being challenged before the Tribunal. According to INRA reports, during the years of the second phase, 170 challenges were presented, mainly by third parties that claimed property rights inside the lowland TCOs. Sixty percent of these processes, 102 in total, were concluded before the end of the ADPI Program in December 2009 and, of these, 68 rulings ratify the regulation's final resolutions, while 21 rulings declared the challenges against the final resolutions as proven. The remaining 13 processes were challenges rejected or withdrawn by the challengers. There are still 68 processes to be concluded. These data constitute an indicator that the process of regulation has been adequately adjusted to the current legal framework.

It is also important to emphasize that the great majority of the issued resolutions at the end of the regulation process were not challenged, which can be interpreted as the conformity of the interested party with the results of the process and the recognition of the entitlement of indigenous peoples to the right of control over their TCOs.

Simple Regulation in areas adjacent to TCOs

The TCO regulation and titling component also contemplated a regulation fund for the Simple Regulation modality (SAN-SIM), as a mechanism for solving conflicts with bordering properties, under the logic of protecting indigenous territories through the regulation of other holders' property right. The use of funds destined for this mission had to be agreed with the indigenous organizations (Danida, 2004).

In the first phase, areas were identified that were to be attended because of existing conflicts or for being susceptible of becoming conflictive. Thus, for the second phase, it was planned to cover and deal with 13 zones adjoining TCOs in the departments of La Paz, Oruro and Potosí, with a total area of 792,000 hectares (Danida, 2004, Appendix G).

The areas subject to simple regulation would be prioritized once an early alert was given, first by the team in the stage prior to the regulation and later by the conflict management team of INRA-Vice-Ministry of Lands. Next step would then be to negotiate with the stakeholders and the TCO beneficiaries

the beginning of the court-ordered simple regulation, prioritizing settlements or communities.

This regulation fund was only used in the Lowlands, in the Amazon area of the department of La Paz and in the department of Santa Cruz, because CONAMAQ decided in CITCO that funding would only be used for TCOs in the Highlands.

In the Lowlands, between 2005 and 2008, the following areas were prioritized for simple regulation:

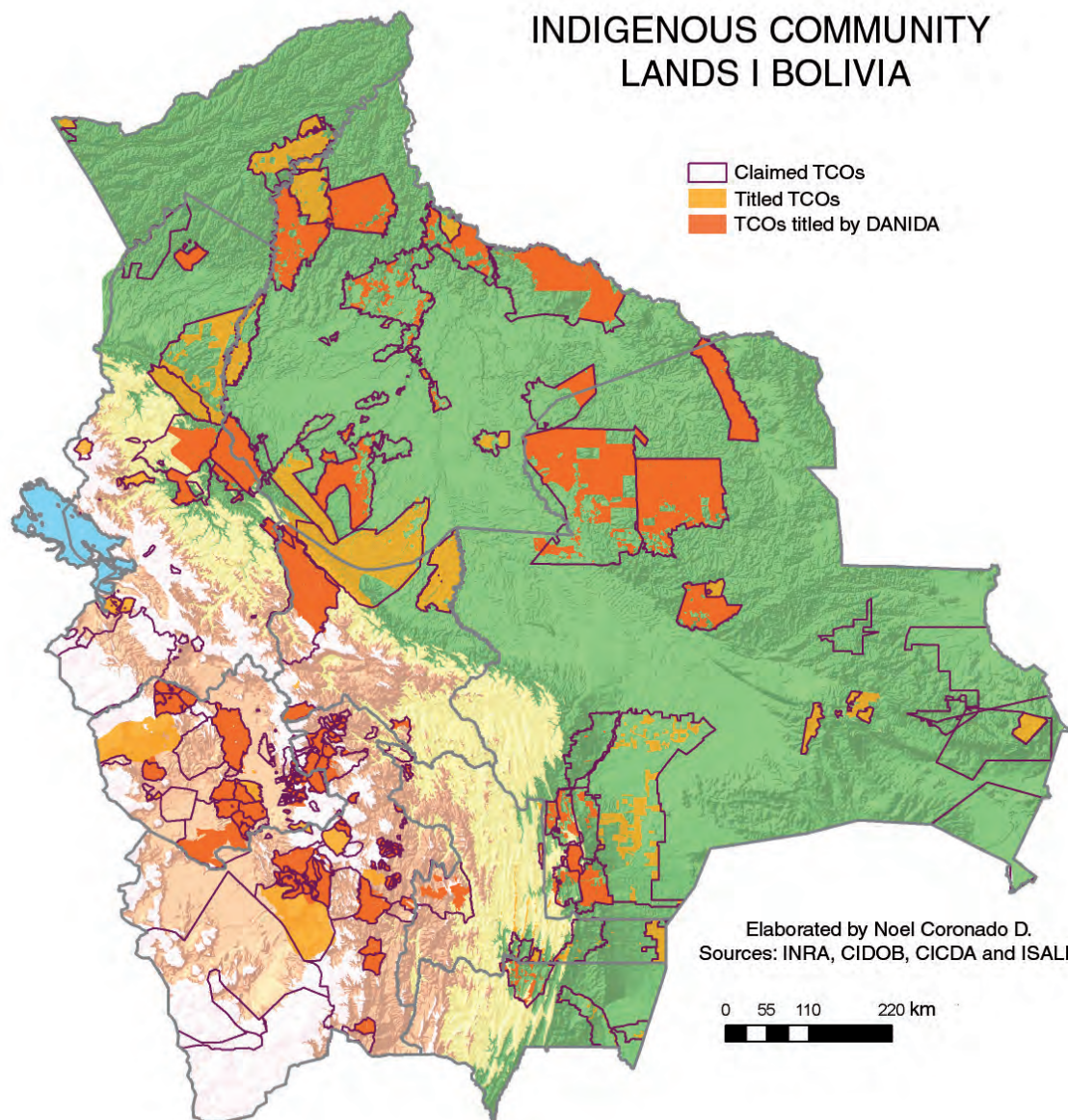
- Adjoining areas to the TCOs Lecos de Apolo, Lecos Larecacha, Mosetén and Pilón Lajas, all in the department of La Paz.
- Areas of the Chijchipani and Entre Ríos Centrales in the department of La Paz.
- Areas of the Federation of Agroecological Producers in Yucumo (*Federación de Productores Agroecológicos de Yucumo*—FEPAY) in the department of Beni.
- Adjoining areas to the Guarayos TCO in the department of Santa Cruz.

The process for simple regulation in these areas generally follows the following steps:

- Agreement with the involved organizations on the area subject to regulation
- Request to the Danish Embassy for a declaration of 'No Objection'
- Desk identification of the available information on the area
- Public campaign to inform interested parties about the start of regulation (this stage was removed with the new agrarian rules starting 2007)
- Field verifications
- Conclusion reports
- Final regulation resolutions

The first areas to be looked at were defined towards the end of 2005, in the zones surrounding the TCOs Lecos Apolo and Lecos Larecacha in the department of La Paz. The area was integrated in TCO regulation zones and the simple regulation process started in 2006 in the TCO Larecacha, titling the first 29,000 hectares in 2008 and another 11,983 in 2009. There was also progress in small areas in the TCO Apolo, where 788 hectares were titled, bring the total of hectares titled under this regulation modality up to 42,000.

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In the areas adjacent to the TCOs Masetén and Pilón Lajas, also in the department of La Paz, the process started in 2008 and progressed up to the drafts of final resolutions for part of the area. In other areas, progresses are not important due to conflicts and aggressions directed at INRA work brigades.

In the area of the centrals Chijchipani and Entre Ríos, the process started in 2007, over an area of 10,021 hectares for 984 families (approximately 3,936 inhabitants).

Likewise, in the areas adjacent to the TCO Guarayos, in the department of Santa Cruz, progress was limited, with titling of 1,741 and 4,381 hectares, partly in the Sara and Obispo Santisteban areas.

In 2005, work started in the department of Beni too, in a peasant zone, once the internal regulation had progressed to the stage of field verifications. In 2008, 44,275 hectares were titled and 8,577 more were titled in 2009. In zones corresponding to three rural centrals, there was no progress, due to the conflicts that occurred in the region in 2008 (Table 10).

Regulation and the gender perspective

According to the design of the component, it was foreseen to take advantage of the TCO regulation and titling process for favoring the participation of men and women on an equal footing, taking into account that this contributed during phase I to re-value the role of women and reaffirm their presence in the organizations. During the implementation of phase I, it also became evident, that due to different cultural patterns, women participated in smaller proportion in the different activities because of their differentiated roles. Men participate directly in the regulation activities while women do it in a direct and indirect manner, because, on most occasions, they have work to do at home, thereby ending up with having to perform a double role.

In phase II, the participation of women was considered as a cross-cutting aspect of the entire regulation process.

Areas and results of the SAN-SIM

Table 10

Department	TCO - Zone	SAN-SIM area	Starting year	Titled in 2009	Benefitting Families	Inhabitants
Beni	FEPAY	69,670	2005	52,852	1,098	4,932
La Paz	Lecos de Apolo and Lecos de Larecaja	167,601	2005	42,003	3,019	11,569
Santa Cruz	Mosetén and Pilón Lajas		2008	0	--	--
	Centrales Chijchipani and Entre Ríos	10,022	2007	0	984	3,936
	Guarayos (Obispo Santisteban, Sara, El Puente		2008	6,122	--	--
Total		247,292		100,977	5,101	20,437

(--) indicates no data available

Source: INRA Reports 2005-2009

Legal framework and gender

Law 1715 states that the agrarian reform must apply criteria of equality in the distribution, administration, possession and use of lands in favor of women, independent of their marital status. Regarding women in indigenous communities and in relation to their access to land, it is necessary to take into account that the Constitution assigns TCOs the character of communal property. Consequently, the INRA Law establishes that the title deed of a TCO is issued under the name of the village, ayllu or the claiming indigenous community. Regarding the distribution and the internal use and exploitation of the territory and its resources, it is anticipated that these must be internally defined according to norms and customs, in which the State cannot interfere for being a matter within the exclusive competence of their own authorities.

Nonetheless, especially in the Highlands, the internal distribution of community lands according to its norms and customs generally excludes women, affecting many women that are left alone for various reasons, in particular because of the migration of men in search of economic opportunities in other regions.

To fulfill the above mentioned principle of Law 1715 about gender equality in the agrarian reform, INRA has, since 2001, stipulated for its staff the obligation to register the woman's name first and then that of the man on the title deeds of couples' individual properties, independent of their legal status.

As part of the new Land Policy, Law 3545 in 2007 incorporated the abovementioned obligation:

The participation of women in land regulation and distribution processes is guaranteed and prioritized. In case of marriage and free or de facto conjugal unions, titles (on individual land holdings) will be issued in favor of both spouses, or co-habiting partners that are working the land together, recording the woman's name first. The same treatment will be granted in the other cases of women and men who are joint owners and work the land together, independently of their marital status.” (Eighth Final Disposition of Law 3545)

The law regulations, on the other hand, prescribe the social character of the agrarian right and gender equality in accessing and possessing land and urge government officials to

promote it. They also state the use and enjoyment of community lands in benefit of men and women and recognize the representation of men and women from indigenous peoples, as well as rural communities, settlements and other organizations (Supreme Decree 29215 of 2007).

With the new Constitution, approved by referendum in January 2009, the State assumes the obligation of “*promoting policies aimed at eliminating all forms of discrimination against women in accessing, possessing and inheriting land*” (Article 402).

The implementing entities and the gender perspective

The national Government had, in 2004, adopted the National Plan of Public Policies for the Full Exercise of Women's Rights, with the objective of promoting the incorporation of gender equality in the distribution of public lands, inheritance systems²⁶ and the real estate market through the adjustment and diffusion of a specific legal framework.

During 2004 and 2005, the application of this plan improved women's situation regarding their entitlement to land property rights, be it as sole head of family or as the head of a couple. From 1996, date of approval of Law 1715 or INRA Law, and until 2005, a total of 367 titles were issued in favor of women, amounting to 17.33 percent of the total number of issued titles, and 6,038 titles were issued in the name of both a woman and a man as a couple, amounting to 28.5 percent of the total number of issued titles (INRA, 2010).

In 2006, the Vice-Ministry of Lands had at its disposal a theoretical basic proposal on Land, Territory and Equal Participation of the Indigenous Woman and another proposal on Equal Participation of Indigenous Women and Men in the Regulation Process, which were socialized with organizations in the Highlands and the Lowlands. Based on this, a gender perspective was incorporated in the Law on Community Redirection of the Agrarian Reform and its Regulations, and in the guidelines for the elaboration of the Indigenous Peoples' Identity Registers (RIPIO) and the Identification of the Needs and Uses of the Territory (INUET). As far as INRA is concerned, it incorporated the gender focus in the guidelines for regulation and titling (e.g., Guidelines on Internal Regulation, Guidelines on Nullity, Guidelines on the Social Economic Function and Guidelines

²⁶ The inheritance system in rural families favors male offspring over women.

on SAN-TCO), and gender indicators were introduced in the indicator matrix used in the regulation process.

INRA, moreover, incorporated gender responsible staff at the national level and gradually at the departmental level and, although not all have had continuity, a large number of activities were generated to promote the gender perspective, including information and training workshops, production of material on women's access to land, and its dissemination through mass communication.

Among the actions, a study about women's access to land stands out. It was produced between 2006 and 2007 and published in 2008 under the title "The Land has the Name of a Woman" (*"La Tierra tiene nombre de mujer"*). The study analyzes the legal, social and economic situation of women with respect to the agrarian issue throughout history and, from the perceptions gathered among women in areas already titled, it analyses the impact of land titling in their favor. The land holding headed by a woman, individually or as part of a couple, improves significantly her life conditions, by re-appraising her work, increasing her access to basic services and contributing to her empowerment. According to testimonies, titling has also allowed them to improve their participation in the couple's decision on land use and management, participate in better conditions in social and productive organizations, access credit and improve their economic income.

Males, right, are those who decide, but having a title is good because we can take a stand, right, when they're trying to abuse us; we can tell them to leave because the land is ours and then our children ("pelados") are safe, right, they won't lack anything; they explained to me that if I divorce, I get half the land because we bought it when we were together (Fabiana Matilde Sosa, in "The Land has the name of a Woman". INRA, 2009).

In the framework of INRA's institutional strengthening, gender facilitation was included in the courses for applicants to the Departmental Directions, and experience-sharing was organized with their employees with the support of the Ombudsman's Office. In 2009, the Vice-Ministry formulated a Strategic Five Year Plan for Mainstreaming the Gender Perspective in the process of regulation at the national level, which eventually was revised and assessed by the organizations. Upon closing the Program, the inter-institutional construction of a five-year pro-

gram to support the participation of women in the access to land was initiated jointly with the United Nations Development Fund for Women, the Office of the Minister of Rural and Land Development, the Vice-Ministry of Equal Opportunities, the Vice-Ministry of Lands and INRA. The first stage of the process is directed at evaluating the progress in the gender issue and establishing strategic lines of intervention (Vice-Ministry of Lands, 2009).

As a result of these efforts, between 2006 and 2009, 22,278 titles were awarded to female household heads for an extension of 258,000 hectares, or 21.25 percent of the total of titles issued and 1.16 percent of the regulated and titled areas, respectively. To couples, 35,512 titles were awarded for an extension of 593,000 hectares, representing 34.64 percent of the titles issued and 3.09 percent of the regulated and titled areas (INRA, 2010).

To disseminate and inculcate the gender perspective in the access to the use of land and natural resources in communal properties, actions were directed at strengthening the participation of women leaders during the process of TCO regulation and, at the request of the organizations, awareness-raising events were organized. In the Highlands, the women were offered orientation about processes, instances and possible solutions to conflicts in which they were involved.

Civil society organizations, similarly, participated in this gender strategy. In the case of AVSF-CICDA, the development of this focus was done in a shared manner with community members, taking as a point of departure the information emerging from local events, within the logic of the complementarity in the exercise of dual authority *Qhari-Warmi*. During the entire process, reflections were made on the reconfiguration of women's rights with reference to the access to land, starting with traditional practices and their projection in the national agrarian context. As a result of all this is the growing need expressed by the players for redefining the role of women starting with the obtainment of TCO titles and the following activation of the internal norms on land tenure in order to achieve greater equality (CICDA, 2008).

A particularly significant initiative was the implementation of the Women's Agrarian Tribunal which INRA and CICDA undertook jointly with Jatun Quillaca Asanajaqi (JAKISA) in order to tackle the issue arising from the fact that the norms and customs do not recognize women's rights regarding access to land, which is the main source of inequality in the rural areas. The first Women's Agrarian Tribunal took place in 2008 in the

locality of Challapata in coordination with the Vice-Ministry of Community Justice, and had a high participation of women representatives and authorities from the markas and ayllus in the department of Oruro. During this first exercise, the deliberations focused on the position of women in their communities and the possible alternatives for redefining roles in keeping with the new political, social and economic scenarios the country is presently experiencing.

The second Tribunal was held in the city of Oruro in August 2009, with the objective of establishing strategic lines for building the indigenous justice administration within the framework of the new Constitution. For this purpose, the Tribunal was conceived as a space for sharing experiences between the communities' and the State's administrators of justice. Participating in this tribunal were the President of the National Agrarian Tribunal, the Agrarian Judge and the Supreme Court of Justice of Oruro, as well as INRA and the governing councils of CONAMAQ and Jatun Quillacas Asanajaqi. Sharing was done around concrete cases or situations, of which each authority made their own analysis and confronted their different interpretations about how to treat the cases from the point of view of the national legislation and the community justice in order to identify coinciding or diverging points that might contribute towards outlining alternative solutions (CICDA, 2009). This analysis contributes with important elements to the Jurisdictional Demarcation Law, which the Plurinational Assembly will issue in order to put in practice the indigenous jurisdiction recognized by the new Political Constitution of the State.

Women, who participated, have expressed that this space has allowed them to acquire knowledge about their rights. A woman expressed that the Tribunal had brought about:

...their dream that [women] are presently included in the leadership of their community, that is to say that they are now legitimate owners of the plots on which they work and live, regardless of their legal status.
(Leader Nancy Chila, Marka Salinas, quoted in INRA 2009)

As for ISALP, it elaborated the gender baseline as committed in the component, and from its application, it was found in some zones that women's participation in the TCO regulation was crucial in the identification of boundaries, the measurement of vertices and conflict management, thanks to their broader knowledge about their territory through the cultural roles that

they fulfill. Out of the total number of participants in the process, approximately 30 percent were women; this indicates that the women had appropriated the territorial reconstitution.

In 2007, an exchange of experiences was organized between authorities, leaders and male and female grassroots leaders from TCOs in the four departmental zones; here, they socialized the negotiation processes and the conciliations for conflict resolutions with neighbors and with mining, hydroelectric and other companies and the participation of women in these processes. On the basis of the analyses made, many communities redefined the gender roles within the framework of their cultural identities (ISALP, 2007).

The vision developed by the organizations is that in the processes of territorial reconstitution and authority restitution, women's participation must be strengthened in the ayllu, at the different levels of the organizational structure and in the exercise of local political positions (female mayor, female councilor, and female members of the Surveillance Committees [*Comités de Vigilancia*]) and female authorities must recover their roles and self-esteem in complementarity with their partners. The result of this vision is the emergence of women leaders with management capacities and the visibility of their participation as ayllu authority and as leader (ISALP, 2008 and 2009).

In the Lowlands, the communities elected women to be part of the regulation commissions. Together with the men, these women participated in conciliation processes with third parties, in the verification of the fulfillment of the Social Economic Function during field verifications, through cattle counting, and in the measurement of vertices of third party's territories, among other activities. This contributed to the empowerment of women and their appropriation of the territorial titling process. Some of the participating women were later elected as highest authority of their communities or their TCOs.

Results and achievements of the TCO – Regulation and titling component

During the second phase of ADPI, a total of 7,970,000 hectares were titled as TCOs with the support of Danish cooperation (Table 11).

During this period, the years when most titlings occurred were 2007 and 2008. This could indicate that the normative adjust-

ments, as well as their appropriate application within the land policy framework, were effective. The results in these years are also the fruit of the conflict management and resolution strategy, used by the indigenous organizations as well as by the responsible state instances. Thanks to the application of this strategy, in addition to the effective solution of numerous conflicts in order to make TCO titling possible, there is also the titling of areas in favor of other rural populations in the Lowlands (Table 10). Moreover, the areas regulated in favor of individual owners within the TCOs can also be quantified as the results of this process (Table 8), and an important expanse of public lands has been identified, part of which is meant to be donated to indigenous peoples and peasants as collective property.

As indicated in the section on the general background of the Support to the Rights of Indigenous Peoples, Danida made its cooperation in this area available to Bolivia from 1995, within the frame of the reforms on decentralization and popular participation adopted in connection with the constitutional reform of 1994.

The cooperation between the Governments of Bolivia and Denmark with the view to recognize indigenous territorial property started in 1997 with the application of the INRA Law, approved the year before, and lasted until December 2009. As a result of this specific support, 135 TCOs were titled with an area superior to 11,000,000 hectares, located in the nine departments in which the country is divided (Table 12).

To the area titled with the support of Danida should be added the land titled to farmers, settlers and individual owners in the area determined for the regulation of each TCO, because these titlings were an effect of the process sponsored by Danida. However, consolidated information about this is not available.

Neither are there any disaggregated data on the ADPI funded TCO areas still in the phase of regulation, or on the state of these processes, nor it is foreseeable that in the years after the finalization of the Program, the extent of TCOs titled with ADPI support will increase significantly. As mentioned in the sections on processes by department, several of the TCO claims supported by Danida are in an advanced phase, and it is expected that their titling will be finalized in 2010.

Scope of the component's results

According to INRA data, the total land area titled as TCOs until December 2009 ascends to 16,800,000 hectares, from which a little over 11,000,000 were titled in the 2006-2009 government period that corresponds to the last four years of the ADPI implementation. Of the total TCOs titled during the INRA Law's application period, 67 percent were supported by Danida (Table 13).

TCOs titled in ADPI phase II - per year and in hectares

	Highlands	Lowlands	Total
2005	272,713	0	272,713
2006	129,797	1,510,014	1,639,811
2007	401,194	1,665,858	2,067,052
2008	1,422,344	927,531	2,349,875
2009	1,230,277	412,742	1,643,019
TOTAL	3,456,325	4,516,145	7,972,470

Source: INRA, 2010

Table 11

Total TCOs titled with Danida support – by departments

Department	No. of TCOs	Titled areas
Beni	13	3,305,903
Chuquisaca	3	101,807
Cochabamba	5	902,494
La Paz	4	503,449
Oruro	34	1,235,735
Pando	1	25,675
Potosí	62	1,779,008
Santa Cruz	11	3,335,169
Tarija	2	120,234
Total	135	11,309,474

Source: INRA, 2010

Table 12

Even though the support of the Danish cooperation did not cover the total number of claims in the Lowlands and Highlands, the percentage of what was titled with its support until 2009 shows a significant impact on the general process of the TCO regulation and titling. In the view of many civil servants, social leaders and professionals linked to the process, whether as part of ADPI in the different implementing entities and organizations or in an external manner, the cooperation of Denmark made it possible, in general, for the indigenous territories in Bolivia to be recognized and titled. Some even state that without this cooperation, the process of regulation of the Indigenous Community Lands would most probably not even have been implemented, and in any case it would not have achieved the general results that have been seen up to now.

For two basic reasons. One, it was clear that the social, political and economic context of the country in the decade of the nineties and the first years of the present century, was not propitious for indigenous peoples' territorial claims. On the contrary, it was opposed to their claims because of the numerous economic interests that revolve around land tenure and the use of natural resources, especially in the Oriente. This is corroborated by the series of difficulties, which the regulation process went through in the first 10 years of the INRA Law's application and the multiple obstacles that arose in the legal as well as in the political and social fields in order to practically halt or distort the process' development. The other reason put forward is related with the fact that in such circumstances it was unlikely that other funding sources would commit themselves to the process in an integral manner, the way the Danish cooperation has done.

It is also being mentioned that, in the period in which the regulation process of the agrarian property started, the preferred model praised the execution of many state services by the

private sector, arguing greater efficiency and effectiveness. Nevertheless, the Danish cooperation committed its support for the agrarian reform service for indigenous peoples to be executed directly with the State, contrary to how it was done with other sources of funding.

These are the motives why the general advances in the regulation and titling process of TCOs, as well as of the agrarian property in general, are attributed to the bilateral cooperation between Bolivia and Denmark, not only for its direct funding to the TCOs' regulation and titling process but also for the diversified support under the "double strategy". This allowed, on one hand, the running and strengthening of the relevant state institutions, which fulfilled their functions not only in the areas claimed as TCOs, meaning that their capacities were also incremented for the benefit of the agrarian process in general. As for the indigenous organizations, it allowed their qualified participation in the entire process and these organizations took upon themselves to make it dynamic and, furthermore, they involved other rural social sectors, like the peasants or the settlers, with whose organizations they combined efforts to overcome the most difficult obstacles and to produce joint proposals regarding the modification of the land tenure structure.

This last impact by ADPI on the agrarian process becomes apparent if one looks at the relation between the total area reported by INRA as areas in which the agrarian rights have been regularized, with the areas corresponding to TCOs. The TCOs amount to 65.88 percent of the total area regulated as individual or collective property (refer to Table 4).

The progress achieved in TCO titling up to now is considered by different stakeholders as a contribution to a series of conditions related to the life in the communities, which by themselves tend to improve this life. The organizations, leaders, and professionals involved in the process, identify the following:

- Legal security over their territories and the access to natural resources, has contributed to the appropriation of the territorial spaces by the communities and their organizations. This, in turn, has strengthened their awareness of the necessity to defend their territories and their natural resources, generating coordinated actions for this purpose.
- The titling of areas that exceed those of the settlement of the communities themselves has led to give

Table 13

Total areas titled as TCO (in hectares) - by periods and in relation to the titled areas supported by Danida

Period	Area titled as TCO		
	Total	Danida	%
1997-2005	5,762,058	3,609,716	63
2006-2009	11,042,849	7,699,758	70
TOTAL	16,804,907	11,309,474	67

Source: INRA, 2010

them a broader vision of the territory as a space for living and to go from communal management to territorial management with the perspective of consolidating the property and access new development opportunities through the management, use and/or recuperation of the ecosystems and natural resources.

- The aforementioned has also given rise to a gradual process of diversification of economic activities in most of the communities. To the traditional activities of agricultural production, hunting, fishing and others developed for subsistence purposes, have been added activities intended to generate income, such as handicrafts, ecotourism, traditional medicine and food production for commercialization, breeding captive animal species, among others.

Decisive factors for the implementation of the component and its results

The TCO regulation and titling process has been difficult and conflictive from the start, something which has been sufficiently described in this systematization. Nevertheless, during the second phase of the ADPI implementation, many of the difficulties that threatened the process in previous years have been overcome, paving the way for the stated results.

The new Land Policy and the adjustments in the agrarian legislation adopted at the start of 2006 were, without any doubt, a guarantee of the continuity and finalization of the TCO regulation and titling process in areas where this process had advanced, and allowed to discern its total culmination within the established legal period (2013).

For this policy to be executed successfully, a crucial element was the alliance between indigenous peoples and the Bolivian Government and of the former with the international cooperation, as it allowed, in the midst of the difficulties of the national context, to overcome the TCO titling process' own obstacles. The "double strategy", implemented by the Program, turned out to be effective when the time came to take decisions in the Inter-Institutional TCO Committee regarding the continuity of the process in the midst of the conflicts caused by it, and make the solutions to many of these conflicts viable. It should, in particular, be mentioned that the integration of the technical support instances in this Committee, besides the claiming organizations and the governmental institutions, was a favorable and very positive factor that made it possible to have a

dialogue on the problems and the strategies for facing them to be enriched with views and proposals based on analysis devoid of emotions or interests in the land tenure disputes.

As already mentioned, the definition and implementation of a coordinated strategy for solving conflicts, and the analysis and management of each of the most relevant ones in the Inter-Institutional TCO Committee, also enabled a general reduction of the tensions and conflicts that had accompanied the agrarian process from the start. This was possible due to the attitude of the involved organizations, deeply committed to solving conflicts, and the aptitude and will of the governmental implementing entities to face them with responsiveness and transparency.

The social support of the government administration by a majority of the population was also a key factor for deactivating or at least weakening the strong opposition generated around the titling of large TCOs in the Lowlands, or for resolving differences in opinion regarding collective titling among the indigenous peoples in the Highlands.

Notwithstanding the progress obtained in the titling process, some of the difficulties identified in the previous years have persisted to this date, and are the reason why the results of the process are not more substantial.

A factor that continues to be a difficulty is a certain institutional weakness of the State's executive organs and the problems due to the lack of staff stability. This factor persists despite the efforts displayed by the Government and the international cooperation's support to the strengthening of the institutions, and is reflected in the lack of institutional capacity to fully comply with its own agenda and reach the goals the institutions themselves have set. To this is to be added a slow and bureaucratic hiring process which causes delays in the execution of the chronograms.

Some indigenous organizations lament the lack of knowledge, information or experience of the personnel and institutions involved in the process—INRA and the Vice-Ministry of Lands—a situation which is identified both at the levels of coordination and at the operative levels. To this is added that many authorities are temporarily appointed, which entails frequent changes to be made and gaps that delay the process. Shortcomings in operative and strategic coordination between the different state instances involved in the execution of the process are also an adverse factor.



As an effect of all this, the organizations identify some situations that must be resolved during the process and which effectively have not been resolved in part of the TCOs, whose processes have been concluded. They refer to the absence or delay by INRA to carry out in the field the re-arrangements of the land consolidated to individual owners. Many of these re-arrangements had not been done upon finalizing the Program, and this allowed third parties to keep using lands titled to indigenous communities, and even to expand their land in other areas of the TCOs. There also continues to be delays in the delivery of titles, especially to third party individual proprietors, something that generates negative attitudes towards indigenous communities and their territories.

The procedure for challenges before the National Agrarian Tribunal continues to be a factor that weighs heavily on the agrarian process in general. The way the legal proceedings are regulated and the ample deadlines for dealing with them not only delays the conclusion of TCO regulation and titling but also considerably increases costs and makes the processes more conflictive, distorting the role the legal entity must comply with. Still pending is a thorough analysis of the cases presented before the Tribunal in order to extract lessons learned and formulate regulatory proposals that may help improve the role of the legal body on agrarian issues.

All these difficulties have been decisive for the fact that after 14 years of having initiated the agrarian regulation process, and three years before the deadline for its conclusion, there still remains some 50 percent of the rural lands in the country to be regulated.

As far as the indigenous organizations are concerned, one factor that made the progress of the regulation process difficult was the existence of internal disagreements, whether in the face of issues of representation or in the face of the political situation and its perspective. In the cases of organizations with internal conflicts, and also of those which still found themselves in the process of formation or consolidation, the processes took longer to culminate or generated fewer results than expected. In some lowland TCOs, for example, this has entailed that a good part of the land claimed by the communities has been left in the hands of individual owners, or, in the case of the Highlands, that conflicts made it impossible to conclude the regulation process.

Some preliminary lessons

The implementation of the second phase of the regulation process made it evident how, in previous periods, INRA Law's real intentions regarding the regulation of the land distribution process in Bolivia and the settlement of a historical debt with the indigenous peoples, were meant to be distorted in practice by economic, political or social interests opposed to these intentions. That experience shows how complex and highly specialized procedures are destined to prolong and hamper the process of territorial recognition, turning it into the greatest cause for social conflict and political instability in the country for the past decade. Simplifying legal and administrative procedures contributes, in a significant way, to reduce the causes of conflicts and to direct their resolution towards a legal framework.

It also made it clear that the coordination between the State and the civil society organizations is possible, and guarantees greater and stronger results. For this articulation to be possible, it is necessary to count with reliable institutions, equipped with internal control mechanisms and with high ranking officials and civil servants chosen transparently, on the basis of technical criteria and a prior probity control. Only this way can the institutionality of the State attain credibility, and trust be generated among the various stakeholders for the development of coordinated actions.

The institutional credibility of the Government towards indigenous peoples depends also of its aptitude to fulfill its functions, respecting the logic and cultural dynamics of the population as a condition for establishing productive dialogues. This was clear in the articulation supported by ADPI within the Inter-Institutional TCO Commission, where dialogue and concerted agreements allowed unblocking the process and making it more responsive and accessible.

The success of the TCO titling processes depends, to a large extent, on the strength of the claimant communities and their organizations, and their capacity to exercise a social control of the actions undertaken by state institutions. The degree of organization of the claimant people or community shows in each case a clear correlation with the results of the process. Contrary to the difficulty that was noted in relation to internal divergences within claimant organizations or communities, the processes promoted by strong organizations yielded better or quicker results because of the latter's involvement in all



stages of the process, and because of the dynamics promoted for exercising self-control, combining actions of reporting, pressuring or negotiating in the most difficult moments.

A central element for guaranteeing an effective intervention of the organizations in the titling process is the definition of a strategic agenda with a long term vision, developed through participatory processes based on the historical necessities of the peoples and clearly distinguishing the roles the organization has to fulfill from those that correspond to the State. The confusion of roles leads, in many cases, initiatives to remain in charge of the Government, without any reaction from the organizations, and this can put the validity of the claimed rights

at risk. This occurred, for example, in the case of the withdrawal of funds for claims presented by conflictive highland TCOs, or became an obstacle for resolving conflicts with other rural social sectors in the Lowlands.

The strategy of the organizations must also include locating other stakeholders that turn out to be involved, in order to prevent conflicts or facilitate their resolution taking into account their own rights. For this, it is also necessary to identify the scenarios and priorities, and on that basis, dispose of a range of appropriate tools in order to face the obstacles, including pressure mechanisms, without eliminating the possibilities for an agreement.

INDIGENOUS TERRITORIAL MANAGEMENT (GTI)

Background

CIDOB began looking at Indigenous Territorial Management (*Gestión Territorial Indígena*—GTI) in 2000, within the framework of the Program's phase I.

At that time, indigenous territories presented serious weaknesses in terms of economic sustainability and natural resource management; many of the projects implemented in the TCOs were mainly targeting a commercial economic aspect, and not all of them responded to an integral vision on indigenous peoples. On the other hand, the TCO titling process did not produce the expected results²⁷ and its end was, instead, being debated in the midst of serious threats. Ensuring TCO property therefore became a priority.

With these two elements, CIDOB begins to work on territorial management in 2001, with the purposes of consolidating property, generating the bases for self-sustained territories and fighting poverty, but also with the expectation of contributing to the finances of the organization.

The first experiences were made in three TCOs already consolidated or in the process of being so: Lomerío, Guarayos and Mosetén.²⁸

In order to start the process, territorial management was taken on as a planning exercise, but directed towards the construction of tools for economic development: “learning by doing”. The implementation of the project was conceived as a pedagogical act in itself, as it attempted to generate basic capaci-

²⁷ Until 2000, around one million hectares had been titled in five (5) TCOs, out of a total of 29 claimed TCOs in the Lowlands.

²⁸ Lomerío enjoyed communal titles that gave it a wide margin of security, and the regulation was seen as having no major conflicts. In Guarayos, around 400 thousand hectares had already been titled in one of the zones into which it had been divided in connection with the regulation process. The process for titling the TCO Mosetén was progressing without major problems and it was in fact titled during the first months of 2001.



Prickly pear plantation in the ayllu Chayantaca



ties for the administration of the territory in prospect of public administration.

The methodological process, although it had not been through a previous and very rigorous design, consisted in four steps, from the identification and planning of territorial use, the analysis of norms for the use of natural resources and the delimitation of areas to be exploited, to the implementation of economic projects.

In the TCOs Lomerio and Mosetén, which had already for some time exploited the forest, they framed the exploitations within the rules defined for the inter-communal level. Projects in stockbreeding, chicken breeding and others activities at an inter-family level were also initiated.

In fact, these were projects demonstrating the viability of Indigenous Territorial Management (GTI), aimed at consolidating territorial security. In terms of CIDOB, the tasks to fulfill were related to organizational strengthening, formulating Territorial Management Plans; training and project funding.

This first phase was implemented between end of 2001 and mid 2004, a period during which a diagnosis was made, statutes and rules were elaborated and indigenous managers and leaders were trained. In 2004, the project was suspended due to administrative difficulties in CIDOB but was taken up again in the second phase, in 2005.

Results and progress

In June 2004, with support from the Program, a workshop was held with the purpose of sharing the experiences on territorial management, which until then had been developed by various TCOs, including those which had benefited from the component. A systematization of these experiences shows the results and progress (Orellana, 2004).

In the TCO Lomerío, there were 27 communal and one inter-communal plans between 28 communities. It had also a preliminary design of an Indigenous Territorial Management Plan, proposals for statutes and rules for the TCO and approved rules in five communities. As part of the territorial control, projects had been established in strategic places of the TCO and soil uses had been defined. At the productive level, cattle, chicken breeding and handicraft projects were implemented

and the exploitation of forest produce was going on in two communities. Lastly, they had socioeconomic studies of all the communities and were in the process of negotiating agreements on health, education, drinking water, road improvements and electricity.

In the TCO Mosetén, the statutes and rules of the Organization of the Mosetén Indigenous People (*Organización del Pueblo Indígena Mosetén*—OPIM) had been modified; negotiations had been initiated with foreign, governmental and nongovernmental stakeholders, in order to attract support; leaders, who had been trained, were now holding positions at different levels (communal, district and regional); the communities' vision on their TCO had been strengthened and the organizational structure had been modified starting with the communal level. They also counted with the socioeconomic information and the zoning of their TCO, and were implementing an agro-forestry project. In the case of this TCO, it should be noted that during a first stage comprising the years 2001 and 2002, there were administrative problems and the project was suspended for a while.

In the case of the TCO Guarayos, difficulties also occurred, due to internal problems in the organization that prevented the collective subject from appropriating the process, wherefore the TCO was excluded from the Program, one year after its initiation. Nevertheless, at the time of the workshop for experience sharing (June 2004), the TCO presented as a result the fact that they were implementing six approved forestry management plans and two more were in the process of being approved.

As an explicit purpose of the undertaken process, the organizational strengthening came up with important results:

- Empowerment of the organizations and, in several cases, the adaptation of organic structures for representation purposes;
- The adoption of regulations for the functioning of the organizations and the assignment of roles and responsibilities to its leaders, all of which acted as an incentive and helped getting a better social control;
- The training of new leaders who linked with organizational and community processes or began to hold public positions at the local level, such as deputy-mayors, deputy-councilors and others;
- The identification and practice of mechanisms for the articulation of the TCOs with the municipality's administration and that of other public and private instances.

On a smaller scale, efforts to promote the organization of women are mentioned, although gaps are also identified in this terrain, something which served as the basis for a more decided involvement during phase II.

Various players, during this first phase, agree that the beginning of the Program occurred at a key moment of the indigenous movement's process and its struggle for reclaiming the rights of indigenous peoples. They identify, as a result, the generation of operative capacity within the organizations, which, in turn, was useful for getting the State to start responding to indigenous demands, an aspect which is recognized by all those who, coming from their different instances, have been involved in the process.²⁹

As an effect of this experience, it should also be mentioned that the processes of Territorial Management extended to TCOs other than the ones involved in the Program. Although it can be stated that the management process was not introduced by this Program,³⁰ indigenous leaders agree that the GTI dynamics were gradually expanding to other territories, starting from the process promoted by CIDOB – Danida and due to the organicity with which this process was approached.

The systematization of experiences presented at the workshop, confirms that studies and diagnoses were elaborated in all participating TCOs, so that they had the necessary information in order to undertake management planning. Specific projects were put in motion, mostly directed towards the use of natural resources and the implementation of basic services, infrastructure and equipment; territorial control mechanisms were implemented in order to face the intrusion of external agents for illegal exploitations. Among these mechanisms can be noted, for instance, the formation of forest-ranger teams in the TCO Mosetén, the installation of control posts and the establishment of human settlements

in vulnerable areas in the TCO Monte Verde, and the start of control over mining operations.

Difficulties and lessons

The first difficulty to be mentioned with respect to this first organic experience is that, at the moment of undertaking the first phase, there were deficiencies in the mechanisms and tools used in dealing with territorial management. There was a clear view of what was intended, but not of the mechanisms to be used for the process, until the Territorial Management Plans were conceived.

As a *posteriori* critiques, one can identify that when the process began, it had been framed within a municipality perspective, which entailed managing indigenous territories through the municipalities on the basis of the regulations of the Popular Participation Law (Law No. 1551 of 1994).³¹ This Law is “*the first norm that makes one think about the territorial and social aspects of development and gives the indigenous a formal voice.*” (Gaby Gómez, personal communication).

Related to municipalism, it is also emphasized that the TCOs, whose location is superimposed on various municipalities, found in this factor an important limitation to the promotion of an integral management of their territories, and they began suggesting the need to demand administrative political autonomy, which was to be recognized in the new Political Constitution of the State.

A fact, which is indicated as a shortfall for the undertaking of the management of TCOs in those days, is that the knowledge of other experiences already under way was not taken into consideration and no sharing was done.

Other aspects, although perhaps less relevant, are found in the difficulties that arose at the administrative level in the cases of the TCO Mosetén and CIDOB itself, and the internal problems in the TCO Guarayos, which threatened the continuity of the process in the respective TCOs.

29 Interviews with Alcides Badillo, Jorge Salgado, leaders, etc.

30 The TCOs Lomerio and Guarayos were executing forest management projects and others with the help of different kinds of support, starting to organize territorial management although not under that name. In the case of Lomerio, programs of this type had been initiated since 1997 in a systematic manner and with similar purposes, which allows understanding the range of their results during this first phase. It is also the case of the TCO Pilón Lajas of the Tsimane and Mosetén people, which coincides with a Protected Reservation Area in charge of the National Service for Protected Areas (*Servicio Nacional de Areas Protegidas*—SERNAP), with which the Tsimane Council was making progress with a co-management work; and the TCO Cayubaba, that, since 1999, had counted with the support of the Concerted Strategic Plan of Regional Development (*El Plan Estratégico de Desarrollo Regional Concertado*—PDCR II) within the frame of the support to the Municipal Development Plan's elaboration.

31 The Popular Participation Law, No. 1551 of 1994, regulates, for the first time, the social participation in local development through Territorial Grass Roots Organizations (*Organización Territorial de Base*), as a mechanism to articulate the local community, including indigenous communities in the Low- and Highlands, around municipal actions. It allowed, furthermore, the creation of the Indigenous District Municipalities and the decentralization of municipal competences through them.

Component design during phase II

For this phase II of GTI, the design was undertaken in a more organized manner and for this purpose, studies and analysis were made and shared with the organizations, Danida and the external consultants.

Besides the lessons and obstacles identified in the previous phase, other considerations were taken, among others, the advances verified in Bolivia with respect to the recognition of the specific rights of indigenous peoples and the regulation of legal norms that would allow the management of the TCOs to be compatible with the administrative framework of the State, in particular in relation to their possibility of constituting Indigenous Municipal Districts and Associations of Municipal Districts. Municipal Districts were seen then as a concrete option that would allow indigenous authorities to undertake functions delegated by the municipal governments for administering their territories, executing projects and planning the development in their territories.

It was also considered that although there were policies that would allow promoting the management in the TCOs,³² their practical application presented difficulties due to incoherence and gaps in both policies and norms. If these difficulties were not overcome, it would be difficult to achieve results in territorial management. Limitations are specially mentioned when it comes to:

- Owner rights of TCOs, due to the tenure system that prevents them from selling or giving guarantees based on land.
- Absence of provisions to promote the exploitation of non-renewable resources by the TCO owners.
- Absence of regulation of community consultations on the exploitation of subsoil resources in their territories, regardless that these activities in TCOs imply limitations or loss of land rights, and generate negative impacts on the communities.
- The legislation on protected areas that does not have provisions for the cases in which these areas overlap with TCOs, while all the restrictions emanating from the Management Plan of the Protected Area and its zonification are applied to these areas. This points to the need for

making these management plans compatible with indigenous development plans, for which the National Service of Protected Areas (*Servicio Nacional de Areas Protegidas*—SERNAP) reckons with managing experiences in agreement with the TCO organizations.

- Finally, there are no regulatory instruments concerning water resources, there is no control of polluting activities, and mining concessionaires are granted the right to use this resource, including deviating water courses; and there is also no regulation for the exploitation of wildlife or for promoting tourism by local communities in protected areas bordering with TCOs.

The only normative instrument considered favorable to TCO management was the Forest Law, which confers to TCO proprietors exclusive use rights in their TCOs, and stipulates special rules for the exploitation and commercialization of forest produce. Among these rules is the formation of Local Social Groups, through which indigenous communities in TCOs get the authorization for their management plans

What has been mentioned is important, considering that indigenous territories, especially in the Lowlands, counted on a wide range of possibilities in forest and biodiversity resources, whose integral use can be a source of income for its inhabitants. However, there were neither policies nor norms for the management of non-timber-produce, nor any recognition or protection of intellectual property rights concerning biodiversity, in accordance with article 8J of the Convention on Biodiversity.

Challenges for Indigenous Territorial Management

On the basis of these reflections, one can distinguish some of the main challenges that indigenous peoples face in the management of their TCOs, in addition to achieving effective results in the titling and distribution of land:

- Guarantee the sustainable management of natural resources and the improvement of people's living conditions, taking as a point of departure the culture and identity of these people, while at the same time strengthening the indigenous organizations and their control over the territory.
- Link the TCOs to a development strategy, dealing with such fields as economy, agriculture, forestry, mining, etc., and show that it is possible to resolve land conflicts and

³² Among the ones mentioned are the Land Plan, the Rural Development Strategy, the National Plan for Regulation and Titling, and the Public Policies on Gender Equality for Indigenous Peoples in the Lowlands.

maintain a climate of social peace and dialogue between the involved sectors.

- Develop normative rules for the management of TCOs, to be considered as cross-cutting within state and municipal machineries and in all sectors relevant to territorial management (education, health, economic development, environment and others).

To respond to these challenges, it was considered that GTI could be operated in two processes to be implemented simultaneously:

- Strengthening the mechanisms that generate governance and capacities to organize, plan, monitor and evaluate development strategies in TCOs, which would be done through developing local experiences of territorial management in selected TCOs.
- Developing a national, departmental and municipal normative framework, related to the TCOs and the development of institutional capacities, to be applied in relevant public entities as a way to institutionalize the territorial management concept at all levels.

These two complementary processes would be key for the practical application of indigenous rights and for their institutionalization. As a result, complementary and concurrent actions with other components of the Program were planned, in particular with the Mainstreaming component.

The component also incorporated, in an explicit manner, criteria for gender equality and positive discrimination in favor of women, considering their participation as managers of and players in the territorial management process; and bearing in mind their needs in the planning, implementation and evaluation processes, as well as through supporting to the development of specific competences.

The objectives of the Territorial Management component

In accordance with the abovementioned framework and the objective to achieve a sustainable management of the TCOs by indigenous peoples, it was established as a result indicator that the selected TCOs would implement management plans with a sustainability perspective and in articulation with municipalities, public entities and the private sector.

The immediate objectives of the component were to:

- Strengthen the technical and organizational capacity of the inhabitants of selected TCOs and their organizations, in order to define and execute Indigenous Territorial Management Plans (*Plan de Gestión Territorial Indígena*—PG-TI), including initiatives for the sustainable management of natural resources, in articulation with public entities and the private sector.
- Strengthen TCO organizations selected for their capacity to formulate proposals, negotiate and articulate with municipalities and other public and private entities for a comprehensive and participatory management.
- Improve and develop a normative framework to facilitate Indigenous Territorial Management, in accordance with ILO Convention No. 169.
- Strengthen public mechanisms on a departmental and local level that benefit Indigenous Territorial Management.
- Establish an information network that supports GTI processes, in coordination with indigenous organizations and relevant NGOs.

Provisions for the implementation of the component

The implementation of the component was planned with three subcomponents. The first two support territorial management in both the Highlands and the Lowlands, and the third supports the institutionalization of GTI with public instances, aiming at building the legislative framework and the necessary capacities for its application at a national, departmental and municipal level.

For the subcomponents 1 and 2, work was established directly with five TCOs in the Lowlands and 13 in the Highlands, selected according to criteria of progress in titling, the existence of pilot experiences, the vision of the title holding organizations on territorial management, and the possibilities to coordinate with other stakeholders and programs funded by Danida. They were also selected using a criterion of geographical concentration in order to reduce costs.

The main lines of work of these subcomponents covered the following actions:

- Training of the TCOs' own technical teams with determined degrees of specialization and always promoting gender equality.
- Planning and development of strategies for territorial management, including communal plans and management plans for each TCO.
- Interaction, advocacy and negotiation with external players.
- Articulation of communities with public entities, mainly municipalities.
- Design and execution of demonstration (pilot) projects on a smaller scale that can help to synthesize the work and increase the management, organization and planning at the internal level.
- Dissemination of experiences to other communities.

For the implementation of the subcomponent in the Highlands, ISALP and CENDA undertook their support in close coordination with the respective local or regional organizations in Potosí and Oruro (CAOP, FAOI-NP and CONAMAQ) and Cochabamba (CRSUCIR). In the Lowlands, support was assumed by the technical office of GTI at CIDOB. All entities would count on the support of the Unit of Technical Assistance to Civil Society established within the ADPI Program.

To incorporate the gender and positive discrimination perspectives, it was established that the main stakeholders (CIDOB/GTI, ISALP and CENDA) would develop, in the start up phase, a baseline on indigenous women in all the TCOs, and would define gender indicators related to territorial management.

The implementation of the institutional subcomponent, considered closely linked to the Mainstreaming component, was left in charge of the Ministry of Indigenous Affairs as the main implementing entity, in collaboration with the Departmental Units of Indigenous Affairs, and related national public entities.³³

The strategy for this subcomponent covered the revision and adjustment of regulations, technical norms and methodological guidelines related to GTI, and the building of institutional capacities in public entities for the application of these norms, wherefore efforts would concentrate on training and on developing and mainstreaming a specific normative framework for GTI. The planned actions included:

- Training and strengthening of relevant public entities at the municipal and departmental level
- Agreements on pilot projects with public entities, including training
- Systematization and publication of information
- Development of the normative framework

To coordinate the execution of the subcomponent, a GTI National Council had to be established with the participation of indigenous organizations and public entities related to the subject matter, setting up a Fund for supporting normative and institutional development projects promoted by the public institutions, members of the Council.

The subcomponent also had to strengthen public mechanisms at departmental and local level in order to promote indigenous territorial management, and for this, it was decided to consolidate and strengthen the Departmental Units of Indigenous Affairs (Potosí, Oruro, Santa Cruz and Beni) and the Indigenous Municipal District Association in northern Potosí; as well as to promote the creation and consolidation of other districts and associations. For the same purpose, the subcomponent also had to contribute to mainstreaming the knowledge and respect of indigenous rights at the departmental and municipal level through the promotion of training processes for traditional and municipal authorities. Lastly, a public policy in favor of Highly Vulnerable Indigenous Peoples was to be formulated.

Country context and reorientation of GTI's institutional subcomponent

The purpose of the involvement of state institutions in the implementation of the component is based on the fact that the indigenous territorial management is not possible if the normative development is not in agreement with indigenous rights as recognized today in the Political Constitution of the State, especially in the area related to the TCOs' productive sector and natural resources. For this reason, the subcomponent aimed at creating a legal framework and at developing the capacities that would be needed for its application at a national, departmental and municipal level.

During 2005, the Ministry of Indigenous Affairs, in charge of both this subcomponent and the Mainstreaming component, established the conditions and mechanisms for assigning resources to normative development projects with pertinent public

33 Ministry of Popular Participation, Ministry of Sustainable Development – Department of Biodiversity and Department of Land Use Planning – National Service for Protected Areas (SERNAP), Forestry Superintendence, Vice-Ministry of Tourism, Forestry and Mining Departments, among others.

entities. It also established agreements with the departmental authorities in Potosí, Santa Cruz, Beni and Oruro, to strengthen the institutional capacity of their respective Units of Indigenous Affairs, just as it had been planned in the program design.

The inauguration of Evo Morales as President of the Republic in January 2006, and the changes introduced in both the institutional and the political frameworks, modified the conditions for the planned implementation of the subcomponent, due to the dismantling of the Ministry of Indigenous Affairs and the initial transfer of its functions to the Vice-Ministry of Lands in the Ministry of Rural, Agrarian, and Environmental Development. In June of that same year, the National Development Plan 2006-2010 was presented. In this plan, the indigenous subject matter is introduced as a cross-cutting issue in all state policies, and the mandate for its formulation and promotion is assigned to the Ministry of the Presidency. In this way, the implementation of the ADPI Mainstreaming component passed to this Ministry, leaving the Vice-Ministry of Land in charge of the GTI institutional subcomponent, in addition to tasks related to the TCO regulation and titling.³⁴

The direction given to GTI by the Vice-Ministry of Lands

The National Development Plan incorporated GTI as an intersectoral policy of the State, and established guidelines for supporting TCOs, beginning by acknowledging that indigenous peoples are not reflected in the political-administrative map of the country nor in public budgets, despite constituting a majority population in the entire national territory and administering on their own the TCOs and indigenous districts according to their norms and customs.

To overcome such a situation of exclusion, the recognition of the management of the TCOs is suggested as a state ideology, in which the power must be exercised under the modality of social democracy with a community focus. In this sense, the Plan outlines a Territorial Management and Governance Policy with programs for territorial restructuring, configuration of municipal and regional autonomies according to linguistic

and cultural communities, and the reconstitution of indigenous communities in districts, municipalities, community clusters and indigenous territorial entities, in order to guarantee the full exercise of their rights and the administration and management of their territories, according to their norms and customs. Decision making would be left in charge of the Constituent Assembly and the referendums on autonomy.³⁵

In harmony with these guidelines, the Vice-Ministry of Lands undertook the task of developing a functional reference framework for the Indigenous Territorial Entities, as part of the political-administrative structure of the country, and of supporting the creation of conceptual and methodological proposals, to be considered by the Constituent Assembly. The issue, which was raised by the organizations in the first GTI National Council meeting, turned out to be complex at a moment of much political tension due to the Socialist Movement's (*Movimiento al Socialismo*—MAS) accession to power and the convocation of the Constituent Assembly, as well as the Government's confrontation with the opposition's demands for departmental autonomy. For this reason, it was necessary to wait for the conclusions of the Constituent Assembly on the possibility of establishing TCOs as autonomous territorial entities for thereafter to undertake the normative changes.

All this, combined with the probability of duplications due to the many coordinating entities on indigenous issues,³⁶ leads to the reflection about the pertinence of the formation of the GTI Council and about the most adequate strategies and mechanisms for normative development. The need to reorient the component in order to adapt its objectives and achievements to the political conditions of the moment is raised, especially in order to generate information and contribute with inputs to the formulation of normative proposals within the framework of the Constituent Assembly. At that moment, it was proposed to form a Steering Committee and an Ad Hoc Management Committee with the participation of the Vice-Ministry of Lands as head of sector, the other involved ministries and vice-ministries, and the indigenous organizations (Technical Review Report 2007).

34 In this field, the Vice-Ministry was given, among other functions, those related to the design and execution of policies and the projection of norms for the operation of INRA and the distribution of lands, the regularization of proprietor's right and the exercise of this right, and for the formation of human settlements integrated in productive plans in agreement with land use policies, as well as promoting the socio-economic development of rural communities and indigenous peoples (Vice-Ministry of Land, 2008).

35 National Development Plan 2006-2010, chapter on Democracy with Participation, Social Community Power and Decentralization.

36 Indigenous Peoples' Inter-Institutional Planning and Development Council for the Mainstreaming component; CITCO for the Regulation and Titling component, and the Development Council for the GTI component.

The role of the State in GTI

So far, the role of the State, in relation to the management of TCOs, was limited to the normative field, while actions on the ground were developed by organizations with support of technical instances without any coordination with the State. Consistent with the National Development Plan, the Vice-Ministry of Lands suggested considering the direct intervention of the State and introducing new coordination instruments between the State and the title holding TCO organizations.

The direct intervention by the State is sustained by its obligation to support and promote the application of indigenous peoples' proprietor's rights, for which the issuing of a legal title deed is not sufficient. It is also required that the communities accept and generate development in their territories, because otherwise it would become an incomplete agrarian reform, such as it was in fact being implemented. So the Government proposed to carry out the agrarian reform with an economic-productive, organizational, institutional, social and cultural dimension; recover and strengthen the visions and the traditional practices of territorial use, and direct the investment resources towards community production.

For the intervention conceived in this dimension, three major lines of support were defined with a differentiated regional perspective:

- In the Highlands, the agro-ecologic reconstruction of the territory, beginning with the recovery of soils and traditional agriculture systems and water management.
- In the Lowlands, the conservation, management and use of tropical forest resources through agroforestry and silvo-pastoral plans for the sustainable use of native forests; afforestation with autochthonous species and the promotion of economic activities based on forest resources.
- At a national level, promoting a special territorial management for the highly vulnerable indigenous peoples.

The Fund, originally intended for financing public institutions' proposals for normative development, would now also be directed towards the execution of demonstration projects within the lines of support defined as important issues for the control and management of indigenous territorial space, and as a base for building an agroforestry community model.

Through demonstration projects, the aim was to achieve several objectives: attain full interaction between organizations and state entities at all territorial levels, develop a normative framework, create guidelines and inputs for the formulation of public policies and indigenous development programs in TCOs, and promote internal normative rules.

In substitution of the GTI National Council, the formation of three entities was defined for the interaction between State and organizations: two Consultative Committees that would be in charge of approving demonstration projects for the Highlands and Lowlands, respectively, and technical working groups for GTI's technical and normative reflections at territorial levels.³⁷

GTI's coordination mechanisms and entities

The Consultative Councils of the Highlands and Lowlands, together with the various state entities linked to the implementation and the organizations, functioned in practice but were never formalized, even though their constitutive documents exist. The political dynamics generated around the constituent process did not allow organizations to give a formal answer to these initiatives, something which did not, however, prevent the coordination to take place in a spontaneous manner.

The Technical Secretary, planned for the functioning of the Councils, was constituted in the Vice-Ministry of Lands. This Secretary promoted the elaboration of a diagnosis on community forestry for the Lowlands, and one on soil recovery and traditional systems of agriculture for the Highlands, as well as of an economic production analysis of TCOs as the basis for the formulation of a demonstration project to be financed by the Fund. A strategic work focus was also elaborated, as was a methodological toolbox for highly vulnerable indigenous peoples and indigenous peoples in isolation and in initial contact, with inputs about levels of coordination, sector priorities, criteria of vulnerability and conceptual tools. Finally, a preliminary version of the Emergency Plan for the Yuki People was formulated.

³⁷ The proposal for the reorientation of the component and the Fund was elaborated jointly with CIDOB and CONAMAQ and their technical units, in addition to the Vice-Ministries of Rural Development and Agricultural (Soil Area), and of Biodiversity, Natural Resources and Environment, the Ministry of Water, and the Vice-Ministry of Public Investments and External Financing.

A preliminary proposal for a Training Plan on GTI for public entities and indigenous TCO communities was also elaborated, including the necessary modules for its implementation.³⁸

With the support of a specialized gender consultancy, a methodological proposal was made to incorporate a gender perspective in the strategies established for territorial management, and inputs were given for the incorporation of that perspective in the TCO regulation process.

In order to contribute to the making of a normative framework beneficial for GTI, a Technical Working Group was formed with organizations and NGOs supporting the management processes, including organizations external to the ADPI Program. In 2007, regional and local working groups were also organized to coordinate public and private action, related to GTI. During that year, national working groups were established for analyzing the TCOs' GTI in general, soil degradation in the Highlands and community forestry in the Lowlands. Regional and local working groups analyzed the quinoa-llama production systems, the agricultural capacity of traditional systems in the Highlands and the exploitation of non-timber-forest produce in the Lowlands and Chiquitania. In the Highlands, a technical working group on women and land management and other traditional systems of production was organized.³⁹

In later years, and already within the framework of the demonstration projects, local working groups were constituted in northern Amazon (Riberalta), in Chiquitania and in the Highlands. While these made it possible to outline the demonstration projects, the technical working groups became a convenient place to generate inter-institutional networks, which were needed for the implementation of the projects and for the governmental entities to get gradually involved in the GTI dynamics.

One of the anticipated results of the institutional GTI sub-component was the construction of an information system on territorial management. For this purpose, a database was designed that became the fundamental input for the elaboration of an atlas of Indigenous Territories, soon to be published.

The pre-agreements, established in 2005 by the Ministry of Indigenous Peoples with the departmental administrations, were left pending. The Units for Indigenous Affairs were constituted by the departmental administrations and worked with ups and downs during the first phase of the Program (1999-2004), without much interest on the part of the departmental administrations and without much receptiveness by the indigenous organizations. With the reconfiguration of the departmental governments as a consequence of the popular election of prefects in 2006, and their autonomy perspective, these units did not consolidate in the majority of departments. No coordinated actions were therefore made at this level.

Instead, rapprochements were made at the departmental and local level, and actions were undertaken jointly with ISALP, CIDOB-GTI, CICDA, the authorities of Raqaypampa and other governmental entities for incorporating GTI demonstration projects in departmental plans, for the joint production of normative instruments and for the systematization of experiences from the regional and local working groups. This type of coordination was more feasible in the new political scenario, and turned out to be more consequential with the decision of the Government of mainstreaming the indigenous issue in all the entities and policies of the State. A result of these actions was the support given by the departments of Oruro and Potosí and several municipalities, to projects presented by organizations in the Highlands.

The training plan for municipal governments and indigenous authorities, and the planned thematic modules, were put to the test for their validation in pilot workshops, taking the opportunity of the implementation of the demonstration projects, wherefore subjects like the administrative processes established by national legislation were incorporated.

The involvement of the municipal and departmental levels was best done with the prefectures of Cochabamba and Santa Cruz, and their municipal counterparts in the programs for attending the Yuqui and Ayoreo vulnerable peoples, respectively. This way, the issue of vulnerable and isolated peoples was incorporated in these departments, in the same way as in the Presidency of the Republic and the Foreign Ministry, constituting a transcendental progress in the mainstreaming process, and as a key factor for achieving promising results for the survival of these peoples.

38 Modules were made on laws related to GTI (Laws on Popular Participation, on Municipalities, and on Hydrocarbons, relative to ILO Convention No. 169), and on the GTI subject matter, including a systematization of its different conceptualizations, starting with the recovery of lessons learned in experiences and economic production initiatives between the Pro-Land Project and the GTI Unit, both governmental programs conceived to develop communities and indigenous peoples.

39 See reports at www.viceterras.gov.bo/ADPIB

Normative development

The process of normative adjustment aiming at guaranteeing the effectiveness of the rights of indigenous peoples and the strengthening of an institutionality favorable to GTI, was carried out during the process of the Constituent Assembly. Based on the initial work of the Ministry of Indigenous Affairs, the Vice-Ministry of Lands prepared a document that takes in proposals from indigenous organizations related to land, territory, renewable and non-renewable natural resources, GTI and autonomy. The Vice-Ministry also formed the Technical Commission together with the national organizations of indigenous peoples, peasants, settlers and rural women⁴⁰ and their support institutions, for the formulation of consensus proposals, compatible with the norms and customs of the communities.

Based on these proposals, a functional reference framework was prepared of the Indigenous Territorial Entities as part of the political-administrative structure of the country and the creation of conceptual and methodological proposals was supported. The latter were also incorporated in the debates of the Constituent Assembly, through the Ministry of Rural Development, the Ministry of the Presidency and the organizations themselves.

Additionally, the regulation of consultations in relation to the exploitation of hydrocarbons in TCOs was promoted and the first steps were taken to prepare the ground for the regulation of this right in relation to mining exploitations. This, however, is currently pending, due to the possibilities of a general legislative change, once the new Legislative Plurinational Assembly is inaugurated in January 2010.

The GTI Fund and demonstration projects

While the memorandum of understanding on the reorientation of the component was signed, progress was being made in the preparatory actions for the functioning of the GTI Fund; the coordination with organizations regarding the prioritization of beneficiary TCOs was started, and funds were appropriated for demonstration projects.

A first exercise was the participatory formulation of the Demonstration Project “Indigenous Community Forestry Development in the TCO Monte Verde”. A diagnosis about the potential of forest resources was concluded and a first draft on management strategies in lowland TCOs was made; consensus was reached on the criteria for interventions in economic production areas in the Amazonian zone and the “Development Program of Local Capacities for Sustainable Management of Non-Timber Forest Products” was outlined, based on the demands made by the TCOs Chácobo, Cavineño and Multiétnico II, for the exploitation of rubber and brazil-nuts.

Regarding the recovery of soils, a diagnosis was made of the situation in highland TCOs, including the analysis of 82 titled TCOs and the production of thematic maps; and a strategy and policy proposal was formulated for their recovery. The Vice-Ministry of Land joined the Coordination Committee of the Titicaca, Desaguadero, Poopo and Salares System, where the basis for a joint intervention strategy was defined for public and private institutions and social stakeholders regarding the integrated implementation of the demonstration projects in the 2009 management plan.

The outlined projects and programs aim at addressing very concrete demands on the central aspects of control and spatial management in TCOs, and were designed with the perspective of obtaining “Green Results” (*Resultados Verdes*), for which it is essential to generate an economically successful productivity and normative rules that jointly will lead to the community’s appropriation of the benefits.

The execution of demonstration projects outlined above began in the second semester of 2008. To the delays in the signing of the letter of understanding on the reorientation of the GTI Fund, came the need to make technical and administrative adjustments in order to register the projects with the Vice-Ministry of Public Finance, something that was complicated due to the restructuring of this entity, including unexpected changes in the procedures. The heavy and intricate procedure established by the national legislation for the use of public resources, which implies time consuming procedures in other governmental bodies, also contributed to the delay in the projects’ implementation.

40 CONAMAQ, CIDOB, CSUTCB (*Confederación Sindical Única de Trabajadores Campesinos de Bolivia*—Single Labor Confederation of Peasant Workers of Bolivia), FNMC-BS (*Federación Nacional de Mujeres Campesinas-Bartolina Sisa*—the National Federation of Peasant Women-Bartolina Sisa), CSC (*Confederación Sindical de Colonizadores*—Labor Confederation of Settlers) and MST (*Movimiento Sin Tierra*—the Movement Without Land).

Indigenous Community Development of Integrated Forestry in the TCO Monte Verde

The point of departure for the planning and implementation of this project was the management process that had been going on for some time in this TCO, the intention being to strengthen this process in the perspective of the new Constitution. From 2000, the Indigenous Chiquitana Organization (*Organización Indígena Chiquitana—OICH*), with the support of OXFAM America, started reflecting on GTI for Monte Verde as a strategy for consolidating their property in the middle of the on-going regulation process because of major conflicts with third parties. Priorities were then to control the use of forest resources by illegal exploiters and motivate communities to set up settlements with a view to consolidating the TCO.⁴¹

In 2008, the demonstration project becomes a reality. It is aimed at exploiting the forest for timber and non-timber products, and at exerting control over a zone where settlers are beginning to establish themselves. During 2009, an inventory was made of 100,000 hectares forest to be exploited and the forest census of an area of 4,000 hectares for annual exploitation was used as basis for elaborating the Management Plan. It is hoped to initiate the exploitation during the dry season in 2010.

The body directly responsible for the exploitation will be the Territorial Management Committee, in the name of the three centrals, and will count on the support of the Vice-Ministry of Lands until the first harvest (year 1). Work will be performed directly by the communities but the loggers will be paid by the project until the sale of timber starts. From then on, the project must be self-financed, including being able to maintain the Management Committee. The distribution of surplus income will be done between the three centrals on an equal basis, and this income will be invested in projects to benefit their communities. The project benefits close to 10,000 inhabitants from 1,428 families grouped in 128 communities belonging to the Chiquitano people.

⁴¹ This process was interrupted after the election of the Constituent Assembly, a period in which violent aggressions against indigenous organizations started. In December 2005, the headquarters of the Central Paiconeka de San Javier was set on fire and in Concepción and San Rafael, too, leaders and organizations suffered a series of aggressions. Nevertheless, work continued with organizational strengthening and the elaboration of proposals for the Constituent Assembly (Cejis, 2010).

Territorial control and training of community forestry managers in the TCOs Ayopaya and Mosetén

The objective of this project is to establish a system of surveillance and territorial control in a zone bordering both TCOs, which has been besieged by illegal loggers. Project implementation started with the training of community forestry managers and their accreditation in coordination with the Social Monitoring and Control of Forests and Land Authority (*Autoridad de Fiscalización y Control Social de Bosques y Tierra*). The team started the surveillance and control activities through periodical rounds previously planned, during which it gathered geo-referenced information about the territory and its potentials.

Local capacity development for sustainable management of non-timber forest resources in northern Amazon

The project for the exploitation of rubber and brazil-nuts in the TCOs Chácobo, Cavineño and Multiétnico II, plans to establish a sort of rotational fund that will allow communities to harvest these products in better economic conditions, breaking the logic of *habilito*⁴² as an exploitation instrument. Its implementation started in 2009, with preparatory tasks for getting the exploitation started in the month of April 2010, and with the construction and rehabilitation of recollection centers. Business plans were made with each of the three TCOs. The project will contribute with resources for starting up harvesting with intervals of 15 days for fifty families.

Regarding brazil-nuts, support is provided by the Bolivian Almond Company⁴³ to ensure the marketing of the product in better economic conditions compared with the ones offered by the private intermediary companies.

Capacity Development for sustainable and comprehensive alligator management in the Multiethnic Indigenous Territory and Mojeño Ignaciano

For the execution of this project, the socialization of the project in the communities was initiated in early 2009; a technical team was formed and a regional strategy was elaborated for

⁴² System by which an employer delivers provisions and money in advance to their workers for harvesting the product. It is also known as the in-debt system, because the nut collectors always end up being in debt to the employer.

⁴³ Brazil-nut was included in subsidized food rations to lactating mothers and school breakfasts.

the commercialization and integral use of alligators, gathering experiences from the TCOs Isiboro Sécure and Tacana. By the time the Program was closed, communal diagnosis to gather inputs for the management plans were being elaborated. The project is executed in coordination with the Alligator Program of the Vice-Ministry of Environment, Biodiversity, and Climate Change.

Development of internal normative rules

Since August 2009, the TCOs Monte Verde and Multiétnico Indigenous Territory TIM II have supported the revision of their internal normative rules, bringing them up to date and articulating them with the dispositions in the new Political Constitution of the State. The objective is to strengthen the management structure and to formulate adjustments for the management of forestry projects, especially with regards to the appropriation of the TCOs' natural resources (water, mines, and timber), the recovery and re-appropriation of traditional management practices and visions. In addition, a manual was developed on how to manage projects and ensure an equal redistribution of the accrued benefits.

Apart from that, a set of rules was formulated in a participatory manner with peasants and indigenous Afro-Bolivians Aymaras regarding the management of collective areas in zones of individual titling.

The process of soil recovery in the Highlands

The line of action for soil recovery in the Highlands obeys the fact that this is an urgency for the communities' sustainability and implies major investments in massive afforestation and river basin management. The process was initiated with a soil diagnosis in all the TCOs located above 3,400 meters above sea level and with a degree of erosion exceeding 90 percent. Together with the Ministry of Water, a mapping of the river basins and the TCOs was made, and on this basis, 17 micro-river basins were identified as areas of intervention. In 2008, an inter-institutional articulation strategy was initiated with the Ministry of Water, the Vice-Ministry of Rural Development and the departmental authorities, in order to initiate a comprehensive action. The articulation was consolidated in the River Basins National Plan, prioritizing the intervention in five river basins out of the 17 identified in the diagnosis.

The diagnosis made initially in 82 titled TCOs, was later updated and expanded to another 21 TCOs. In coordination with CONAMAQ, its affiliated organizations and the Vice-Ministry of Water Resources and Irrigation, 34 project profiles were made for pre-investment with four basic components, including irrigation and afforestation activities, first in TCOs and then in all lands located in the river basin, even if not TCOs. The projects counted with co-financing from the Vice-Ministry of Basins and contributions from the prefectures (20 percent).

By the end of the Program, the pre-investment stage had been fulfilled and the elaboration of the final project designs put out to tender.

Isolated peoples or peoples in initial contact and vulnerable peoples

In order to work with this aspect, a regional seminar on indigenous peoples of the Amazon and Gran Chaco in voluntary isolation and in initial contact was organized in 2006 together with the U.N. Office of the High Commissioner on Human Rights, IWGIA and CIDOB. Later, an inter-ministerial platform was constituted with the Ministries of Justice (Vice-Ministry of Community Justice), Health and Sports (Vice-Ministry of Traditional Medicine and Interculturality), the Presidency, Rural Development and Environment, and Foreign Affairs as well as the Human Rights Ombudsman for the participatory elaboration of policies in favor of these peoples.

Some advances in the area of policy design and implementation in this field are related to the attention given to the Yuki people, to the captive Guaraní communities on *haciendas* in the Bolivian Chaco⁴⁴ and the safeguarding of segments of the Ayoreo people.

Regarding the attention given to the Yuki people, a plan was elaborated together with other institutions on health interventions coordinated with the local health services and the National Health System, which allowed mitigating the pulmonary mycosis, which attacks members of this indigenous community. The Vice-Ministry of Lands, through its Indigenous Land Management Unit (*Unidad de Gestión Territorial Indígena*—UGTI), developed a strategy of follow-up and assessment of this people's vulnerability by means of formulating an emer-

44 For further information, please refer to chapter on TCO Regulation and Titling.

gency management plan for the TCO Yuki, considering activities not only related to health but also directed at organic strengthening, territorial consolidation and the right to identity. The emergency plan also contemplated actions within the framework of the Association of Municipalities of Tropical Cochabamba as the best setting for promoting the respect of the settlers for the TCO Yuki's territorial borders.

Regarding the territorial defense in favor of the Ayoreo people, a process was put in motion in order to elaborate in a participatory manner a "Bi-National Strategy for the Protection of Ayoreo Segments in Voluntary Isolation", whose activity area correspond to the border area between Bolivia and Paraguay. The issue was incorporated in the bi-national agenda with the signing of a joint declaration by the presidents of both countries. With the support and orientation of the Ministry of Foreign Affairs, a process will be initiated to constitute a bi-national workgroup (technical, political and diplomatic) to pursue the objectives of the strategy.

Finally, a diagnosis was initiated on the Araona people's situation of vulnerability.

Conceptualization of GTI

The indigenous vision

According to the systematization of the experience sharing made in 2004, the concept of Indigenous Territorial Management, which has developed among organizations, comprises two basic components: management as a process or a permanent development dynamic which does not appear to have an anticipated end; and the indigenous peoples as the key players who give vitality to the process in relation with other stakeholders. In this process, two basic elements merge: an ideal that the indigenous peoples have present, and the decisions that are adopted in the territory. The expectations are directed towards improving the subsistence conditions and at occupying, managing and administering the territory in accordance with their own organizational forms, something which is expressed by their autonomy in decision-taking (Orellana, 2004).

Presentations on what territorial management means to the organizations that developed the initial experience express this idea effectively, and indicate, as fundamental elements

tied to the ideal of self-government and autonomy, the following ones:

- Recovery and occupation of the territory
- Reconstitution of the ayllu and the traditional system of indigenous authorities
- Control, use and development of the territory
- Sustainable use of natural resources within the cultural framework
- Decision-taking about the organization, territory and population
- Comprehensive development in accordance with their own culture, visions, norms and organizational forms
- Transparent and participatory planning, administration and execution

For the Guarayo people, GTI "[is] the agreements of the people and their organization to undertake actions or tasks within the control, use and development of the Gwarayu territory in its different areas (natural resources, production, culture, spiritual, organizational, health, education) in order to achieve their own autonomy". For the Chiquitano people of Monte Verde, GTI is "a process that goes from recovering our land, occupying it and developing ourselves integrally as an indigenous people, in accordance with our Chiquitana culture, our vision, our norms and our organizational forms, taking into account present and future generations" (In Orellana, 2004).

After the execution of the pilot experiences between 2001 and 2004, CIDOB considered the Indigenous Territorial Management to be "an indigenous people's capacity to decide and apply self-management over a legally established territory (TCO) based on the defense of indigenous rights, taking as its point of departure their cultural values in a comprehensive manner, with the perspective of sustainability and in articulation with national society." (CIDOB, 2004).

ISALP, on its part, sees GTI as "a process in which necessary conditions are recreated for controlling, planning and managing the territorial space of the ayllu, respecting its form of organization, production, symbolic and relational articulation existing between man and the ecosystem. This process, framed in its intercultural practices, also implies the generation of negotiation capacities among indigenous peoples for proposing social, economic, political and cultural public policies that reflect their visions of a comprehensive and sustainable development, allowing them to articulate

themselves with modernity and, in this manner, improve their living conditions" (ISALP, 2004).

CENDA, which already was supporting TCO Raqaypampa, considers that *"territorial management guarantees a quota of autonomy that allows indigenous organizations to implement comprehensive territorial development plans that count on the full support of the State's and the municipalities' recognition and, on the other hand, to develop territorial management with the help of legitimate and natural social control mechanisms, which function with great efficacy, as their own indigenous entities do, based on norms and customs"* (CENDA, 2004).

Conceptualization in the ADPI component

The component, designed for the execution of Indigenous Territorial Management, allows the existence of a wide set of criteria and interpretations on this subject, depending on the focuses and interests of the players. In Bolivia, the subject is considered relatively new and closely linked to the process of recognizing indigenous peoples' specific rights, in particular their territorial rights; and its conceptualization derives from the practices that are being generated, as the indigenous visions quoted above clearly express.

For indigenous peoples, the territory is not just a physical area, but also the space of economic, social and cultural reproduction, and it corresponds with a historical dynamic that involves ancestors, beliefs, knowledge, and generates strong kinship links. In accordance with this vision, GTI includes a series of practices and rules for the life of an indigenous people in all its areas, be these ecological, productive, social, cultural or spiritual, which develop from this peoples' own structures and dynamics as a social and political organization. GTI, as it is conceived, conforms to an indigenous people's ideal of self-determination within his own territory.

This indicates that GTI comprises a wide range of subjects that include territorial management, organization, defense and control. However, in the TCOs, other stakeholders (companies, non-indigenous population, government entities, etc.) and different interests coexist with the indigenous communities and, in addition, the management is regulated by norms and state policies, which in many cases are not consistent with the rights of indigenous peoples, all of which

entails that, in practice, management must be shared. If the control exerted by an indigenous people over his territory depends on a specific context, on a correlation of local political forces and a normative framework, it can then be assumed that the essence of GTI covers the internal functioning of the TCO, as well as the relations with the State and other stakeholders.

It is on this basis that GTI, in the design of the component, is seen as *"the process of developing capacities for the interaction between indigenous management and public management, with a view to progress towards an autonomous and sustainable management of TCOs, in accordance with indigenous rights and the reality of their lands and inhabitants."* (Danida, 2004).

Confirming the preliminary affirmation, according to which the conception of GTI derives from processes and practices that are being generated, CIDOB had, by 2006, adjusted its vision of GTI, conceiving it as *"the process by which indigenous organizations, owners of a territory titled as TCO, manage it in a participatory manner and in consensus with the various communities, implementing their decisions, with the aim of improving the level and quality of life in accordance with their cultural values."* (see Patiño, 2008).

Consulted on different occasions, the organizations involved in the implementation of the second ADPI phase, indeed maintained the association between territorial management and the exercise of self-determination and territorial autonomy, as, in the words of indigenous peoples from the Highlands, the *"road to living well or sumaj kawsay"*.

The exercise of autonomy or road towards *living well (buen vivir)* is conceived as:

- Administration of the territory
- Territorial control through the use and management of natural resources.
- Decision-taking on actions to be carried out in the TCOs.
- Elaboration of a development plan with the view of managing their own resources with autonomy in relation to the municipality.
- Guaranteed food security.
- One step further in the process of development and articulation with the State.

To these essential meanings of GTI should be added the immediate objectives, among others the consolidation and strengthening of the organizations and capacities for defining and implementing territorial management plans, and for negotiating, advocating and articulating with public and private entities.

Based on Andean ancestral cultures, to which most of the country's population belongs, the new Bolivian Constitution incorporates the concept of "living well", as a basic principle of state management.

The State assumes and promotes as ethical-moral principles of the plural society: ama qhilla, ama illa, ama suwa (don't be lazy, don't be a liar or a thief), suma qamaña (living well), ñandereko (harmonious life), teko kavi (good life), ivi maraei (land without evil) and qhapaj ñan (noble road or life). (Article 8, Political Constitution of the State)

For the Government, "living well" (*buen vivir*) means prioritizing life in community and living a simpler life, in harmony with nature; children, youth and elderly living in complementarity just as man and woman do; defending the identity, respecting differences and restoring the unity of all peoples in order to achieve *Abya Yala* or large community. "Living well" is ensuring compulsory control by the inhabitants of the community and of all the authorities; build sovereignty from the communities and exert it through the communal consensus and in favor of the common good. To achieve "living well", it is required to take up again agriculture so that it may cover basic subsistence needs; protect and keep seeds to preserve the wealth of ancestral agriculture; take up again the communities' own technologies and practices of labor reciprocity; maintain a balanced production and reestablish life in the countryside in order to consolidate food sovereignty. The country's natural wealth must also be recovered and everyone should be allowed to benefit from it in a balanced and equal manner. That is why the State nationalizes and reclaims the country's strategic enterprises and promotes a balanced exploitation in coexistence with nature as opposed to an irrational exploitation of natural resources.⁴⁵

Likewise, ISALP supports territorial management, considering that it goes further than a purely economic projection: "This im-

plies the strengthening of the production base of the ayllu and guaranteeing food security; maintaining balance and complementarity in the ayllu's symbolic relations; and strengthening its organizational system through processes of identity reconstruction and the restoration of traditional authority systems. GTI is understood as an inward process of the ayllu and an outward process with modernity and the State for improving the negotiation strategies, especially when referring to the exploitation of natural resources." (ISALP, 2009).

GTI processes in the Lowlands

In accordance with the selection criteria defined in the component the selected TCOs in the Lowlands were the following:

- TCOs from the pilot experience: Lomerío and Masetén. Internal difficulties made it impossible to work in Guarayos and TCO was therefore taken out.
- Two new TCOs: Chácobo-Pacahuara and Cavineño
- Depending on the advances of the process, the incorporation of yet another TCO had been planned for 2006, and this was the TCO Macharetí, of the Guaraní people. In 2008, the TCO Yuracaré was incorporated too.

The implemented general process

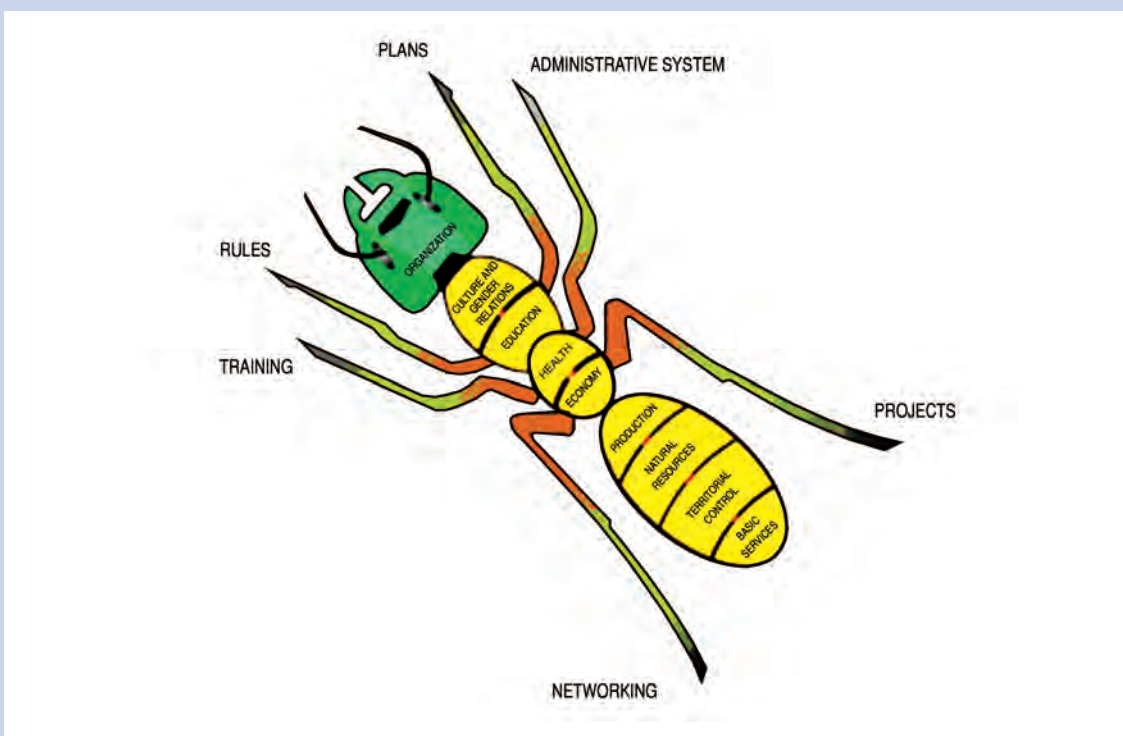
In fact, the start of this phase was not for CIDOB-GTI a start in the strict sense of the word. It was rather the continuation of a process undertaken years back, during which, the indigenous peoples of the Lowlands developed visions and tools, precisely those which were missing when they began the pilot experience.

Even though the core elements to work with in this phase were basically the same that had been developed in the pilot stage (diagnosis, zoning, rules, statutes, plans and projects), at this stage, there existed an awareness of the need to assume the task as a process, i.e., generating a dynamic with the organization and the communities, based on organizational consolidation, territorial management and articulation with other state entities.

While still in the design stage, CIDOB suggested working with communication and advocacy. Later, consensus was reached

⁴⁵ Extracts from an interview given by David Choquehuanca, Ministry of Foreign Affairs and Worship, to the daily newspaper *La Razón*, published 31 January 2010. Can be consulted at: www.la-razon.com/versiones/20100131_006989/nota_247_946416.htm

This system was represented by an ant, to make it easier to understand the concept of management



The body of the ant represents the territory, in which the lines of action are drawn as rings (education, health, economy, production, natural resources, territorial control and basic services. Culture and gender relations are located in the thorax, which means that the management of a territory depends on the culture of each indigenous people. The head of the ant is the indigenous organization (not just its leadership) that takes charge of the management of the indigenous territory.

The legs, which allow the ant to move, are the tools needed for an organization to manage its territory. Each of the legs must have the same size, with the purpose of achieving an adequate movement, meaning that the territory management must be integral.

GTI Conceptualization (see Patiño, 2008)*

* The representation of the GTI system as an ant was elaborated by one of the indigenous technicians of the Guaraní Capitanía of Machareti (José Mani) in order to make it easier to understand and it eventually became the symbol of the Indigenous Territorial Management in CIDOB.

for directing the work towards organizational strengthening and the generation of capacities so the communities themselves could assume the management of their TCOs.

An analysis was made of the possibilities for undertaking the work by subjects, dynamics or levels of management. At the end, it was agreed to work with dynamics at different levels and gradually take up the subjects, which are, in essence, the ones that constitute a development plan:

- Organization.
- Education and health, referring to both cultural practices and the so-called formal attention.
- Economy, production, natural resources; income generation, productive family activities and associations, and use of resources within the territory should also be given consideration.
- Territorial control like managing and consolidating the territorial space.

- Basic services, considering, among others, the access to drinking water, basic sanitation, energy and communication systems.

Culture and gender relations are assumed in each of the subjects as cross-cutting aspects.

Management was conceived at several levels (family, communal, zone or intercommunal and TCO) according to the players designated by the organization to head the management. “*Each indigenous organization in charge of a territory, defines at what levels management will be developed*”. (Patiño, 2008).

The tools to undertake management and guarantee its functioning are:

- Elaboration, approval and application of rules at different management levels.
- An administrative system for generating the organization’s own income that guarantees its sustainability, and transparent resource management and redistribution.
- Training, conceived as an educational process that articulates theory with practice in each territory.
- Elaboration and execution of annual plans.
- Elaboration and execution of projects within the plans’ framework.
- Articulation and lobbying with governmental and non-governmental institutions to coordinate the execution of plans and projects.

The Indigenous Territorial Management system: the Ant

The subjects, levels and tools for TCO management would eventually lead to an Indigenous Territorial Management System (*Sistema de Gestión Territorial Indígena*—SGTI):

It was decided to work as a process (dynamics with organization and communities for making diagnosis, rules and statutes) to build inwards (organizational consolidation). While the administration of the territory is put in place (decision-taking on the resources and actions in TCO) subjects are incorporated (health, education, control, natural resources, etc.) and lobbying is being done for attaining articulation (municipalities, prefectures and Government), until SGTI has been developed. (Salgado, personal communication).⁴⁶

GTI stages

The stages to set the territory management in motion were, in order:

- Decision by the Organization to initiate the management of the territory.
- Diagnosis: gathering secondary and *in situ* information about all the subjects or lines of action and analysis by the organization.
- Planning based on the diagnosis according to each culture.
- A set of rules as a regulatory management framework. The rules proceed from the traditional norms of each people, take into consideration the statutes and present norms and include new elements deemed necessary for managing.
- Management in itself, looking for the planned results in organizational strengthening, execution of plans, application of rules and normative systems, elaborating and executing integrated projects, and networking (See Patiño, 2008).

Territorial Management Plans were a point of arrival in phase I. In phase II, annual plans were prioritized, because the materialization of the subjects (e.g., health) facilitates management, taking into account, furthermore, that all state entities plan and budget their resources a year at a time.⁴⁷

Putting into practice

Taking into account the lessons learned during phase I, it was considered convenient to contract an institution with training experience, especially within leadership training (CIDOB, 2005). This task was assigned to the NGO Support for Peasant-Indigenous Communities of East Bolivia (*Apoyo para el Campesino-Indígena del Oriente Boliviano*—APCOB).

Jointly with the APCOB team, the technical body and the leaders of CIDOB designed the process in a way that recaptured previous experiences. First, a diagnosis was made on the training needs of the communities, indigenous technicians and leaders; on this basis, the contents and the pedagogical aspects were

⁴⁶ Jorge Salgado was the coordinator of CIDOB-GTI between 2003 and 2008.

⁴⁷ Interview with Jorge Salgado and Mónica Herbas, CIDOB-GTI adviser between 2005 and 2009 to the TCOs Cavineños and Machareti.

designed, incorporating innovative techniques like the virtual management of a TCO to be developed in class or the Management game with scores. The training was directed at reinforcing autonomy and networking with departmental authorities and municipalities, and had four modules:

- Module 1: General introduction to territorial management and didactic tools so the trainees can replicate the module in the communities.
- Module 2: GTI Stages: Training, Planning, Rules, Administration, Administrative systems and Projects.
- Module 3: Networking (Municipalities and Departments) and design of programs by lines of action: Management game.
- Module 4: Practicing GTI, starting from hypothetical situations: virtual TCO Management in classroom, Management game with scores for GTI.

The methodology allowed adapting the contents to the situation of each TCO, due to the fact that the workshops developed practical exercises from real or hypothetical situations. Alternating with training, steps would be developed for community management and replications in the field. For the replications, technicians that were trained directly elaborated modules, and APCOB supported its implementation in one community in Macharetí, Chácobo-Pacahuara, Cavineños and Mosetén, respectively, and in two in Lomerío.

Training was given to indigenous technicians selected by each organization from all participating TCOs (Macharetí, Chácobo-Pacahuara, Cavineños, Mosetén and Lomerío), and it was applied between the first quarter of 2007 and the second semester of 2008. Beginning 2008, the TCO Yuracaré entered the training program in Module 4. This put the methodology to the test since in order to catch up with the other participants, the new comers had to familiarize themselves with the previous three modules. This, however, allowed developing in a short time an accumulation of experiences dating from the beginning of the Program.⁴⁸

Number of trainees by TCO

Table 14

TCO	Women	Men	Total
Cavineño	2	7	9
Chácobo Pacahuara	- -	- -	12
Yuracaré	- -	- -	4
Mosetén	5	3	8
Lomerío	8	8	16
Macharetí	- -	- -	4

Source: CIDOB, 2008 y 2009

Thirty-five individuals (15 women and 20 men) participated directly in the training; they later became trainers in their communities and territories. Including replications, more than a hundred persons were trained (CIDOB, 2008), although only 54 had been registered (Table 14).

The subject of TCO administration was strengthened during 2008 and 2009, putting emphasis on social control. For this, two additional modules were set up, directed at overcoming deficiencies in the local technicians' administrative financial management; the first module was on control, follow-up, evaluation and elaboration of budgets, and the second on manual accounting and managing an accounting program. The latter, however, was not carried out. The first was developed in workshops in the city of Riberalta for Chácobo and Cavineño technicians; in Puquio for those from Lomerío; and in Macharetí. (Patiño, 2008)

The School of Projects

Within the framework of a cooperation agreement between CIDOB and the PUMA Foundation (*Fundación Protección y Uso Sostenible del Medio Ambiente*), CIDOB regional technical team was invited to participate in the Ninth School of Projects, which was carried out in Tarija between September and October 2007. The aim was to familiarize them with the processes, procedures, methodologies and pre-investment tools used by the Foundation and establish the bases for a new School of Projects for Indigenous Peoples in TCOs. During the first months of 2008, it was agreed to carry out a first exercise for preparing project profiles on managing and exploiting productively the TCOs' renewable natural resources; these projects were to be funded by a Co-Financing Fund consti-

48 Miguel Ipamo, CIDOB-GTI Coordinator, in the Feed-back Workshop on the progress of the systematization, November 2009.

tuted between the PUMA Foundation and CIDOB, and based on the resources of the GTI Component of the ADPI Program. The first training was done in three cycles (pre-schools) with events in Santa Cruz, Camiri, Riberalta and Trinidad, in which representatives from 23 TCOs participated (February 2008).

During these first exercises, 43 project ideas were formulated, out of which 20 were selected to be admitted in the first school of projects, in which 18 of the representatives effectively participated (April and June 2008). The projects were approved for funding by the Fund (CIDOB, 2008).

Based on this experience, the Indigenous School of Projects was implemented, using four modules:

- Concepts and parts of a project
- Identification of projects in the Indigenous Territorial Management Plan based on ideas included in the sector programs
- Basic logical framework: plan of execution, budget and chronogram

- Drafting project profiles based on logical framework

Fifty-four people were trained in this school, including local indigenous technicians (70 percent), and communal and TCO leaders from each organization (30 percent). Nine (9) technicians were trained in Chácobo-Pacahuara; 9 in Lomerío, 10 in Macharetí, 11 in Caviveño and 15 in Mosetén.

Towards the end of 2009, the third version of the Indigenous School of Projects was being organized in CIDOB, during which projects were prepared for being presented for funding to the Indigenous Development Fund, created by the Government with the proceedings from the Direct Tax on Hydrocarbons.

Progress and results of territorial management in lowland TCOs

During the application process of the training modules, indigenous technicians were conducting activities in their respec-

Graduation class of GTI technicians



tive territories. In the order in which the training was being received, diagnosis, plans and communal rules were carried out as well as the Indigenous Territorial Management Plan, annual plans, rules and statutes of the respective TCOs. Trainings were also replicated with previously designed tools, follow-up was provided to the execution of plans and rules, and projects were adjusted, formulated, executed and evaluated.

Towards the end of 2009, a summary shows that in phase II of the ADPI Program, 120 communal plans, 3 inter-communal, 2 zonal and 6 Indigenous Territorial Management plans in the 6 TCOs were elaborated; 6 statutes were formulated and adjusted and 85 regulations were elaborated. Within the frame of these plans, 31 projects were formulated, of which 11 were executed and 9 were being executed

at the closure of the Program. In the School of Projects, 34 projects were formulated for funding by the Indigenous Development Fund, established with resources from the hydrocarbon taxes (CIDOB, 2009).

Towards the end of 2009, it stands out as an important achievement that the GTI experience extended in an irreversible manner to lowland TCOs. Presently, out of 29 TCOs that exist in the Lowlands, 27 already have Indigenous Territorial Management Plans. Only five were part of the process promoted by CIDOB within the ADPI framework, but this spread through experience sharing, through the training which was not only received by technicians and leaders of the involved TCOs, and through the networking of CIDOB with other institutions that support the TCOs on the ground. In turn, organi-

zations, leaders and, in general, people interviewed in the last phase, point out the following results:

School of learning: The GTI process is undertaken as a school, especially when it comes to coordination and planning: *“the university for leaders and technicians”*. Technical teams with their leaders easily identify strategic projects; they formulate them and administrate their financing, and communities now know how to properly identify their needs and priorities within the framework of their culture, make their operative plans and negotiate them with municipalities and private institutions. Now, organizations,

Executed projects or projects under execution

Table 15

TCO	Proyectos	State of execution
Lomerío	Forest exploitation Community carpentry Livestock	Phase two of execution of forest exploitation and carpentry projects
Chácobo Pacahuara	Harvesting and commercialization of brazil-nuts	In the strengthening phase with Puma Foundation support
Cavineño	Livestock Harvesting and commercialization of brazil-nuts Rubber exploitation	Rubber exploitation in its initial phase
Mosetén	Forest exploitation	Suspended execution in 2009 because of internal problems in phase of reimplementation
Macharequí	Livestock Chicken breeding	Livestock in phase of expansion to the communities
Yuracaré	Forest exploitation Harvesting and commercialization of wild chocolate	

communities and community members know how to defend themselves and have the tools for doing so. *"It is the first step toward the formation of indigenous autonomies"*.

Consolidation and territorial control. The process led the communities to knowing and taking possession of their territory, and this contributed to consolidating the TCOs' ownership, and to controlling land invasions and illegal exploitations by means of human settlements and the implementation of productive projects. The actions for territorial control grew exponentially as instruments were available, as for instance the Indigenous Territorial Management Plans, the statutes and regulations. Projects that strengthen territorial management were among the most important activities and, regardless that some did not give the expected economic results, they were effective for territorial control.

Organizational strengthening. Territorial management was fundamental for strengthening the organization, while contributing towards institutionalizing entities of coordination between organizations and communities (Assemblies), and providing them with operative capacity. This generated greater openness and trust between communities, organizations and leaders. It also generated capacities for political advocacy and articulation with municipal and departmental entities and private institutions, and provided the TCOs with operative infrastructure (office with equipment).

Women and GTI. The organization and participation of women on all levels was promoted, with important progress at community level. During the entire process, it was evident that the participation of women is more effective in the communities, where their intervention is crucial for territorial management and control, and for defining and executing productive projects. The participation of women in political and organizational spaces is less significant. Nevertheless, Lomerío progressed quite a lot, considering that it was able to get a woman in the Constituent Assembly; it has a *"Capitana Mayor"* and trained women performing various functions. Similar progress can also be found in Macharetí.

More horizontal relations. GTI contributed to more horizontal relations with governmental and non-governmental institutions, enterprises and others, with whom they moved from a relation of imposition to one of consultation and concerted agreement: *"they used to impose; now they ask permission and consult with us"*.

The experience of participating and networking in governmental spheres is exemplified by the TCOs Macharetí and Lomerío. In the first case, they have placed representatives in public roles: this makes relations with the mayor's office and the prefecture more effective, which in turn contributes to the execution of their plans and projects. In the case of Lomerío, the TCO declared itself as the First Autonomous Indigenous Territory of Bolivia, in accordance with the new Political Constitution of the State.

Indigenous Territorial Management Plans allowed not only financial leverage, but it has helped to provide the State with responses to the indigenous demands. In all the TCOs, these plans were the basis for getting support to develop their social infrastructure (education, health and roads).

GTI processes in the Highlands

In the Highlands, the execution of the GTI component started in the second phase of the ADPI Program.

Applying the criteria defined by the Program for choosing TCOs (they should be titled or next to obtain their title, geographical concentrated for greater efficiency and their authorities should share the visions about GTI), three geographical work areas were identified:

- In Central Potosí, in the municipalities of Tomave and Urmiri, 5 ayllus members of the Potosí Council of Native Ayllus (CAOP).
- In Northern Potosí and Southeastern Oruro, 9 ayllus in the municipalities of Uncía, Llallagua and Challapata, grouped in the FAOI-NP, that together with CAOP, forms part of the Council of Nations and Markas of Qullasuyu (CONAMAQ).
- The TCO Raqaypampa in Cochabamba organized in the Single Regional Peasant and Indigenous Labor Central of Raqaypampa (*Central Regional Sindical Única Campesina e Indígena de Raqaypampa*–CRSUCIR), which is part of the Single Labor Confederation of Peasant Workers of Bolivia (*Confederación Sindical Única de Trabajadores Campesinos de Bolivia*–CSUTCB) and not of CONAMAQ.

Unlike the Lowlands, the indigenous organizations in the Highlands did not have their own entities of support for the

implementation of GTI. In Potosí and Oruro, support was provided by ISALP and in Raqaypapa, Cochabamba, by the NGO CENDA.

The Potosí-Oruro process

In the central and northern zones of Potosí and southern Oruro, the process was implemented with 13 TCOs in Potosí and one in Oruro, comprising a total of 422 communities. The initial proposal had contemplated 15 TCOs, but the Ayllu Killakas de Urmiri asked to be excluded because the titling process of their TCO presented conflicts, whose solutions were being negotiated, and it did not seem pertinent to start another process before having a title.

Due to the country's political instability and the difficulty in some ayllus to agree on work plans, the process only started in 2008, and a large part of the activities were carried out in the last year of the Program.

Training, one of the two fundamental pillars of the component, was conceived as a process of Action-Reflection-Action, which goes from concrete experiences and situations, generates a participative reflection over these, and goes back to concrete actions for the transformation of the starting point. Emphasis was put on strengthening the planning capacities and executing the operative plans with all of the ayllu authorities, and on training facilitators in the use of the Geographical Information System.

The execution was in charge of ISALP's technical team, together with the facilitators selected in the ayllus. Applying the methodology of Action-Reflection-Action, they gathered information about the resources of the TCOs, the available opportunities and investment potentials, and they attempted to articulate community interests with other stakeholders. Communal plans, inter-communal development plans and management plans in all of the TCOs involved were also elaborated. *"Plans were built step by step, from family to ayllu."*

In total, 2,700 events were carried out, including workshops, meetings, gatherings and experience sharing, in which 94,847 people participated (66 percent men – 34 percent women). In this process, 354 of the 422 communities linked to TCOs, prepared communal plans with the active participation of the members of each of the communities. They also agreed on inter-communal development plans and Indigenous Territorial

Management Plans for TCOs, which were formulated within the perspective of sustainable development and gender equality. The Indigenous Territorial Management Plans incorporate the communal and inter-communal plans, and represent a synthesis of the communities' potential.

For the development of capacities within the administrative field and the management and control of natural resources, spaces for experience sharing were promoted between the ayllus of both zones where the Program was implemented (central and northern Potosí and southeastern Oruro). A meeting about mining and planning took place between ayllus from northern Potosí and southeastern Oruro, and the TCO Raqaypampa; other meetings were organized with lowland TCOs.

Geographic Information System

As a basic tool for GTI, a Geographical Information System (GIS) on indigenous peoples was designed and implemented in the department of Potosí. This System contains cartographic information as well as information on legal, socio-economic, quality of natural resources, health and education issues. The GIS is based on 13 studies into intervention and characterization of natural resources and systematizes all the information gathered in the numerous events that were carried out; this information was eventually digitalized and organized, and has later been supplemented and validated in the various ayllus.

Parallel to the development of GIS, capacity building was offered to local technicians and authorities for its permanent use and the promotion of actions related to resource management and territorial protection.

The GIS also gathers information about soil and water contamination, wherefore, besides having been the base for the formulation of GTI plans, it has also been a tool for orienting the defense of the TCOs against mining companies—one of the activities that has been increasing in many TCOs, generating great impacts and discussions within the communities and the authorities. Based on the compiled GIS information, both mining companies and public entities are starting to be confronted with demands regarding the application of the legislation on environment and on the rights of indigenous peoples.

The GIS has also been very useful in the TCO regulation and titling processes, especially by contributing information for the

analysis and resolution of territorial conflicts between authorities of different ayllus. It constitutes a fundamental tool for the construction process of indigenous autonomies within the new Plurinational State model.

Normative Development

Although each ayllu has its traditional rules derived from its norms and customs, indigenous authorities considered it necessary to take advantage of the GTI framework to elaborate statutes in each TCO, as a way of defining and regulating organizational mechanisms, natural resource management and community justice.

Within the framework of strengthening technical and organizational capacities, internal norms defining GTI structures, entities and organizational mechanisms were prepared and validated in 12 ayllus of Potosí and are now being applied as a regulatory framework in each TCO.

Taking advantage of the favorable political context for indigenous peoples, a process of analysis and proposal elaboration for the Constituent Assembly was started between the ayllus connected to the Program and their matrix organizations, as well as with other indigenous organizations. This way, it was achieved that the indigenous peoples' joint proposal incorporate, among other things, the collective rights over traditional knowledge, food security or the right to a multicultural education.

In 2008, a proposal for a Frame-Statute for indigenous autonomies was prepared, validated and divulged and a draft proposal for a law on indigenous territorial management was completed.

Women participation

For the execution of the process and in accordance with the component's commitments, ISALP defined a baseline for the gender focus, both for the TCO regulation and titling and the GTI. The focus is based on the dual exercise of authority *Qari-Warmi*, which responds to the principle of complementarity and balance, historically developed by the Andean peoples.

Since the reconstitution process of the ayllu (started in the 80s), women's participation in spaces of reflection has

been encouraged, as well as their access to political positions at the level of surveillance committees (*Comités de Vigilancia*), city councilors and mayors. In the case of the implemented demonstration projects, women have played a decisive role in those dealing with community tourism and textile production and, jointly with men, in projects regarding milk production and natural resource management in general.

Demonstration projects

The GTI component supported the formulation and execution of 13 synergistic projects or demonstration projects conceived as part of the planning of actions aimed at a development with identity. These projects were, in turn, articulated with different levels of the State, especially municipalities.

The definition and formulation of demonstration projects followed basically the criteria of recovery, revalorization, and strengthening of traditional practices of production and natural resource management, with the intention of recovering degraded ecosystems, and generate economic alternatives and food security for the communities. In some cases, a criterion of territorial control exercise was also used.

Within this framework, projects were aimed at the restocking of cattle herds and goat and *Camelidae* flocks, the construction of terraces and the recovery of degraded soil, through afforestation, irrigation systems and the use of water resources, agricultural production, development of handicrafts within the areas of textiles and ethno-tourism (Table 16).

The definition of projects was slow due to difficulties at reaching a consensus between the ayllu and the communities. Regarding implementation, the ayllu organized into coordination, control and follow-up commissions presided by the indigenous authorities and supported by ISALP, and in which representatives from the municipalities and the prefecture of Potosí participated.

Aware of the limited funding period, special emphasis was given during the process to the sustainability of the projects. For this, it has been essential to strengthen the capacity of the indigenous authorities, in particular within the administration of financial resources together with the municipalities and the prefectures of Potosí and Oruro. This is how projects

have been articulated with the municipalities corresponding to each TCO, something which allows institutionalizing GTI and making it sustainable, guaranteeing its continuity after the finalization of ADPI. This, in turn, made it possible to raise co-financing resources with contributions from municipalities and prefectures equal to 39.4 percent of the total costs, and 26 percent from other private sources plus a local counterpart in money and labor. The greatest contributors are the prefecture of Potosí and the municipality of Uncía, and to a lesser extent the municipality of Belén de Urmiri.

GTI in Raqaypampa, Cochabamba

The TCO Raqaypampa is located at the far south of the department of Cochabamba, in the province of Mizque. It was titled in December 2004, with an area of 55,025 hectares for a population of 10,644 inhabitants. Its population is organized in five sub-centrals and 41 unions. The greatest organizational instance of the TCO is the Single Regional Peasant and Indigenous Labor Central of Raqaypampa (CRSUCIR).

The main economic activities of Raqaypampa are agriculture and livestock, in an area that does not exceed 55 percent of the territory. The agricultural production (mainly potato, corn and wheat) is being threatened by land erosion and shortage of rainfall. Within livestock, there has also been registered a reduction in the number of animals, due to the shortage of water and pastures. Because of this, food production is limited to family consumption and there is no surplus for sale. The trend towards the reduction of productive lands generates a high increase in migration, which generally is temporary and varies according to food shortages. In the 2002-2003 period 18.4 percent of the population moved out of the TCO for more than a month.

Because of these difficulties, Raqaypampa has requested the awarding of additional land in the Lowlands.

During the first two years of program implementation (2005-2006), the GTI concentrated on elaborating and executing communal and inter-communal development plans. The process was undertaken with the support of CENDA, the PUSISUYU Foundation and the Indigenous Highland Train-

Pisciculture in the ayllu Jila



ing Center (*Centro de Formación Originaria de Alturas*—CEFOA) for training local technicians, carrying out a diagnosis and formulating development strategies. The diagnosis was done at the level of the union, the sub-central and the regional central through communal assemblies. The information was systematized by indigenous technicians, who also supported the elaboration of communal plans and the adjustment of the Development Plan of the Indigenous District of Raqaypampa, with a view to capture the resources of tributary co-participation that the Sub-Mayor's Office of Raqaypampa is entitled to. Communal plans were negotiated and implemented as part of the annual operative plans of the municipality of Mizque, despite that municipal authorities, on several occasions, hindered the execution of some plans, arguing lack of funds.

Training was undertaken by means of a global plan aiming at strengthening administrative and communication aspects; women organizations, and capacities in negotiating and articulating territorial management plans with public and private entities, given particular attention to the gender aspect. The plan was executed by CEFOA technicians, leaders or ex-leaders, and the CENDA team.

The TCO developed a baseline gender document on women's participation in indigenous control and management and promoted the strengthening of women organizations in 14 unions of the Raqaypampa, Laguna, Santiago and Salvia sub-centrals. As a result of this process, women's participation in activities related to management and territorial control increased; another result was the incorporation of two women in the Executive Committee of CRSUCIR.

The training of TCO authorities in administrative matters put emphasis on attaining the decentralization of resources from the Mayor's Office of Mizque, to the Sub-Mayor's Office of Raqaypampa, which became effective in January 2009. The Sub-Mayor's Office now defines the budgets and has its own technical team.

During the GTI process, an Indigenous Territorial Control Plan was formulated with the corresponding communal norms for TCO management and control, and rules were made for running the indigenous radio station and the mining activities on their territory.

Partial view of the ayllu Qaqachaca



The development of regulations on mining was a particularly complex process, due to the increase of this activity in one of the TCO sub-centrals (Molinero), where conflicts with communities developed, and which the Regional Central (CRSUCIR) was unable to control at that moment. The drop in the price of minerals, at the beginning of 2008, appeased the conflict and it was possible to end the discussions and conclude the approval of the regulations.

The process of the Constituent Assembly motivated the leaders of Raqaypampa to finalize their proposal to constitute themselves as an Indigenous Municipality and present it to the Unity Pact of the national organizations and the Constituent Assembly. The Indigenous Municipality proposal was reformulated in the Assembly as Indigenous Autonomies, a concept that was finally incorporated into the Political Constitution of the State. From then on, the statute of Raqaypampa was elaborated during a comprehensive discussion process, including first the sub-Centrals and later the CRSUCIR.

The Indigenous Autonomy statute of Raqaypampa was one of the first proposals on the application of this constitutional right, and had so much repercussion in other indigenous organizations that they began to elaborate their own autonomy proposals.

A total of 13 meetings were held with organizations of the Lowlands and Highlands, four of them with women only, for exchanging experiences related to management and territorial control, communication, and the Autonomy Statute proposal.

Community Radio as a demonstration project

In Raqaypampa, radio has been a fundamental tool in the process of territorial reconstitution and re-configuration. Because of this, the TCO reached an agreement for the execution of a demonstration project on strengthening the radio, expanding its geographical coverage and broadcasting time in order to increase its access to, and impact in, neighboring regions. Within the framework of the project, seven local communicators were trained, new and more potent transmission equipment was acquired, internal rules for the radio were made, and a transmission license was negotiated and obtained for a period of 10 years.

The radio presently operates from the offices of the Rumi Muqu Union, under the AM frequency, and broadcasts nine hours a day a program of productions made by local communicators. The quality of the programs has attracted listeners in distant communities and commercial agreements have been signed that contribute to the radio's sustainability.

The project was co-financed with 50 percent coming from local contributions and from the municipality of Mizque, which includes a contribution to the radio in its annual plans.

From the first semester of 2008, the project management was transferred to the Regional Union Central, from where two consolidated working groups operate, one supporting the GTI implementation and another supporting the administration of the Sub-Mayor's Office. Since then, the role of CENDA has been reduced to giving advice to the authorities and technical teams of Raqaypampa.

Supplementary Training Actions Sponsored by ADPI

Since the beginning of ADPI, efforts have been coordinated with the Bolivian Forest Management Fund (*Fondo para el Manejo de Bosques de Bolivia*—FOMABO), and from 2006, the design of an academic training program has been supported, responding to the recommendation of ENRECA⁴⁹ to direct academic activities towards supplementing the results and achievements of Danida's sector programs.

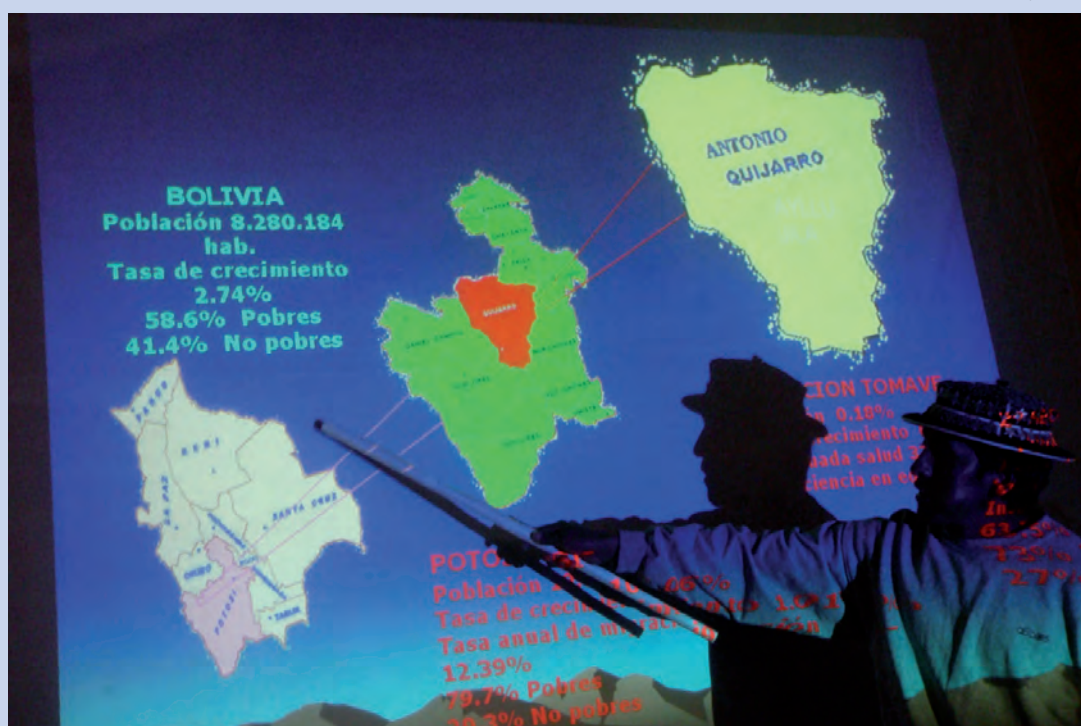
Within this framework, efforts have been made during the execution of the Program to reach an agreement with the University of Copenhagen that could offer formal education to the GTI technical personnel. An agreement with FOMABO was signed for the implementation of two training and investigation programs: the Revalorized Participatory Investigation in Territorial Management Program (*Programa de Investigación Participativa Revalorizada en Gestión Territorial*—PIPRGT), promoted by the Faculty of Agricultural, Fishing, Forest and Veterinary Sciences from the Universidad Mayor San Simon (UMSS), the Centre for Agroecology of the University of Cochabamba (*Agroecología Universidad Cochabamba*—AGRUCO), the Autonomous Gabriel Rene Moreno Uni-

49 ENRECA: Danida's Bilateral Program for Enhancement of Research Capacity in Developing Countries.—Trans.

TCO/Ayllu	Projects	State of execution
Chullpa	Chullpa Restocking the <i>camelidae</i> herds	Construction of infrastructure and acquisition of artificial insemination
Sikuya	Construction of terraces to recover 6 hectares destined for agricultural production	11 hectares were recovered with stone barriers and 56 with live barriers. Waiting to be approved: Projects on the cultivation of potatoes and irrigation systems
Aymaya	Restocking of cattle and <i>camelidae</i> herds	Execution finalized upon closure of the Program
Kharacha	Restocking of dairy cattle and <i>camelidae</i> herds	Project executed with large number of beneficiaries. Women are responsible for production, processing and commercialization, all of which improves their “prestige” in the community.
Chayantaka	Cactus plantation to reduce soil erosion, diet diversification and forage production for livestock	Execution on 92 hectares. The Municipality of Chayanta committed itself to give continuity to the project in 2010.
Phanacachi	Biodiversity conservation through afforestation in the ayllu	Afforestation with fruit and non-fruit trees, construction of 18 communal nurseries with native species, of which 16 are in production. The municipality of Uncía included it in their annual plan in 2010
Jucumani	Development of textile handicraft for own consumption and commercialization	Construction and equipment of 6 productive modules. Pending formal implementation and sustainability plan
TCO Layme-Puraka	Textile production	5 modules, 3 for Layme and 2 for Puraka. Until March 2010, equipment was being prepared for initiating production
Andamarca	Usage and handling of water resources with an irrigation system and construction of the Churicollo dam, in order to improve agricultural and piscicultural production	Stocking trout fry supported by the municipality of Belén de Urmiri y Unitas

TCO/Ayllu	Projects	State of execution
Jatun Ayllu Yura	Production of apples and goat breeding	Executed in agreement with ISALP, Danida, DELA Potosí and the municipality of Tomave
Sullka	Textile production and milking module to diversify food diet	The textile projects are executed by 60 women from Taran and Tica Tica communities and the milking module is executed in the Calazaya community, financially supported by the "Castelvi Solidari" of Spain. Sullka is the only TCO that has not received co-financing from the municipality.
Jila	Ethnotourism and support to the work with vicuñas and pisciculture in six communities	Construction of infrastructure in the Lago Toro zone. It was executed only with the support of Danida, due to delays in delivery of transfers promised by the prefecture and the municipality
Marka Qaqachaca	Ethnotourism	Construction of basic infrastructure, improvements of villages and development of two tourist circuits in Mankarana (Lowlands) and Patjarana (Highlands). The project articulates with the department of Oruro and the municipality of Chalapatá and is about to initiate its operation.

Exhibition on GTI in the ayllu Jila



versity in Santa Cruz (*Universidad Autónoma Gabriel René Moreno de Santa Cruz—UAGRM*) and the University of Copenhagen; and the Program to Enhance the Knowledge of Indigenous Territorial Management Technicians in Natural Resource Management (*Programa de Profundización de Conocimientos para Técnicos Indígenas en Gestión Territorial para el Manejo de Recursos Naturales*) with the School on Forest Sciences (*Escuela de Ciencias Forestales*) at the Universidad Mayor San Simon (UMSS) and CIDOB.

The first one, the PIPRGT, emerged as an initiative to promote the training of indigenous human resources and the revalorization of local knowledge in dialogue with modern science; one purpose is to recuperate the knowledge and wisdom of indigenous peoples so these can be incorporated into training and scientific investigation programs to be developed by these university centers, the objective being to improve the quality of the training to be given to future indigenous professionals in indigenous territorial management.

Given the shortage of academic tradition in the subject of indigenous territorial management, the aim is to try and promote the participatory action research within the education of young indigenous university students, by letting them write their graduate thesis in function of the needs of the indigenous territories and promoting their development based on their own capacities.

The initiative is promoted by the Vice-Ministry of Lands, CIDOB and CONAMAQ as a very important program to better understand the GTI issue and supplement the advances and achievements attained by the ADPI Program. The Vice-Minister of Lands has joined the project's Management Board.

For 2009, the program selected 20 indigenous students (12 from the Highlands and 8 from the Lowlands) to be the beneficiaries of scholarships that enabled them to work on their master's thesis in the ayllus Tapacari and Bolivar in the Highlands and in the TCOs Concepción and Machareti in the Lowlands, in coordination with CONAMAQ and CIDOB respectively. Of the 20 selected students, 17 concluded their master's degree.

The program with the Forestry Training School was directed towards indigenous technical personnel with emphasis on research, analysis and discussion regarding their territorial

management processes in order to supplement and validate the technical operative knowledge acquired during the execution of the ADPI component, as a kind of specialization degree to be recognized by an university entity as an academic trajectory. This program aimed in its first year at training 60 students in two semi face-to-face versions and in the first few months of 2010, 56 indigenous technical students graduated from Lomerio, Moseten, Chacobo, Pacahuara, Cavineno Yuaracare, Lecos de Apolo and Itonama.

Results and advances of GTI

The implementation of the Indigenous Territorial Management component of ADPI leaves behind overall results, besides the specific ones mentioned for its three subcomponents.

A first and basic result has to do with the fact that the most important norms guaranteeing the management of TCOs in the light of the propositions of ILO Convention No. 169 were incorporated into the new Political Constitution of the State, among others the norm related to the conformation of indigenous autonomies. This historical demand of the indigenous peoples was strengthened during the implementation of ADPI, to the extent that it was precisely with the GTI experiences that the communities understood that the management of their land would not be feasible if they did not enjoy full autonomy in the management and control of their natural resources. They reached this conclusion because of the difficulties they had experienced in the articulation of their demands with the State's municipal and departmental authorities and in the lack of attention given to their concrete problems, as could be verified by the inaction of the successive Governments.

Paradoxically, and as another result of the implementation of the component, the majority of the TCOs involved in the Program, were able during the process to permeate these governmental instances and insert their most urgent demands into municipal and departmental plans, as is shown by the experiences of Raqaypampa, Machareti or the TCOs of Potosi. At the same time, the national Government took the decision to generate direct interaction with these territories in order to obtain presence and establish the conditions for its proposal of community development. Indeed, not only were the funds from the Danish cooperation directed towards this purpose, the Indigenous Development Fund was also created with a percentage of the hydrocarbon taxes.

This Fund, whose distribution remains the responsibility of the organizations themselves, will be in charge of ensuring the sustainability of the process initiated by the indigenous peoples within the ADPI framework, in the same way as the open doors to the municipalities and departments for incorporating indigenous communities in their development plans.

At the normative level too, there is the rule of prior consultation in the case of gas and oil operations in the TCOs. This norm is crucial for the functioning and real exercise of autonomy; it is also a source of funding for the TCOs' development projects on account of the obligation of sharing with the communities the benefits generated by such activities, and of paying compensations for damages caused by these activities to their lives and territories.

The experiences accumulated by the organizations from the management of their TCOs and the technical and operative qualification they have acquired, constitute, as both leaders and community members stated, the first step in the exercise of autonomy and the control of their territories within the framework of the new conditions for the formal recognition of the rights of these peoples.

Outstanding is also the achievement of the objective to generate articulations not only with public authorities. These articulations were also developed with private, national and international institutions, with which relations of cooperation have begun to be created in more horizontal terms. In this field, it is necessary to mention the cooperation agreement between CIDOB and the PUMA Foundation regarding their involvement in the execution of the lowland projects and especially the impetus given to the Indigenous School of Projects that has enormously improved the qualifications of the indigenous technical personnel in the Lowlands.

These articulations spanned over a larger forum than the organizations and the financial cooperation entities themselves. This was reflected in the active participation of public and private institutions in the local, regional and national working groups that were set up in relation to GTI, facilitating the realization of diagnosis and the definition of strategies on training, information and communication as well as on production. In the case of the non-governmental organizations, it was explicit that they were disposed to contribute with their experiences and knowledge and to accompany the organizations in the implementation of these demonstration projects, something

which also contributed to their appropriation by the communities, a condition for their sustainability.

Of special importance in the area of training are the programs established with the university centers under the auspices of ADPI, the Forest Management Fund and with the cooperation of the University of Copenhagen and the San Simon University, concerning academic training and investigation in topics related to territorial management. The execution of these programs already relies on a capable group of indigenous technical and professional personnel in this area.

This and other results should be the object of a special follow-up by the organizations and the governmental institutions because they are the basis for the sustainability of the processes undertaken by the communities within the framework of the Program, as well as for realizing the postulates that guide the National Development Plan formulated by the Government for the building of the Plurinational State.

The results and advances obtained for turning the indigenous management of their territories into a reality do not hide the difficulties that came up during the process, many of which will continue into the future if not given due attention.

The organizations frequently criticize the difficulties and limitations in the execution of public resources in general, and in particular when these resources have to be channeled through the organizations. This has led many of the Program's stakeholders to affirm that the Government lacks mechanisms that can guarantee an efficient execution in the area of community development.

The existence of a normative framework for public resource management forcing the fulfillment of requirements and procedures that are very time consuming, unavoidably delays the budget execution, and, of course, generates on its way tensions with the benefiting populations, with the consequent deterioration of the latter's confidence in the executing institutions. Related to this is the lack of experience in state execution by means of transferring public resources to private organizations and institutions. This has complicated the adoption of mechanisms and procedures for the management of the Fund financing the demonstration projects in GTI sponsored by ADPI. Similar questions were made by the representatives of lowland organizations to the Indigenous Development Fund created with resources from the hydrocarbon

taxes for development programs with the communities, when, towards the end of 2009, they discussed the projects to be financed by this Fund.

As a correlation to what has been mentioned previously, the organizations do not have sufficient knowledge of the administrative procedures that have to be followed for the execution of public resources, and this generates difficulties for their administrative management.

In short, the aforementioned shows an excessive state bureaucracy that complicates the transactions and makes the whole administrative management complex and slow.

Another factor that influences the execution of public policies has to do with the change of authorities and technical personnel in governmental entities, something that occurred frequently between 2006 and 2009.⁵⁰ The change of authorities often entailed modifications and adjustments in program lines, in priorities and even in mid-level authorities, which affect the continuity of the processes and do not stimulate the interest on the part of communities and organizations or their confidence in the State. Of course, changes of personnel and leaderships are normal in governmental institutions; the traumas that they generate could be avoided or minimized if mechanisms were in place to guarantee the continuity of the process. The most important of these mechanisms is that the promoted processes and policies should obey governmental policies that have been defined on the basis of a long term vision.

Regarding the rotations of technical personnel, these were frequent in several entities with which GTI actions were coordinated.⁵¹ These rotations, in some cases the result of internal restructuring processes as well as insufficient human resources, complicated the continuity of joint actions, making intermediate connections processes necessary.

Related to this is also the obvious absence of effective coordination bodies, not only with civil society organizations, but also within government institutions and between these. This is being identified as a deficiency in the ADPI implementation, given that the entities that were supposed to coordinate and give coherence to the actions undertaken between the different involved institutions and organizations, were not created

or did not function in the Mainstreaming and Territorial Management components.

One central problem that worries the Bolivian State is related to the effectiveness of the general norms and their obligatory fulfillment by private as well as public stakeholders. During this process, it was clear that, for example in Potosi, the royalties derived from mining are not being re-invested in environment. Neither is there any certainty that these or other extracting activities fulfill the stipulations of the legislation on environmental issues and on the rights of indigenous peoples. Faced with this, the State still needs effective control mechanisms that hopefully can be developed in conformity with the new Constitution and the re-composition of the state apparatus as a whole.

But just as serious or more is maybe the fact that the State still does not have at its disposal the mechanisms for complying with the fundamental indigenous rights, widely recognized in government programs and in the emerging norms in the ongoing change process in Bolivia. In this connection, it should be mentioned that there is still no implementation of the consultation process with the communities on whose lands there are plans for the development of extractive projects or other projects considered of public interest. For the communities, it looks like a contradiction that after having regulated by supreme decree the consultation on the exploitation of hydrocarbons in the TCOs, the Government omits to comply when it has to do with projects sponsored by the State.

Apprenticeships for GTI players

The organizations' as well as the state institutions' experience with GTI must have left substantial lessons, but these have up to now not been explored sufficiently, in particular by the players as a group.

However, in the course of their various systematization and sharing events, indigenous peoples have gathered lessons from this accumulated experience, in the case of the Lowlands from the first implementation phase of the experience. An overall experience on which the various organizations

50 During this period, there were five Ministers of Rural Development, Agriculture and Livestock and Environment (MDRAMA).

51 For example, in the Vice-Ministry of River Basins; in the component of the Plan of Action for the Struggle against Desertification involved in the execution of the program for soil recuperation in the Highlands; or in the ex-Forest Superintendency and the Forestry Department of the Ministry of Rural Development and Environment with whom actions in the Lowlands were coordinated..

agree is that the GTI has led them to reflect on their territory and their future as peoples when elaborating plans, whether communal, inter-communal or territorial, and this is what has allowed the relations with other public and private institutions to improve substantially. To have plans that have been developed collectively and reflect their future is a strength which endows the dialogue with seriousness and effectiveness besides establishing the bases for the exercise of autonomy because they have the initiative and cannot be subjected to what other institutions may come and suggest to them.

From the time the TCOs began to develop their management plans and their own projects, articulations with municipalities and departments began to build up, with the latter gradually starting to incorporate indigenous demands.

Because of this, the training of technical teams has been fundamental. The organizations agree that the involvement of indigenous technicians has also contributed to a better appropriation by the authorities of management processes in general and of the projects in particular, and facilitates the former's work for an adequate implementation, because the technicians furthermore fulfill a role of articulators with the communities.

Other lessons identified by the organizations are the following:

- The exchange of experiences increases knowledge and is an incentive for the implementation of management processes in territories that still have not started to do it in an organized and systematic manner.
- The better the participation of the population is in the various activities (diagnosis, communal plans, formulation of projects) the better are the results. For a good execution of the projects and for an adequate control of them, it is necessary to ensure a strong commitment by the population and ensure their participation from the very first phases. When the major part of the population understands and shares what is proposed, the effect in relation to external stakeholders improves at all levels. In the same manner, the negotiations with enterprises and other stakeholders are more effective when they are undertaken with the full knowledge of all the communi-

ties and their bases than when they are undertaken by one isolated community or the leaders.

- The participation of women is fundamental for the overall functioning of the management process and in all of its phases, from the realization of diagnosis up to the definition and the execution of plans and projects. Low levels of women participation has meant that the GTI and the communal projects did not have good results or failed.
- In order to be applicable, the normative systems must be the product of a social construction, must respond to the circumstances of each community or organization and must pass through various stages before their approval. People should participate in the construction of these normative systems as well as in their socialization and their approval. What has been said is also applicable for the definition of state norms concerning the population in general, and indigenous peoples and their rights in particular.
- For territorial management and the execution of projects, the roles of the leadership of the organizations should be better defined and differentiated in order to avoid duplicity and concentration and prevent irregularities. Dual functions and the lack of professional training for performing their jobs give way to management irregularities, which entails the failure of the planned objectives and the loss of prestige of the organization and the professional himself. It should be avoided mixing the role of management with the role of financial administration.
- The training should be part of a process of social construction previously defined in such a way that it has a practical application in itself. That is, it should respond to identified needs and fill a gap so that it can contribute to carry the process forward.
- As part of the training, one should consider duplications and design simple tools to achieve this. This allows that the beneficiary of the training assimilates the knowledge, fulfills the function of socializing it and that the results are maximized. An important aspect is the use of the indigenous language in order to reach the base communities.



GENERAL ACHIEVEMENTS OF THE COOPERATION PROGRAM

Perspectives

The struggle for indigenous territorial rights in Bolivia, which began in the 1990s, has been the struggle for regulation, titling, and distribution of territories at the national level, and the organizations have been its key player. The process has generated qualitative as well as quantitative results regarding the recognition of indigenous peoples' territorial property covering more than 16,800,000 hectares titled as Indigenous Community Territories (TCO) as of December 2009.

With their territorial claims, the indigenous peoples of Bolivia became structured social movements or political subjects with power aspirations and they contributed in a significant way to the politicization process of the ethnic question and to the changes which are taking place at the political level in Bolivia. The constant processes of social claims that they developed, particularly during the last decade with successive marches, began involving more each time the demand for structural changes, in unison with other organized social sectors. By assuming the regulation and titling of their TCOs as a legal technical process, they passed on to claim modifications in the land tenure system and in the configuration of state powers.

It should not be forgotten that it was precisely the indigenous peoples who, with their march in 2002, were able to include in the country's political agenda the urgency to convene a Constituent Assembly that would allow redefining the conformation and exercise of the public institutions, including the state model itself. It was also the indigenous peoples that in a radical manner confronted the traditional power of the large land holders linked to the high concentration of agrarian properties in the Lowlands.

Although this politicization process of the indigenous movement is a result of multiple factors, it is also clear that the

"No more landowners nor bosses"





support given by the international community, in particular by Denmark through its support since 1995 to the recognition process of the rights of indigenous peoples, contributed in a significant manner.

It has already been mentioned how, through this support and the use of a double strategy to involve in the funding both state institutions and representative organizations of the indigenous peoples, significant advances were achieved within the titling of their territories with evident impact on the whole process of land ownership regularization in Bolivia.

It has also been mentioned how the obstacles that opposed the recognition of indigenous territorial ownership in the Lowlands were one of the causes of the social and political conflicts that the country experienced during the past decade. In fact, a close and thorough analysis of the details of the regulation and titling process of the TCOs undertaken in 1997, makes it obvious that the indigenous people's land claims and the tenacity of their struggle revealed sectors and interests that had taken over the control of the state apparatus, turning the latter into the major factor for the exclusion and inequality suffered by the victims, the indigenous people of Bolivia.

The regulation process of land ownership thus converted itself into a core theme to which the different social sectors rallied in order to confront the dominant sectors and take control of the state apparatus as a way to start resolving the structural causes of exclusion, discrimination and inequality.

Going from the legal technical process of the TCO regulation and titling, the indigenous organizations went on to claim the modifications of the land tenure system. From there, they jumped to claiming a transparent exercise by public powers and the state functions in benefit of the people as a whole, reaching to the conclusion that for this it was necessary to create a new social pact through a Constituent Assembly that would allow the definition of a new state model and a development model that would take into account the social and cultural diversities which are found in Bolivian society.

These steps by the indigenous movement coincided with other social players that too claimed substantive changes, those who provoked the political crisis that resulted in two consecutive presidents being forced to resign in 2003 and 2005 because of social pressure and later the ascent to government of an indigenous social activist from the Aymara people.

It is not necessary therefore to make great efforts to find correlations between the struggle for the recognition of the rights of indigenous peoples and the present situation in Bolivia. The support of the Danish cooperation framed itself within this struggle and, together with other bilateral cooperations, within a double strategy to support at the same time the State and social representative organizations, took the deliberate choice of effectively supporting the rights of the historically slighted indigenous peoples and communities in Bolivia.

This is why the different stakeholders of this long process of cooperation between the Governments of Bolivia and Denmark identify impacts that transcend the planned results. These impacts identify with four lines of the country's social and political life in relation to the aspirations and rights of the indigenous peoples: the effective incorporation in the national legal framework of the rights of indigenous peoples as recognized in ILO Convention No. 169; the construction of the bases for adapting the political administrative map of the country to the reality of the ethnic configuration of the population; the first steps towards the transformation of the model of a mono-cultural exclusive State; and the definition of the theoretical basis for a development model that includes the tradition and the communal perspective of indigenous peoples.

It is important to emphasize that the impacts identified by the players in the process being systematized here, are the product of a process that has developed in the country independently of the involvement of the Danish cooperation and in which converge numerous causes that do not depend nor can be controlled by the deliberate actions or strategies of one or several players. Precisely for that reason, it is the impacts and not the results that are being considered and they are not attributed to a process sponsored by the Danish Cooperation.

1. The recognition of indigenous rights

Even though it was an explicit objective of the cooperation between Bolivia and Denmark, the process that led to the realization of the Constituent Assembly and the adoption of the New Political Constitution of Bolivia was permeated by dynamics and discussions developed during the execution of ADPI.

The new Bolivian Constitution integrates in a cross-cutting manner the rights of indigenous peoples, recognized in international human rights instruments, especially ILO Convention

No. 169, and more recently the UN Declaration on the Rights of Indigenous Peoples. ILO Convention No. 169 was incorporated into Bolivian domestic legislation from 1991 as Law 1257. Notwithstanding that the norms, which should secure the viability of the Law's application in different areas, have not been made compatible with the dispositions in the two international instruments.

Today, the new Political Constitution, ratified in 2009, inserts the essence of the rights recognized in ILO Convention No. 169 and various legal dispositions adopted during the last phase of ADPI begin to provide guidelines for their application. This is the case of the regularization of the prior consultation on the effect of gas and oil operations in the TCOs or the regularization of the transitory election regime that regulates the referendum on the conformation of indigenous autonomies. The general legislative process for making it possible to apply the constitutional propositions in this and other matters is presently the responsibility of the Plurinational Assembly elected in December 2009.

This recognition of indigenous rights, although still a formal one, leads to substantial changes. Today, the indigenous peoples know that they have rights, they count on instruments to claim their application and to defend them. And most importantly, they have adopted these rights and have been empowered in their territories, as one of the leaders expressed it eloquently:

No longer can strangers enter our lands and destroy us.

2. The regulation and titling of the TCOs change the map of Bolivia

The recognition of indigenous peoples' land ownership, still not concluded, is part of the political stage in a country that intends building and developing a new Plurinational State. In accordance with the constitutional dispositions, the political map of Bolivia should reflect the TCOs not only for the exercise of the administrative political autonomy of which they are the depositaries but also in the configuration and exercise of jurisdictional and legislative powers and in the management and exploitation of natural resources found in their territories and the country in general.

At the closing of the Program in December 2009, not only had the first referendums been held in order to turn the TCOs into

indigenous autonomies. There is also an on-going process of analysis and articulation of the proposals for a new law to regulate the indigenous autonomies as TCOs or as indigenous municipalities. The proposals will have to be analyzed by the Plurinational Assembly during 2010 and a corresponding law will have to be issued.

The Ministry of Justice has also promoted a process of analysis for the formulation of the proposed Law on the judicial demarcation between the justice of indigenous peoples and the ordinary justice of the Plurinational State.

3. The transformation of the State

The Constituent Assembly established the basis for the transformation of the State towards a Plurinational State that reflects in its composition and functioning the diversity of the indigenous peoples that inhabit the Bolivian territory.

On their part, the indigenous organizations already perceive a real and profound transformation, beyond the formal declarations in favor of their complete incorporation. Although the exercise of their recognized rights has barely started to take shape, the communities and organizations feel that they are part of the State and that its various entities listen to them and make agreements with them on issues of their concern.

Furthermore, they perceive a greater presence of the State in their territories which becomes obvious, among other things, with the encouragement and support to community projects.

On the other side, Government officials consider today that they rely on an institutionality that has been strengthened and has the full capacity to administer the issues related to land holding and national resource management and exploitation as a function of the State and as a public service, unlike before when things were being handed over to private players according to market laws.

4. Basis for a new development model: the concept of "living well"

As the result of the ideological and political constructions around indigenous peoples' ancient practices, both the social movements and the sectors that exercise the political power

have defined the theoretical bases for what could eventually become a new development model that would be different from the one that has dominated the country's destiny and was based on the individual and private appropriation of wealth.

These bases are deeply rooted in the communal perspective of indigenous peoples and incorporate a focus on the integrity and preservation of the ecosystems for territorial management, the exploitation of natural resources and the access to the wealth these generate.

This perspective is reflected in an explicit manner in the concept of "Living Well" (*Buen Vivir*) incorporated by the Government in the National Development Plan and identifying it as the safest course for this new type of society.

The previous impacts are found in the change process that Bolivia has been experiencing for the past five years, and in which progress the indigenous peoples identify themselves as the main players.

They feel that the persons involved in the execution of ADPI, that the organizations and their leaders and technicians were prepared within the framework of the program implementation, and that this allowed giving the country a more complete vision on indigenous peoples and their rights.

PERSPECTIVES

Derived from the approval of the new Political Constitution of the State that substantially modifies the bases of the State's economical and political models, and with the installation of the Plurinational Assembly as the new legislative body in January 2010, it can barely be foreseen that a process of normative adaption will be initiated in all the areas related to the implementation of the new models. Thus, within economic matters, changes are foreseen in the laws on Forestry, Protected Areas, Environment, Water and the Mining Code, among others, which are intimately related to indigenous rights and in particular with indigenous territorial management.

In the political field, the issue of highest importance to be legislated on is the one related to the political territorial reorganization of the State and setting in motion the functioning of the indigenous autonomies.

Even though the political situation of the country has stabilized since the approval of the Political Constitution of the State by means of a referendum and the consolidation of the Government administration via electoral processes, these changes can again lead to scenes of political confrontation around the implementation of indigenous autonomies with territorial basis in TCOs and the conditions for the exploitation of natural resources within these territories, confrontations that might occur even between indigenous peoples themselves.

In this respect, it is necessary to take into account that the contradictions between organizations or peasant groups in the Highlands and indigenous peoples in the Lowlands have increased. The former consider the indigenous territories in the Lowlands as a new form of "*latifundio*" (large estates), detrimental to the possibilities of equitable access to land ownership, particularly in relation to the situation in the Highlands and valleys, where available land is limited and has a low productivity due to the high level of soil degradation, forcing their inhabitants to constantly migrate in search of new survival opportunities.

To this comes the vision of some sectors close to the government, who promote the revision of the TCOs in order to take some of their land areas away for the purpose of peasant settlements, and demand individual titling in opposition to collective titling with the argument that the latter obstructs economic transactions and the access to credits necessary for generating development.

These two factors could in the future constitute a breaking point not only for government policies on this issue, but also for the unity between the indigenous sectors and peasants of the Highlands and Lowlands who supported the change of political control in Bolivia. ○



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APPENDIX

TCOs titled with the support of DANIDA (1997–2009) by departments and hectares

DEPARTMENT	TCO	REGION	Nº OF TITLES	TITLED AREA IN TOTAL (ha)
Beni	Baures	Lowlands	1	135,417
	Canichana	Lowlands	2	27,080
	Cavineño	Lowlands	2	471,862
	Cayubaba	Lowlands	2	156,142
	Chácobo-Pacahuara	Lowlands	2	485,260
	Itonama	Lowlands	2	691,880
	Joaquiniana	Lowlands	2	217,489
	More	Lowlands	1	60,753
	Movima I and II	Lowlands	4	56,039
	Pión Lajas (Tsimane-Mosetén)	Lowlands	1	346,127
	Territorio Indígena Chimán-TICH	Lowlands	2	300,397
	Territorio Indígena Multiétnico - TIM	Lowlands	1	357,457
Subtotal	Department of Beni			3,305,903
Chuquisaca	Ayllu Valle de Quillacas (Pojpo)	Highlands	1	1,551
	Consejo de Caciques Jatun Kellaja and others (Payacollo)	Highlands	4	93,030
	Yucas Jatun Ayllu San Juan de Orkas	Highlands	1	7,226
Subtotal	Department of Chuquisaca			101,807
Cochabamba	Ayopaya – CSUTCOA	Highlands	1	536,377
	Challa Grande section Aransaya A	Highlands	1	4,978
	Kirkiawi	Highlands	2	64,944
	Raqaypampa - CRSUCIR	Highlands	1	55,025
	Yuracare	Lowlands	1	241,170
Subtotal	Department of Cochabamba			902,494
La Paz	Araona	Lowlands	1	77,774
	Lecos de Apolo	Lowlands	1	238,162
	Lecos de Larecaja	Lowlands	2	86,682
	Mosetén	Lowlands	1	100,831
Subtotal	Department of La Paz			503,449

DEPARTMENT	TCO	REGION	Nº OF TITLES	TITLED AREA IN TOTAL (ha)
Oruro	Ayllu Andamarca (Zone 1)	Highlands	2	9,832
	Ayllu Araya Callapa	Highlands	1	2,836
	Ayllu Cahualli (Zone 1 to 4)	Highlands	1	7,964
	Ayllu Cahualli Araya Cantón Condo C	Highlands	1	2,933
	Ayllu Cahualli Maga	Highlands	1	13,148
	Ayllu Callapa	Highlands	1	8,457
	Ayllu Callapa Abajo Primera	Highlands	1	10,055
	Ayllu Collana Norte Condo (Zone 1 and 2)	Highlands	1	4,509
	Ayllu Collana Picachani	Highlands	1	55,973
	Ayllu Collo Huanapa y Villahuanapa	Highlands	1	61,954
	Ayllu Hiluta Chahuara	Highlands	1	3,280
	Ayllu Ilave Grande	Highlands	1	11,479
	Ayllu Mallcoca	Highlands	1	568
	Ayllu Primera Cabeza Tapakarí (Zone 1)	Highlands	1	4,141
	Ayllu Qaqachaca	Highlands	1	42,950
	Ayllu Sullka Marka de Huari	Highlands	1	2,007
	Ayllu Sullca Villa Esperanza	Highlands	1	15,381
	Ayllu Sullkayana Tercero de Norte Condo	Highlands	1	6,022
	Ayllu Sullkayana	Highlands	1	16,560
	Ayllu Tacagua	Highlands	2	6,531
	Ayllu Tuaña	Highlands	1	61,339
	Ayllu Yanaque Changara de Cala Cala	Highlands	1	4,153
	Ayllu Yucasa (Zone 1, 2, 3)	Highlands	2	1,337
	Caico Bolívar Collana B (Conversión)	Highlands	1	2,679
	Comunidad Pacollani del Ayllu Moscoca	Highlands	1	2,171
	Huayllamarca	Highlands	1	32,556
	J'acha Marka Tapakari Condor Apacheta	Highlands	1	33,872
	Marka Aroma	Highlands	2	40,369
	Marka Mayachtasita Marcanaca	Highlands	1	45,421
	Marka Pampa Aullagas (Zone 1)	Highlands	1	64,622
	Marka Salinas de Garci Mendoza (Zone 1)	Highlands	1	242,030
	Marka Santuario de Quillacas	Highlands	1	30,870
	Marka Totora	Highlands	1	136,131
	Saucari (C.AO.S.) Suras	Highlands	1	251,605
Subtotal	Department of Oruro			1,235,735

DEPARTMENT	TCO	REGION	Nº OF TITLES	TITLED AREA IN TOTAL (ha)
Pando	Yaminahua – Machineri	Lowlands	1	25,675
Subtotal	Department of Pando			25,675
Potosí	Aransaya y Urinsaya de Tolapampa (Zone 1)	Highlands	1	492,205
	Asociación Ayllus de Calcha (Zone 1)	Highlands	1	34,816
	Asoc. Ayllus de Tauka Urinsaya y Qhasa Aransaya	Highlands	1	111,181
	Asociación Ayllus de Tauka y Chicoca	Highlands	1	139,070
	Asociación Ayllus de Yawisla	Highlands	1	16,162
	Asociación Ayllu Pati Pati	Highlands	1	4,866
	Ayllu Aransaya	Highlands	1	7,381
	Ayllu Jucumani	Highlands	1	27,922
	Ayllu Chiutari Alta y Baja	Highlands	1	6,362
	Ayllu Chutahua Alta y Baja	Highlands	1	4,231
	Ayllu Coacari	Highlands	1	7,131
	Ayllu Coipasi Alta y Baja	Highlands	1	3,533
	Ayllu Chayantaca	Highlands	1	36,367
	Ayllu Jatun Mankasaya	Highlands	1	5,045
	Ayllu Jatun Tauqa-Pata Tauqa	Highlands	1	5,396
	Ayllu Jatun T'ulla	Highlands	1	39,784
	Ayllu Juch'uy Tauqa	Highlands	1	2,609
	Ayllu Juchuy Qhapaqanaqa	Highlands	1	3,264
	Ayllu Juchuy Qullana	Highlands	1	959
	Ayllu Kapakanaqa	Highlands	1	15,908
	Ayllu Kollana	Highlands	1	18,551
	Ayllu Kork'a	Highlands	1	25,999
	Ayllu Mangasaya	Highlands	1	9,066
	Ayllu Originario Ankasoca Puitucu	Highlands	1	4,837
	Ayllu Originario de Lupaca	Highlands	1	1,022
	Ayllu Originario de Tirina	Highlands	1	6,259
	Ayllu Pacaja Alta y Baja (Chaquí)	Highlands	1	4,827
	Ayllu Palli Palli	Highlands	1	1,246
	Ayllu Panacachi	Highlands	1	22,959
	Ayllu Phuna Alta y Baja (6 areas)	Highlands	1	11,621
	Ayllu Qhasa	Highlands	1	3,063
	Ayllu Qullana	Highlands	1	1,990
	Ayllu Saca Saca	Highlands	1	238

DEPARTMENT	TCO	REGION	Nº OF TITLES	TITLED AREA IN TOTAL (ha)
	Ayllu Saca Saca	Highlands	1	238
	Ayllu Sikuya	Highlands	1	12,683
	Ayllu Sinsima	Highlands	1	58,926
	Ayllu Sullka Jatun Juchuy	Highlands	1	75,200
	Ayllu Takahuani	Highlands	1	9,300
	Ayllu Talina	Highlands	1	36,041
	Ayllu Ullaga	Highlands	1	4,013
	Ayllu Uma Uma	Highlands	1	5,650
	Ayllu Urinsaya	Highlands	1	7,876
	Ayllu Uruquilla	Highlands	1	1,541
	Ayllu Visijsa (Chaquí)	Highlands	1	4,050
	Ayllus Layme-Puraka	Highlands	1	38,734
	Chira	Highlands	1	539
	Chiro	Highlands	1	11,501
	Chullpa (Charcas)	Highlands	1	8,917
	Huaycaya Mangasaya	Highlands	1	2,789
	Jatun Ayllu Pocoata (Pol. 1,3,4)	Highlands	3	37,356
	Jatun Ayllu Toropalca	Highlands	1	138,601
	Jatun Ayllu Urinsaya	Highlands	1	7,350
	Jila Grande y Jila Chico	Highlands	1	61,545
	Juchuy Qhurqa Pol.1	Highlands	1	2,366
	Karacha (Polígono 2)	Highlands	1	1,659
	Killakas de Urmiri (Polígono 1)	Highlands	4	18,795
	Pacasi	Highlands	1	5,236
	Phuna Alto Chico Chico	Highlands	1	3,854
	Qaña Alta y Baja	Highlands	1	10,876
	Sullka	Highlands	1	639
	Sullk'a Jilatikani	Highlands	1	4,020
	Totora I	Highlands	1	51,532
	Vacuyo Ayllu Andamarca	Highlands	1	81,549
Subtotal	Department of Potosí			1,779,008

DEPARTMENT	TCO	REGION	Nº OF TITLES	TITLED AREA IN TOTAL (ha)
Santa Cruz	Bajo Paragua (Chiquitano)	Lowlands	1	374,151
	Charagua Norte (Guaraní)	Lowlands	4	109,165
	Charagua Sur - Parapitiguasu (Guaraní)	Lowlands	3	129,822
	Guarayos	Lowlands	9	1,151,164
	Iupaguasu (Guaraní)	Lowlands	2	38,229
	Kaaguazu (Guaraní)	Lowlands	1	68,964
	Kaami (Guaraní)	Lowlands	3	34,397
	Lomerio (Chiquitano)	Lowlands	1	259,189
	Monte Verde (Chiquitano)	Lowlands	1	947,441
	Otuquis	Lowlands		220,346
	Takovo Mora (Guaraní)	Lowlands	4	2,301
Subtotal	Department of Santa Cruz			3,335,169
Tarija	Itika guasu (Guaraní)	Lowlands	2	95,394
	Tapiete	Lowlands	1	24,840
TOTAL LAND AREA TITLED WITH THE SUPPORT OF DANIDA			177	11,309,474



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