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Natural Resource Control and Indigenous Rights in Bolivia's Santa Cruz Department:  
Post-neoliberal Rhetoric and Reality

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**Abstract:**

In 2006, the Movimiento al Socialismo (MAS) government led by Evo Morales took power in Bolivia. This government, supported by a pro-indigenous, anti-neoliberal electorate, has espoused indigenous rights and protections against neoliberal development in Bolivia's national policies and Constitution. Through a case study of Bolivia's Santa Cruz department, this paper examines Bolivia's evolving state-social relationship and its increasingly divergent policies on economic development and indigenous rights. Santa Cruz' marked presence of the transnational soy industry demonstrate the economic, social, and cultural rights challenges of a post-neoliberal, pro-indigenous Bolivia. This research investigates the nexus between transnational agribusiness and the indigenous rights movement in the Bolivian context, and the social movement strategies and response to the MAS' contradictory policies.

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## LIST OF ABBREVIATIONS

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CEJIS	CENTRO DE ESTUDIOS JURÍDICOS E INVESTIGACIÓN SOCIAL
CSUTCB	CONFEDERACIÓN SINDICAL ÚNICA DE TRABAJADORES COMPESINOS DE BOLIVIA
CIDOB	CONFEDERACIÓN DE PUEBLOS INDÍGENAS DE BOLIVIA
CONAMAQ	ORGANIZACIÓN EL CONSEJO NACIONAL DE AYLLUS Y MARCAS DEL QULLASUYU
CSO	CIVIL SOCIETY ORGANIZATION
FAO	UN FOOD AND AGRICULTURE ORGANIZATION
FPIC	FREE, PRIOR, AND INFORMED CONSENT
ILO	INTERNATIONAL LABOR ORGANIZATION
INRA	NATIONAL INSTITUTE OF THE AGRARIAN REFORM
LPP	LAW OF POPULAR PARTICIPATION
MAS	MOVEMENT FOR SOCIALISM
RPE	REGLAMENTO DE LA PAUSA ECOLÓGICA
SD	SUPREME DECREE
SRA	STRATEGIC RELATIONAL APPROACH
TCO	COMMUNAL LANDS OF ORIGIN
TIPNIS	ISOBORE SECURE NATIONAL PARK AND INDIGENOUS TERRITORY
UNDRIP	UN DECLARATION OF THE RIGHTS OF INDIGENOUS PEOPLES

Over the past decade in Latin America, a countercurrent to the neoliberal model of the late twentieth century has been termed the post-neoliberal “pink” tide. In this wave, burgeoning social movements and corresponding electoral shifts throughout Latin America have demanded an end the exploitative, globalized neoliberal model in favor of a new paradigm in which resource allocation and trade would be determined by the local, not the global.

In 2006, Evo Morales and the Movement for Socialism (MAS) party came to power in Bolivia. The party ran on the platform of indigenous rights and a rejection of the neoliberal development model, and its electoral success was intrinsically tied to Morales’ coalescing of two main electorates: indigenous groups and peasant unions. This coalition took on a pro-indigenous platform (backed by the indigenous social movement base) and an anti-neoliberalism platform (backed by the peasant union base).

In 2009, a pinnacle of this movement was seen with the newly adopted Constitution of the Plurinational State of Bolivia that enshrined the ethos of post-neoliberalism. The new Constitution was landmark for its inclusion and enumeration of extensive indigenous rights that mirrored international human rights instruments.<sup>1</sup> A decade later, it is an opportune time to reflect on how much has truly changed for the human rights and livelihoods of indigenous people in in Bolivia.

Bolivia’s economic development model is at odds with its pro-indigenous, post-neoliberal rhetoric promulgated by the Morales administration at international fora<sup>2</sup> and enshrined in the Constitution. Increasingly, domestic and foreign capital flows into the country’s extractives industry<sup>3</sup>, a sector that hinges on the global capital market and its subsequent volatile prices. This research explores the human rights implications on indigenous peoples in the context of this paradox of reality vs. rhetoric of Bolivian

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<sup>1</sup> Radoslaw Powęska, “State-led Extractivism and the Frustration of Indigenous Self-Determined Development: Lessons from Bolivia,” *The International Journal of Human Rights* 21, no. 4 (2017): 450, doi: 10.1080/13642987.2017.1284446.

<sup>2</sup> U.N. General Assembly, 69th Session, 7th Plenary Meeting, 24 Sept 2014 (A/69/PV.7) Official Record.

<sup>3</sup> Radoslaw Powęska, “State-led Extractivism and the Frustration of Indigenous Self-Determined Development: Lessons from Bolivia,” *The International Journal of Human Rights* 21, no. 4 (2017): 452, doi: 10.1080/13642987.2017.1284446. Powęska notes that the extractives sector generated 70% of all export value in 2013. Additionally, the overall area of gas and oil exploration has grown eightfold from 2006-2012 comprising about 22.5% of total national territory.

post-neoliberalism. Bolivia's natural resource development as an economic pillar brings resource extraction and its impact on societies to the fore. This research will focus particularly on the burgeoning agro-industrial soy industry in the Santa Cruz region. The case study of Santa Cruz analyzes the various internal tensions that are coupled with the global soy complex.<sup>4</sup>

Bolivia was a foremost actor in the indigenous rights movement of the twentieth century. During this movement, indigenous groups formed part of the opposition, predominantly stressing claims to indigenous land and education.<sup>5</sup> However, at present they are part of Morales' MAS coalition in power. It is therefore essential to analyze and understand how Bolivia's modern indigenous rights movement is responding to these new economic trends of natural resource extraction in a "post-neoliberal" Bolivia under a central government that purportedly represents their demands.

Power asymmetries, lack of implementation and enforcement of indigenous and ecological rights protections, and foreign investment interests form a nexus that leads to infringements on human rights and livelihoods. This research explores the space between economic development and human rights practice in Santa Cruz, and what is being done by local social movement actors to reverse these dangerous trends.

## **I. Research Strategy**

### *Objective*

Bolivia has espoused indigenous rights and protections in its national policies and discourse. Yet, in Santa Cruz, the state's divergent policies on economic development and indigenous rights come to a head. Santa Cruz' evolving socio-political tensions and the marked presence of the transnational soy industry demonstrate the human rights contradictions and challenges of a post-neoliberal, pro-indigenous Bolivia.

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<sup>4</sup> Saturnino M. Borras Jr. and Jennifer C. Franco, "Global Land Grabbing and Trajectories of Agrarian Change: A Preliminary Analysis," *Journal of Agrarian Change* 12, no. 1 (2012), 34, doi: 10.1111/j.1471-0366.2011.00339.x. As I define it, the global soy complex falls under Borras' larger definition of land grabs and the "the explosion of (trans)national commercial land transactions and land speculation in recent years mainly, but not solely, around the large-scale production and export of food and biofuels."

<sup>5</sup> Bret Gustafson, "Manipulating Cartographies: Plurinationalism, Autonomy, and Indigenous Resurgence in Bolivia." *Anthropological Quarterly* 82, no. 4 (2009): 995, <http://www.jstor.org/stable/20638677.995>.

The indigenous social movement that propelled the Morales government to power in 2006 is now at a crossroads. How are the indigenous social movement actors in Santa Cruz mobilizing to realize their indigenous and socio-economic rights? Are their previous social movement models and strategies deployed to propel the MAS to power in 2006 sufficient? Or, given the evolving state-social relationship between themselves and the Morales administration, are these local social movement actors engaging and organizing differently? If new strategies are being adopted, to what aim, and with what success?

### *Theoretical Framework*

To frame the research, three conceptual frames will be applied: global economic development models, the state-social relationship, and indigenous challenges to extractivism. This thesis builds off of definitions of neoliberalism and post-neoliberalism in the Latin American context. Latin American-style neoliberalism can be defined as the wave of structural adjustment policies and reforms that injected an ethos of the market-led incentives and social and economic policies.<sup>6</sup> Bolivian neoliberalism in particular followed this definition and was typified by trade liberalization, privatization of industries, deregulation, and social spending cuts.<sup>7</sup>

The scholarship of David Harvey elaborates on neoliberalism with his theory of accumulation by dispossession.<sup>8</sup> According to Harvey, the modern iteration of capital (neoliberalism) is characterized by centralized, hegemonic concentration of wealth at the expense and dispossession of public wealth—whether this take form of benefits, land, or other forms of possession.

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<sup>6</sup> Juan Pablo Pérez Sáinz, “Postneoliberalism and Social Inequalities in the Andes: Reflections and Hypotheses on the Venezuelan, Bolivian, and Ecuadorian Cases,” in *A Moment of Equality for Latin America?: Challenge for Distribution*, eds. B. Fritz and L. Lavinás (Surrey, Ashgate:2015): 55.

<sup>7</sup> Ben McKay, “New Dynamics and Trajectories of Agrarian Change in Bolivia: Regimes of Dispossession and the Rise of Brazil,” (panel, FLASCO-ISA Joint International Conference, University of Buenos Aires, Buenos Aires, Argentina, 23-25 July 2014), 9.

<sup>8</sup> David Harvey, “The ‘New’ Imperialism: Accumulation by Dispossession,” *Socialist Register* 40 (2004): 63-87. [http://socialistregister.com.ezproxy.cul.columbia.edu/index.php/srv/article/view/5811#.WbxHj\\_7J97tQ](http://socialistregister.com.ezproxy.cul.columbia.edu/index.php/srv/article/view/5811#.WbxHj_7J97tQ).



Accumulation by dispossession takes on many modern shapes and processes. According to Harvey, “[t]hese include the commodification and privatization of land and the forceful expulsion of peasant populations; suppression of rights to the commons; commodification of labour power and the suppression of alternative, indigenous forms of production and consumption; colonial, neo-colonial and imperial processes of appropriation of assets, including natural resources.”<sup>9</sup> Key to this process is the role of the state and its sovereign monopoly on power to legally define and back such processes.<sup>10</sup>

Paul O’Connell elaborates on the work of David Harvey, asserting that the neoliberal model is an affront to human rights both in theory and in practice.<sup>11</sup> He argues that the neoliberal model is “part of a hegemonic project concentrating power and wealth in the elite groups around the world.”<sup>12</sup> The neoliberal premise of an individualistic, interest-driven state that is backed by a faith in the market (with abdication of social responsibilities therein) is theoretically at odds with fundamental notions of human rights.<sup>13</sup> The envisioned role of the state in these two approaches conflicts: The neoliberal model favors a “minimal state [...] devoid of social responsibilities,”<sup>14</sup> whereas the human rights approach and framework “presupposes a strong state with the capacity to meet the various human rights obligations placed upon it.”<sup>15</sup>

O’Connell maintains that human rights and neoliberalism are furthermore incongruent in practice. Neoliberal reforms pushed for drastic cuts to public expenditures and programs resulting in “inequality and the systematic denial of the rights of poor and marginalized groups and access.”<sup>16</sup> Thus, neoliberalism has created conditions that either provide barriers to the realization of human rights or has directly contributed to their violation.

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<sup>9</sup> Ibid, 74.

<sup>10</sup> Ibid.

<sup>11</sup> Paul O’Connell, “One Reconciling Irreconcilables: Neo-liberal Globalisation and Human Rights,” *Human Rights Law Review* 7, no. 3 (2007): 483-509, doi 10.1093/hrlr/ngm015.

<sup>12</sup> Ibid, 490.

<sup>13</sup> Ibid., 497.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., 505.

The turn of the century ushered a new wave in Latin America, a “left turn,” which can be termed post-neoliberalism. My research borrows from the terminology of post-neoliberalism of Pérez Sáinz. He states, “[b]eyond a doubt, the most important event to mark the turn of this century in Latin America has been the so-called ‘left turn.’ In a number of Latin American countries, and through electoral processes, governments have come to power that profess the need to overcome neoliberalism, with varying degrees of radicalism.”<sup>17</sup> I, like Sáinz, adopt the term while adding the caveat<sup>18</sup> of skepticism in the definitive implications of the term. My thesis hypothesizes that Bolivia’s resource extraction and market-dependent economic model is a continuation of neoliberalism, and thus continues to be an affront to the human rights in Bolivia, in particular indigenous rights to self-determination. Much like the rhetoric of neoliberalism that touted economic growth as a measure to rid countries of poverty,<sup>19</sup> rhetoric of Bolivia’s extractives sector development for national progress<sup>20</sup> veils the continued violations of or barriers to realization of human rights.

With regard to the second frame of state-social relationship and power asymmetries, my paper will draw from Bob Jessop’s strategic relational approach (SRA) to analyzing state power and power asymmetry. Jessop’s view of state power is that it is a “complex social relation that reflects the changing balance of social forces in a determinate conjuncture; a relation mediated through the instrumentality of juridical-political institutions, political organizations and state capacities.”<sup>21</sup> Jessop’s approach—along with

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<sup>17</sup> Juan Pablo Pérez Sáinz, “Postneoliberalism and Social Inequalities in the Andes: Reflections and Hypotheses on the Venezuelan, Bolivian, and Ecuadorian Cases,” in *A Moment of Equality for Latin America?: Challenge for Distribution*, eds. B. Fritz and L. Lavinás (Surrey, Ashgate:2015): 53.

<sup>18</sup> Ibid. Sáinz notes, “Authors sympathetic with these experiments have hence begun utilizing the term ‘postneoliberalism,’ suggesting that the previous order has been definitively overcome. We would regard such a position with skepticism, but neither do we believe that this is simply a redefinition of (neo)liberalism with a more ‘friendly’ face, or behind a ‘progressive’ mask” ... Indeed we do not have enough historical perspective to make predictions at this point.”

<sup>19</sup> Paul O’Connell, “One Reconciling Irreconcilables: Neo-liberal Globalisation and Human Rights,” *Human Rights Law Review* 7, no. 3 (2007): 491, doi 10.1093/hrlr/ngm015.

<sup>20</sup> Andrew Canessa, “Conflict, Claim, and Contradiction in the New ‘Indigenous’ State of Bolivia,” *Critique of Anthropology* 34, no. 2 (2014): 164, doi: 10.1177/0308275X13519275.

<sup>21</sup> Radoslaw Powęska, “State-led Extractivism and the Frustration of Indigenous Self-Determined Development: Lessons from Bolivia,” *The International Journal of Human Rights* 21, no. 4 (2017): 446, doi: 10.1080/13642987.2017.1284446.

Radoslaw Powęska's<sup>22</sup> employment of Jessop's SRA in the Bolivian context— elaborates on that states' deployment of power structures. This approach will be instrumental in analyzing why it is that the Bolivian state disregards indigenous claims to natural resource control.

Manuela Lavinás Picq puts forth her theory on indigenous self-determination as a challenge to extractivism.<sup>23</sup> Lavinás Picq asserts, “[Indigenous] claims against extractivism are ultimately claims to the right of self-determination. Indigenous claims are shaping political practice, framing international legislation, and destabilizing assumptions about the state. They seek the redistribution of rights as much as the uprooting of the concentration of power in the state. In that sense, Indigenous claims to consultation challenge the authority of states over natural resources as much as the organization of world politics does around Westphalian principles of sovereignty.”<sup>24</sup> Lavinás Picq's framing of claims to consultation and self-determination in the neo-extractivist context is useful for this research in my application of natural resource development and indigenous contestation.

These frames are thus essential to my analysis on the current and imminent indigenous rights threats in Santa Cruz. As these frames exhibit, market forces and neo-extractivist control and resources upend and prioritize exploitation and rights limitations on indigenous rights over protections.

### *Selection and Methods*

My research will have the time horizon of 2006-2016 as its unit of analysis. I have selected this period because the election of Evo Morales and the MAS party in 2006 presented a unique political opportunity for indigenous social movement actors that helped propel the party to power. By framing my research

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<sup>22</sup> As noted in the literature scan below, Powęska's work elaborating Jessop's strategic-relational approach in the Bolivian context will be a crucial reference point when framing my work on the relationship between the state and society, particularly indigenous actors.

<sup>23</sup>Manuela Lavinás Picq, “Self-Determination as Anti-Extractivism: How Indigenous Resistance Challenges World Politics” excerpt online article from in *Restoring Indigenous Self-Determination: Theoretical and Practical Approaches*, ed. Mark Woons (Bristol: E-International Relations, 2014), <http://www.e-ir.info/2014/05/21/self-determination-as-anti-extractivism-how-indigenous-resistance-challenges-ir/>.

<sup>24</sup> Ibid.

from 2006 onwards, the analysis will focus on the state-social relationship and the socio-political space created by the election for indigenous movement actors.

With regard to the strategies employed, this research will analyze whether local groups rely on models that have worked in the past or whether their mobilization strategies have changed over time. Prior to the Morales' election, mobilization of indigenous groups—predominantly by mass marches—sought to elevate the indigenous demands of land and autonomy, targeting the central government.<sup>25</sup> However, given the electoral shift in 2006, the central government of Morales has purportedly been sympathetic to—and representative of—these indigenous demands as seen in the Constitution and public discourse of Morales in international fora. Therefore, my thesis seeks to analyze if the aims of mobilization are different given the shift in the state-social relationship; or, given the Morales administrations' evolution and prioritization of economic development, are the indigenous strategies changing to adapt to the relationship with the state, and foreseeable threats to indigenous rights in Santa Cruz with the burgeoning soy industry.

I have decided to focus my analysis on the soy industry in Santa Cruz, Bolivia. Current literature correlates the neo-extractivist model of the Bolivian state with its negligence for indigenous self-determination of natural resources,<sup>26</sup> yet its primary focus is the hydrocarbon sector. With the decline in oil prices and overall global commodity shifts and new accumulation of capital, there is a shift towards soy production.<sup>27</sup> Soy production accounts for the largest land use of Bolivia's cultivated land with 37%<sup>28</sup>

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<sup>25</sup> Gustafson, Bret Gustafson, "Manipulating Cartographies: Plurinationalism, Autonomy, and Indigenous Resurgence in Bolivia." *Anthropological Quarterly* 82, no. 4 (2009): 989, <http://www.jstor.org/stable/20638677.995>.

<sup>26</sup> Radoslaw Powęska, "State-led Extractivism and the Frustration of Indigenous Self-Determined Development: Lessons from Bolivia," *The International Journal of Human Rights* 21, no. 4 (2017): 442-463, doi: 10.1080/13642987.2017.1284446.

<sup>27</sup> Enrique Castañón Ballivián, "Empresas transnacionales agronegocio sojero," Fundación Tierra (La Paz: 2017): 19, <http://www.ftierra.org/index.php/publicacion/documentos-de-trabajo/169-empresas-transnacionales-en-el-agronegocio-sojero>.

<sup>28</sup> *Ibid.*, 12.

of total cultivatable land devoted to soy production in 2014 (the second most—wheat—only accounted for 6.6%).<sup>29</sup>

Santa Cruz is not only the home to 98% of large-scale soy production<sup>30</sup> and therefore the appropriate geographic focus, but it is also a ‘colonial holdout’. This region has retained much of its hierarchical landowning structure pre-MAS and is ardent in its entrenched colonial classism.<sup>31</sup> The current agrarian structure of the Santa Cruz soy industry is highly concentrated and oligarchic, and as a result has severe implications for small farmers, the environment, and indigenous peoples alike. What makes this ever-more precarious for indigenous rights is the trajectory of the industry and harbingers for increased violations of indigenous self-determination as well as consultation rights.

An ever-growing relationship between Santa Cruz and Morales administration since Morales’ second term (2009-2014) can be seen as a wearisome rapprochement that is based on the shared economic interests.<sup>32</sup> Santa Cruz elites are cognizant of their clout and control of some of the most fertile and resource-rich territory in Bolivia, flex economic muscle for political means. Soy is the third largest industry (behind mining and oil) in Bolivia. With the recent drop in oil prices, the Bolivian government’s primary revenue source, alternative renewable industries are necessary to diversify the economy.<sup>33</sup> This fact is not lost on the Santa Cruz elites, “The need for soy expansion, a renewable resource, is necessary for the vitality of Bolivia.”<sup>34</sup> The current economic ambitions and nationalist agenda of the Morales administration has set the stage for apt conditions to coalesce around these shared interests.

Bolivia’s emphasis on soy production presents a risk for further expansion into limited land and deforestation for soy cultivation in indigenous territories. In fact, not only do historic land-owning elites

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<sup>29</sup> Instituto Nacional de Estadística (INE), “Información Estadística,” (2011), <http://www.ine.gob.bo/index.php>.

<sup>30</sup> *Ibid.*, 14.

<sup>31</sup> *Ibid.*, 16

<sup>32</sup> Ministra de Autonomías. *Agenda Patriótica 2025*. La Paz (2013). <http://extwprlegs1.fao.org/docs/pdf/bol141864.pdf>.

<sup>33</sup> Interview conducted with soy association representative, July 2017.

<sup>34</sup> Interview conducted with soy associate representative, July 2017.

favor increased production, but the Bolivian state itself (otherwise many times at odds with these elites) is pushing production.<sup>35</sup> Therefore, research analyzing the soy complex in Bolivia and its impact on claims to land, resources, and ultimately livelihoods is essential.

This research uses mixed methods that includes both primary qualitative data collection and primary and secondary qualitative and quantitative data sourcing. Qualitative primary data was collected using semi-structured interviews with local civil society organizations (CSOs) and indigenous activists to analyze the power structures in place and how these local CSOs engage with these dynamics to claim their rights to autonomy and self-determined resource governance. The aim of the CSO interviews was to understand the real-time mobilization strategies and challenges. Qualitative semi-structured interviews were also conducted with a representative from a soy association to collect the converse perspective to understand the fuller context and dynamics at play. My interview conducted with the soy association aimed to understand the soy agribusiness goals in the region and whether these goals interplay or interact with social movement actors. Do they see themselves as adversarial in Santa Cruz indigenous claims to resource management? Do they see themselves as supportive? Neutral?

Qualitative primary data sources included international and national legal texts, legislation as well as policy documents outlining government strategy on policies. In addition to scholarly journals, qualitative secondary data collection included reports and publications by local CSOs and historians as well as local and international news sources. Quantitative secondary sources used include data on land titling by the Bolivian agrarian census.

#### *Current Research*

My thesis draws from the scholarly discipline of human rights and economic development. As such, I evaluated current literature that focused on the nexus of human rights, indigenous social movements, land rights, and agricultural development.

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<sup>35</sup> Ben McKay, “New Dynamics and Trajectories of Agrarian Change in Bolivia: Regimes of Dispossession and the Rise of Brazil,” (panel, FLASCO-ISA Joint International Conference, University of Buenos Aires, Buenos Aires, Argentina, 23-25 July 2014), 17.

There is an abundance of research on the global phenomenon of land grabs.<sup>36</sup> However, there is far less literature on land grabbing trends in Latin America, as the predominant focus of research is in sub-Saharan Africa or East Asia. Land grabs are an important corollary to my research as limited access and availability of cultivatable land is matched by growing demand for increased production. Therefore, this stark competition for land plays into existing resource power asymmetries and therefore must be explored when discussing resource control in Santa Cruz.

The leading researcher on the trend of land grabbing in Latin America is Saturnino M. Borras Jr. Borras argues that land grabs in Latin America are not only overlooked internationally due to narrowly-defined terms of land grabbing, but have unique regional characteristics. In sum, Borras' work on Latin American land grabs in relation to this research focuses on (but is not limited to): land-use change to support flex crops and mono-cropping, trans-regional and domestic investors, and state support vis-à-vis assertions of sovereignty to displaced populations.<sup>37</sup> Borras' research highlights the underestimation of transregional investment as well as the perpetual use of state force.

Miguel Altieri and Ben McKay also add additional literature, respectively, along the topic of export-led mono-cropping<sup>38</sup> and its harmful impacts on small-farmer livelihoods. Altieri, an ecological scholar and proponent of agro-ecological<sup>39</sup> approaches to agriculture, is weary of the export-dependent global farming system and mono-cropping practices. His scholarship asserts that the global agro-export scheme has

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<sup>36</sup> Borras Jr., Saturnino M., et al, "Land grabbing in Latin America and the Caribbean," *Journal of Peasant Studies* 39, nos. 3-4 (2012): 845-872, doi: 10.1080/03066150.2012.679931.

<sup>37</sup> Ibid, 847. Borras advocates that the FAO definition falls short in holistically assessing size, scale, and rapidity of acquisitions and its impact on the population.

<sup>38</sup> Mono-cropping is the cultivation of a single crop (as opposed to the diversification of crops, poly-cropping) in a given area.

<sup>39</sup> Miguel A. Altieri, et al. "Agroecologically Efficient Agricultural Systems for Smallholder Farmers: Contributions to Food Sovereignty." *Agronomy for Sustainable Development* 32, no.1 (2012): 4. 10.1007/s13593-011-0065-6. As Altieri defines it, agroecological approaches consist of diverse, polyculture small-scale farmer outputs that better utilize traditional methods that mitigate climate and environmental disasters.

coopted the anti-poverty and hunger eradication language of development, only to be effectively perpetrating hunger and dependence.<sup>40</sup>

Similarly, McKay highlights this mono-cropping trend in Santa Cruz and its impact on market-dependent smallholder's loss of land autonomy. He notes, "[a]s the expansion of soybean plantations has continued...traditional peasant farmers have been transitioning from their 'peasant way' of cultivating traditional to a capital intensive model of mechanized agriculture for export...This came at the cost of entering into such value-chain relations of debt and dependency and the loss of autonomy of their land."<sup>41</sup> He argues that the mono-cropping and flex cropping patterns of the globalized export-driven agriculture present in Santa Cruz's soy production constitutes unsustainable agricultural development that is harmful to local livelihoods.

Research by Ben McKay further provides empirical data on land concentration for soy production in Santa Cruz. McKay's research is integral for its contribution not only on land control in Santa Cruz, but he also provides insight into the power politics in the region and the influential role of land-owning elites and Brazilian investors. This is crucial for a stakeholder analysis and for understanding the contextual nuances and power asymmetries at play. McKay's illustration of the current practices of the *cruceño*<sup>42</sup> soy industry has striking links to Harvey's theory on new methods of dispossession. McKay asserts that new methods of dispossession in value chain control (accumulation by dispossession) drive a vicious cycle of dependency and loss of livelihood in Santa Cruz for small farmers.<sup>43</sup> While McKay does not adopt a

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<sup>40</sup> Miguel A. Altieri, et al. "Agroecologically Efficient Agricultural Systems for Smallholder Farmers: Contributions to Food Sovereignty." *Agronomy for Sustainable Development* 32, no.1 (2012): 7, 10.1007/s13593-011-0065-6.

<sup>41</sup> Ben McKay, "BRICS and MICs in Bolivia's 'Value'-Chain Agriculture," BRICs Initiative in Critical Agrarian Studies (2015): 8, <https://www.tni.org/en/publication/brics-and-mics-in-bolivias-value-chain-agriculture>.

<sup>42</sup> *Cruceño* is a descriptive term that indicates one who is from the Santa Cruz region.

<sup>43</sup> Ben McKay, "BRICS and MICs in Bolivia's 'Value'-Chain Agriculture," BRICs Initiative in Critical Agrarian Studies (2015): 9, <https://www.tni.org/en/publication/brics-and-mics-in-bolivias-value-chain-agriculture>. "The introduction of GM soybeans has opened up new market opportunities for agribusiness as [...] a new frontier of accumulation. Rather than land purchases, transnational capital can still appropriate value from industrial agriculture via agro-inputs, storage and processing facilities, credit and debt relations, and export markets...Short-term credit and growing contracts have bound farmers into [...] a cycle of indebtedness and control that has the potential to become an instrument of control, debt dependency and dispossession."



human rights frame to his research, his data and summary of power structures and interests in Santa Cruz are a key source of literature on the implications of the penetration of the soy industry in the region.

Of particular importance for my research is literature that focuses on the human rights dimensions to agricultural development. The canon of work of international institutions on the topic of human rights and agribusiness has steadily developed in the past decade given the rise in the global food regime the continued deepening of transnational capital ties to farmers in the developing world. The work of Special Rapporteur Olivier De Schutter is a foremost source in this regard. Throughout his tenure as Special Rapporteur, De Schutter produced several reports, briefs, and recommendations<sup>44</sup> on the role of the state and agri-business alike to respect human rights, and that investments be guided by the need to ensure the right to self-determination and development by the local.<sup>45</sup> My research explains that though enumerated by the Constitution, indigenous rights to self-determination and development in Bolivia are not ensured. Rather, the state's narrow definitions and weak implementation of these rights spell out further violations rather than realization.

The research of Radoslaw Powęska examines<sup>46</sup> the MAS platform of indigenous rights against the state's control over indigenous natural resources. He illustrates how the state's extractivist hydro-carbon model reinforces power asymmetries at the cost of indigenous populations, as this very extraction (as I will discuss later) violates the indigenous rights to self-determination and consultation. The Bolivian hydrocarbon extraction model is a redistributive model that redistributes surpluses from state hydrocarbon extraction to social programs, primarily the non-contributory universal pension program, *Renta*

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<sup>44</sup> U.N. Special Rapporteur on the Right to Food, Archive: "What is the role of agribusiness in the realization of the right to food", <http://www.srfood.org/en/agribusiness>.

<sup>45</sup> United Nations, Report of the Special Rapporteur on the right to food, Olivier De Schutter, *Large-scale land acquisitions and leases: A set of minimum principles and measures to address the human rights challenge*, A/HRC/13/33/Add.2 (28 December 2009): 3.

<sup>46</sup> Radoslaw Powęska, "State-led Extractivism and the Frustration of Indigenous Self-Determined Development: Lessons from Bolivia," *The International Journal of Human Rights* 21, no. 4 (2017): 442-463, doi: 10.1080/13642987.2017.1284446.

*Dignidad*.<sup>47</sup> Powęska's correlation between state-social relationships and extractivism is key. As long as the state-led hydrocarbon is redistributed universally, the natural resource claims of the indigenous will remain unheard or become secondary, as the sector's surplus is fueling the fund. The state's redistribution model, according to Powęska, therefore bolsters political support for resource extractivism and provides Morales with the electoral mandate to continue nationalist extractivism. The state-social relationship is therefore revised, yet does not replace the existing structure of inequality.

The work of Bret Gustafson is seminal research in his analysis of the rise of indigenous rights activism and social movements in Bolivia from the early 1990s to 2006.<sup>48</sup> He provides key background into the political opportunity structure of lowland indigenous activists as well as regional tensions prior to the MAS ascension to power. However, the time horizon of his research is prior to the electoral shift, and thus helpful for historical background rather than current analysis.

Therefore, gaps in scholarship lie in the nexus of the time horizon and sectoral research. There is scant literature<sup>49</sup> on post-2006 indigenous resistance to the MAS. Similarly, there is an abundance of research on the growing concentration of land for soy production in Santa Cruz<sup>50</sup>, yet little exploration of how indigenous rights actors are mobilizing against this development and associated threats. In the Bolivian context, research focuses more heavily in this regard on the hydro-carbon and mining sectors, yet I argue that soy/ production is growing at an alarming rate and thus literature is needed to address this gap.

#### *Human Rights Instruments: Overview*

The Bolivian state has a duty in upholding and effectively implementing human rights guaranteed in the relevant international human rights instruments. In regards to international law on indigenous rights,

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<sup>47</sup> Powęska doesn't elaborate in his text on the specifics of the social distribution, but rather notes the system at large's role in state-social relationship. See Niedzwecki and Anria for further description on *Renta Dignidad*.

<sup>48</sup> Bret Gustafson, "Manipulating Cartographies: Plurinationalism, Autonomy, and Indigenous Resurgence in Bolivia." *Anthropological Quarterly* 82, no. 4 (2009): 985-1016, <http://www.jstor.org/stable/20638677.995>.

<sup>49</sup> See Powęska and Lavinás Picq. Beyond Radoslaw Powęska and Manuela Lavinás Picq's scholarship on resistance, there is little literature on post-2006 indigenous response to MAS policy shifts and the unrealized right to indigenous autonomy.

<sup>50</sup> See Castañon and McKay.

Bolivia ratified Convention 169 of the International Labor Organization (ILO) in 1991<sup>51</sup> and voted in favor of the UN Declaration of the Rights of Indigenous Peoples (UNDRIP) in 2007.<sup>52</sup> Bolivia not only voted in favor of the adoption of the UNDRIP in 2007, but the same year converted it into the national law (National Act NR 3760).<sup>53</sup> At the adoption of a new Constitution in 2009, the Bolivian state took the espousal of international human rights even further, including specific enumerations to indigenous peoples, in particular the right to development, self-determination and territoriality.<sup>54</sup> Articles 30, 352, 403 of the new Bolivian constitution guarantee the right to free, prior and informed consultation on decisions that would affect the interest of indigenous peoples.<sup>55</sup> The Constitution guarantees consultation, but does not go as far as consent, a requirement in the UNDRIP.. Though Bolivia has signed and adopted international and national human rights instruments, the weak implementation of such enumerated rights illustrates the growing gap between rhetoric and reality for human rights.

## II. Power Asymmetries and Regimes

The contextual background of power asymmetries at play in Bolivia is necessary to understand and analyze how these dynamics impact the enjoyment and implementation of human rights. This section looks into two primary hubs of power: the state-social relationship of the central government under the Morales administration and the regional power dynamics between elites and business interests, indigenous groups, and non-indigenous *campesinos* in Santa Cruz.

### *State-social relationship: Policies, Practices, and Implications*

The Bolivian state's relationship to society, in particular to its majority<sup>56</sup> demographic of indigenous

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<sup>51</sup> United Nations, *United Nations Permanent Forum on Indigenous Issues – Mission report from Bolivia* (31 Aug 2009), 9.

<sup>52</sup> Ibid.

<sup>53</sup> Radoslaw Powęska, “State-led Extractivism and the Frustration of Indigenous Self-Determined Development: Lessons from Bolivia,” *The International Journal of Human Rights* 21, no. 4 (2017): 450, doi: 10.1080/13642987.2017.1284446.

<sup>54</sup> Constitution of the Plurinational State of Bolivia (2009), Art. 30.

<sup>55</sup> Ibid.

<sup>56</sup> United Nations, *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People*, Rodolfo Stavenhagen, UN GAOR, Hum. Rts. Council, 11th Sess., Agenda Item 3, at 5, 1 8, U.N. Doc A/HRC/11/11 (2009). 62% of Bolivians are indigenous.

groups, has transformed since the advent of the Morales administration in 2006. Morales and the MAS came to power promulgating a dual platform of neo-indigeneity and nationalism<sup>57</sup>, with each bolstering a specific electorate needed to sustain political hegemony. Since the TIPNIS event in 2011, however, there has been growing distance between the two platforms, and the economic models and nationalism-cum-extractivism can be seen as the dominant policy strategy.<sup>58</sup>

A pillar of Morales' trend towards increased economic development vis-à-vis the extractives industry is his usage of nationalistic sentiment<sup>59</sup> to defend his rationale and policies. Morales sees the demands of indigenous groups as a roadblock to what he views as the greater national interest, using extractivist development as the vehicle for his nationalistic discourse. He states, "[T]hey [indigenous groups] want the consultation to be binding. That's impossible; it's nonnegotiable... Letting a group of families tell us what to do would mean paralyzing all our work on electrification, hydrocarbons and industries."<sup>60</sup> This nationalist discourse pins national interest (economic development) against dissent and opposition (indigenous claims to consultation), and Morales sees his electoral dominance as an executive mandate, or *carte blanche*, to act on behalf of the "national interest."<sup>61</sup>

The central pillar of Morales' neo-extractivist resource nationalism is consistent with Harvey's "accumulation by dispossession" theory on neoliberalism. The support<sup>62</sup> of economic development vis-à-vis the extractives industry by Morales administration illustrates the prioritization of development at the expense of indigenous rights, namely the Constitutional right to free, prior and informed consultation.

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<sup>57</sup> Lorenza B Fontana, "Indigenous Peasant 'Otherness': Rural Identities and Political Processes in Bolivia," *Bulletin of Latin American Research* 33, No. 4 (2014): 445, doi:10.1111/blar.12207.

<sup>58</sup> *Ministra de Autonomías. Agenda Patriótica 2025*. La Paz (2013). <http://extwprlegs1.fao.org/docs/pdf/bol141864.pdf>.

<sup>59</sup> Evo Morales Ayma, *Discurso presidencial 639* (Ministerio de Comunicación, Estado Plurinacional de Bolivia): La Paz, 7 August 2015, <http://www.comunicacion.gob.bo/sites/default/files/media/discursos/Discurso%20Presidencial%2007-08-15.pdf>.

"Bolivia has positioned itself as an international reference... We have recovered our natural resources that will allow us to redistribute the revenues, benefiting all Bolivians."

<sup>60</sup> Evo Morales Ayma, *Los Tiempos* (13 Oct 2011).

<sup>61</sup> Nancy Postero, "Morales' MAS Government: Building Indigenous Popular Hegemony in Bolivia," *Latin American Perspectives* 37, no. 3 (2010): 26, <http://www.jstor.org/stable/25700514>.

<sup>62</sup> TIPNIS is a prime example. See Radoslaw Powęska.

### Consultation and Contestation

The Bolivian Constitution requires obligatory previous consultation for projects within their territory. Article 30.II.15, in particular, states, “The indigenous communities enjoy the right to be consulted by appropriate procedures, through its institutions, each time that legislative and administrative measures are likely to affect them. The right to previous obligatory consultation will be respected and guaranteed by the state, in good faith, with respect to the exploitation of non-renewable resources in areas that they live.”<sup>63</sup>

Contrary to this is Morales’ economic policy that advances the notion of extractives as exceptional and imperative for national interest. This can be seen in a multitude of supreme decrees (SDs). In 2010, Morales issued Supreme Decree 0676, which opened up previously protected natural areas for hydrocarbon exploitation.<sup>64</sup> In 2015, SD 2366 followed suit with additional extractive expansion into protected areas.<sup>65</sup> SD 2195 of 2014 set ceilings for the compensation payments of hydrocarbon projects that were made to inhabitants on collective lands.<sup>66</sup> SD 2298 revised the duration of prior consultation processes from 60 days to 45 days.<sup>67</sup>

Morales has been on-record defending his use of SDs for advancing extractivism through nationalist postures. “It is not possible that we lose so much time with the so-called consultations; this is a great weakness of our state, of our people. We are modifying some norms with the single objective of accelerating investment and obtaining more natural resources to benefit the Bolivian people.”<sup>68</sup> Again,

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<sup>63</sup> Luis Yañez Valdez, *Derechos Humanos y Proceso de Cambio: Análisis de la situación de los derechos humanos en Bolivia bajo el Gobierno de Evo Morales durante el periodo 2006-2016* (Santa Cruz de la Sierra: Gente de Blanco, 2016): 111-112 (author’s translation).

<sup>64</sup> Radoslaw Powęska, “State-led Extractivism and the Frustration of Indigenous Self-Determined Development: Lessons from Bolivia,” *The International Journal of Human Rights* 21, no. 4 (2017): 452, doi: 10.1080/13642987.2017.1284446.

<sup>65</sup> Ibid.

<sup>66</sup> “Decreto Supremo No. 2195 Evo Morales Ayma Presidente Constitucional de la Republica,” La Paz: Gaceta Oficial de Bolivia (2014). a

<sup>67</sup> Decreto Supremo No. 2298 Evo Morales Ayma Presidente Constitucional de la Republica,” La Paz: Gaceta Oficial de Bolivia (2015).

<sup>68</sup> Almut Schilling-Vacaflor, “Who Controls the Territory and Resources? Free, Prior, and Informed Consent (FPIC) as a Contested Human Rights Practice in Bolivia,” *Third World Quarterly* 38, no. 5 (2017): 1065, doi: [10.1080/01436597.2016.1238761](https://doi.org/10.1080/01436597.2016.1238761).

Morales postures that consultations are timely and stand in the way of economic development and Bolivian prosperity, further pinning the indigenous rights to consultation against nationalist sentiment. While consultation on development projects is recognized in the Constitution (Articles 30, 352, 403)<sup>69</sup>, the government has failed to adopt detailed regulations and implementation of consultative processes. Furthermore, the Constitution guarantees consultation, but does not go so far as consent. Article 30.15.III of the Bolivian Constitution is nearly verbatim to the UNDRIP Article 19 that requires states to “consult and cooperate in good faith with the indigenous people concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”<sup>70</sup> However, the Bolivian constitution leaves out the reference to ‘free, prior and informed consent’. This stark abstention of “free, prior and informed consent” (FPIC) from Article 30 was purposeful. The aim of the state, as seen in its actions and policies, is not full indigenous self-determination; but rather vestiges of participation that are reduced to a ‘rubber-stamping’ of development projects.<sup>71</sup> This leaves room for narrow interpretations and manipulations by the state. “The interpretation of which rights diverse groups possess determines who has the right to exercise political control over people and resources...and who can exploit them economically and profit from this exploitation.”<sup>72</sup>

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<sup>69</sup> Radosław Powęska, “State-led Extractivism and the Frustration of Indigenous Self-Determined Development: Lessons from Bolivia,” *The International Journal of Human Rights* 21, no. 4 (2017): 452, doi: 10.1080/13642987.2017.1284446.

<sup>70</sup> *Ibid*, 451.

<sup>71</sup> Manuela Lavinás Picq, “Self-Determination as Anti-Extractivism: How Indigenous Resistance Challenges World Politics” excerpt online article from in *Restoring Indigenous Self-Determination: Theoretical and Practical Approaches*, ed. Mark Woons (Bristol: E-International Relations, 2014), <http://www.e-ir.info/2014/05/21/self-determination-as-anti-extractivism-how-indigenous-resistance-challenges-ir/>. As Manuela Lavinás Picq states, “Claims against extractivism are ultimately claims to the right of self-determination. Today, the idea of “empty” lands survives in extractivist practices. International rights to self-determination may have replaced Papal Bulls, yet the political economy of looting natural resources on Indigenous lands continues, now in the name of development.”

<sup>72</sup> Almut Schilling-Vacaflor, “Who Controls the Territory and Resources? Free, Prior, and Informed Consent (FPIC) as a Contested Human Rights Practice in Bolivia,” *Third World Quarterly* 38, no. 5 (2017): 1058, doi:10.1080/01436597.2016.1238761.

The Guaraní case in the eastern lowlands is a prime example. The Guaranís have been active in the indigenous rights movement in Bolivia registering the incipient rights demands in the 1990s that set the plurinational revolution in motion. Moreover, in contemporary Bolivia, the Guaranís are leading activists in the opposition to gas projects, given the wealth of natural gas located in the Guaraní territories that stretch across the southeast Chaco region (across Chuquisaca, Santa Cruz, and Tarija) of Bolivia<sup>73</sup>.<sup>74</sup>

The state legally defines territoriality to include subsoil resources,<sup>75</sup> and stipulates itself as the exclusive owner of subsoil resources and the decisions on their use and administration in the Constitution.<sup>76</sup> The Guaraní, however, view land as holistic and including surface and land and subsoil territory.<sup>77</sup> Indigenous groups can only realize their right to consultation if they obtain legal recognition of territory.<sup>78</sup> However, it is the state itself that issues these formal titles, thus promulgating their power hierarchy as the sovereign.<sup>79</sup>

In the Guaraní case, not only do the Guaranís traditionally view territory more expansively than the legal definition, but they also have been blocked from land ownership by the formalization process itself. Since

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<sup>73</sup> Almut Schilling-Vacaflor, "Contestations over Indigenous Participation in Bolivia's Extractive Industry: Ideology, Practices, and Legal Norms," GIGA Working Paper No. 254 (2014): 8. <https://www.giga-hamburg.de/en/publication/contestations-over-indigenous-participation-in-bolivia%E2%80%99s-extractive-industry-ideology>. "It is estimated that approximately 85 percent of the country's gas reserves lie in Bolivia's Chaco area, and many hydrocarbon projects overlap with territories inhabited by the Guaraní."

<sup>74</sup> Almut Schilling-Vacaflor, "Who Controls the Territory and Resources? Free, Prior, and Informed Consent (FPIC) as a Contested Human Rights Practice in Bolivia," *Third World Quarterly* 38, no. 5 (2017): 1062, doi:10.1080/01436597.2016.1238761.

<sup>75</sup> Congreso Nacional de Bolivia, "Law No. 3058 - Hydrocarbons Law." (2005).

<sup>76</sup> Constitution of the Plurinational State of Bolivia (2009), Arts. 348-349.

<sup>77</sup> Almut Schilling-Vacaflor, "Contestations over Indigenous Participation in Bolivia's Extractive Industry: Ideology, Practices, and Legal Norms," GIGA Working Paper No. 254 (2014): 11. <https://www.giga-hamburg.de/en/publication/contestations-over-indigenous-participation-in-bolivia%E2%80%99s-extractive-industry-ideology>.

<sup>78</sup> Radoslaw Powęska, "State-led Extractivism and the Frustration of Indigenous Self-Determined Development: Lessons from Bolivia," *The International Journal of Human Rights* 21, no. 4 (2017): 453, doi: 10.1080/13642987.2017.1284446.

<sup>79</sup> Saturnino M. Borrás Jr., et al, "Land grabbing in Latin America and the Caribbean," *Journal of Peasant Studies* 39, nos. 3-4 (2012): 858. doi: 10.1080/03066150.2012.679931. This follows the framework put forth by Saturnino Borrás, who explains that formalized land titling can be a tool of the state to exert its sovereign dominance. He states, "The creation of cadastres, land records and titles are attempts at simplifying land-based social relations that are otherwise too complex for state administration... viewed as an essential building block for state-building processes where sovereignty and authority are extended to previously 'non-state spaces', the role in land deals is carried out to a large extent on behalf of the dominant classes of capital (foreign or domestic)."

the introduction of the legal recognition of indigenous communal lands of origin (TCOs) in 1996, only 32.8 percent of Guaraní claims have been formally registered as of 2010.<sup>80</sup> As Powęska states, “Despite the fact that legal frameworks regulating indigenous territorial recognition have existed... there are many cases when the processes cannot be concluded for decades, depriving the local populations of their rights.”<sup>81</sup>

Furthermore, the Ministry of Hydrocarbons and Energy (MHE) is charged with classifying territory.<sup>82</sup> Only “Category 1” projects are classified as projects that will have a considerable impact on indigenous territories protected areas; and it is only these MHE-classified Category 1 projects that require prior consultation.<sup>83</sup> Thus, projects planned in contested territory—based on contested Guaraní-state definitions of territory—do not undergo the process of consultation.<sup>84</sup> The state has an immense upper hand in the consultation process in that it hold the power to issue formalized territorial recognition required of an indigenous group to enter such a process. As seen in the Guaraní case, in instances where indigenous contestations about economic interests of the state’s development projects, the indigenous territorial recognition is brought into question. Thus, in the face of gas projects in the Chaco, the Guaranís are faced with a loss of participation and self-determination.

### Civil Society Suppression

Beyond the issue of consultation, prime instances of the evolving state-social relationship can be seen in the growing suppression of civil society and opposition in Bolivia by the Morales administration.

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<sup>80</sup> Almut Schilling-Vacaflor, “Who Controls the Territory and Resources? Free, Prior, and Informed Consent (FPIC) as a Contested Human Rights Practice in Bolivia,” *Third World Quarterly* 38, no. 5 (2017): 1062, doi:10.1080/01436597.2016.1238761.

<sup>81</sup> Radoslaw Powęska, “State-led Extractivism and the Frustration of Indigenous Self-Determined Development: Lessons from Bolivia,” *The International Journal of Human Rights* 21, no. 4 (2017): 453, doi: 10.1080/13642987.2017.1284446.

<sup>82</sup> Schilling-Vacaflor, 12 Almut Schilling-Vacaflor, “Contestations over Indigenous Participation in Bolivia’s Extractive Industry: Ideology, Practices, and Legal Norms,” GIGA Working Paper No. 254 (2014): 12. <https://www.giga-hamburg.de/en/publication/contestations-over-indigenous-participation-in-bolivia%E2%80%99s-extractive-industry-ideology>.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*



The “NGO law”, formally the Law on Legal Entities/Law 351 shows the state’s aim to minimize participation and opposition. Passed in 2013, this law stipulates that an organization’s permit to operate “can be revoked if it performs activities different from those listed in its statute, or if it violates the law and its regulatory decrees.”<sup>85</sup> The strenuous relationship between the administration and NGOs largely began following TIPNIS.<sup>86</sup>

The most common tactic of the Morales administration to hamper NGOs voices is the predominant use of threats, intimidation, and personal disqualifications.<sup>87</sup> This tactic is not reserved just for NGOs, but for any critic opposing the extractivist policies. The most notable case here is that of Ombudsman Villena. The Ombudsperson, or *defensoría del pueblo*, is a constitutionally-mandated<sup>88</sup> position charged with overseeing “the enforcement, promotion, dissemination of and compliance with human rights, both individual and collective, that are established in the Constitution, laws and international instruments.”<sup>89</sup>

The Morales government has undertaken a series of attacks that seek to defame the reputation and legitimacy of the MAS-appointed Ombudsman Villena.<sup>90</sup> Villena has been outspoken on the issue of indigenous rights and consultation. For instance, in 2015, Villena made a statement at the Second World Conference of Indigenous Communities on Climate Change chastising the extractivist practices of the government and the risk it poses to indigenous groups and the environment alike.<sup>91</sup> In response to these and other such actions and statements against the human rights record of the government, there has been

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<sup>85</sup> Congreso Nacional de Bolivia, "Law No. 351 –Law on Legal Entities"(2013).

<sup>86</sup> “Human Rights Defenders Portal,” *Business and Human Rights Resource Centre*, <https://www.business-humanrights.org/en/search-human-rights-defenders?countries%5B%5D=3524>.

<sup>87</sup> The Business and Human Rights Resource Centre comments that the “government threatens to expel all NGOs, accusing them of political activism and deeming them tools of multinationals. NGOs in Bolivia have been under harassment by government staff, including President Morales and Vice President García-Linera, allegedly because they oppose oil operations in seven national parks.” BHHRC Human Rights Defenders Portal

<sup>88</sup> Constitution of the Plurinational State of Bolivia (2009): Arts. 218-224.

<sup>89</sup> *Ibid.*, Art. 218.

<sup>90</sup> Luis Yañez Valdez, *Derechos Humanos y Proceso de Cambio: Análisis de la situación de los derechos humanos en Bolivia bajo el Gobierno de Evo Morales durante el periodo 2006-2016* (Santa Cruz de la Sierra: Gente de Blanco, 2016): 175.

<sup>91</sup> *Ibid.*, 157 (author’s translation). Ombudsman Villena stated, “To seek economic development at the cost of the invasion and colonization of the indigenous territories, of the environmental degradation, of the distortion of the indigenous right to be consulted about their forms of development...shouldn’t be considered to coincide with the democracy that we have decided to construct.”

significant backlash and strategy to discredit Villena. Minister Romero called him a ‘defender of criminals/delinquents’; Vice President García-Linera accused him of being a ‘hypocrite’ and a ‘politician camouflaged’ and furthermore signaled that the management of the office of the Ombudsman under Villena was the “worst that existed.”<sup>92</sup> On two occasions his home has been set fire while his wife was inside, without a sound investigation by the authorities into the matter.<sup>93</sup>

It is apparent that the central government’s policies and practices have created a space where resource nationalism is the true law of the land regardless of what is enshrined in the Constitution. Challenges to the state’s extractivist economic development policy are met by policy designed to create narrow definitions of space and rights. These policies contain significant caveats that constrain the efficacy and full realization of these rights.

#### *Regional Social Tensions: Cruceño Context*

The second nexus of power asymmetries is the regional power dynamics in the eastern lowland department of Santa Cruz.

Santa Cruz is historically home to entrenched colonial hierarchies of white (*karai*) and mestizo largescale land ownership.<sup>94</sup> The Santa Cruz elite have been ardently vocal—and violent—in their racist, anti-indigenous posture.<sup>95</sup> Santa Cruz’s inter-social power relations are far from simplistic reductions of Santa Cruz elites vs. Santa Cruz indigenous groups. Rather, contemporary tensions form a nexus of inter-indigenous and regional alliances that, though have existed prior to Morales, have been heightened by Morales’ Andean tilt in preferential policies.<sup>96</sup>

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<sup>92</sup> Ibid, 160.

<sup>93</sup> Ibid.

<sup>94</sup> Bret Gustafson, "Manipulating Cartographies: Plurinationalism, Autonomy, and Indigenous Resurgence in Bolivia." *Anthropological Quarterly* 82, no. 4 (2009): 985-1016, <http://www.jstor.org/stable/20638677.995>.

<sup>95</sup> Ibid, 1011.

<sup>96</sup> Andrew Canessa, “Conflict, Claim, and Contradiction in the New ‘Indigenous’ State of Bolivia,” *Critique of Anthropology* 34, no. 2 (2014): 159, doi: 10.1177/0308275X13519275.

Central to the understanding of how different social groups in Santa Cruz interact is the understanding of the regionalism and autonomy principles put forth by Santa Cruz elites. Once its own autonomous region prior to the unification of what is now modern Bolivia, Santa Cruz has always sought greater independence from La Paz.<sup>97</sup> However, since the indigenous movements of the 1990s, conservative elite reactions have developed a co-opted definition of autonomy that seeks to extend the elite-indigenous power hierarchy and drive a wedge between marginalized groups, thereby extending the hierarchical status quo.<sup>98</sup> This new “autonomy” seeks to re-inscribe regional difference and thereby fracture unity between the transregional indigenous movements.<sup>99</sup> To this effect, elites in Santa Cruz have co-opted autonomy as a power tool, drawing upon long-standing highland-lowland tensions.

Beginning in the 1960s under the policies of the U.S.-crafted Bohan Plan, or “March to the East,” a migration of Andean highland indigenous peoples (predominantly Aymara and Quechua peoples) were given land and incentives to farm the fertile eastern lowlands.<sup>100</sup> These highland migrants became known as *colonos*, or colonizers.<sup>101</sup> By 1980, 41% of the population in Santa Cruz was comprised of these highland “*colonos*.”<sup>102</sup> Elites seek to appeal to five indigenous groups “native” to the Santa Cruz region using the discourse of the “other” that pins native Santa Cruz indigenous groups against the “foreign” highland migrant population.<sup>103</sup> This tactic, according to Gustafson, “creates convenient enemies within the region: the Andean migrant or disloyal local indigenes who support the plurinationalist

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<sup>97</sup> Interview, CEJIS representative, July 2017.

<sup>98</sup> Bret Gustafson, “Manipulating Cartographies: Plurinationalism, Autonomy, and Indigenous Resurgence in Bolivia.” *Anthropological Quarterly* 82, no. 4 (2009): 994, <http://www.jstor.org/stable/20638677.995>.

<sup>99</sup> *Ibid.*

<sup>100</sup> Ben McKay, “BRICS and MICs in Bolivia’s ‘Value’-Chain Agriculture,” *BRICs Initiative in Critical Agrarian Studies* (2015): 5, <https://www.tni.org/en/publication/brics-and-mics-in-bolivias-value-chain-agriculture>.

<sup>101</sup> Esther Lopez Pila, “‘We don’t lie and cheat like the Collas do.’ Highland–lowland regionalist tensions and indigenous identity politics in Amazonian Bolivia,” *Critique of Anthropology* 34, no. 4 (2014): 436, doi: 10.1177/0308275X14543393.

<sup>102</sup> Ben McKay, “BRICS and MICs in Bolivia’s ‘Value’-Chain Agriculture,” *BRICs Initiative in Critical Agrarian Studies* (2015): 5, <https://www.tni.org/en/publication/brics-and-mics-in-bolivias-value-chain-agriculture>.

<sup>103</sup> Esther Lopez Pila, “‘We don’t lie and cheat like the Collas do.’ Highland–lowland regionalist tensions and indigenous identity politics in Amazonian Bolivia,” *Critique of Anthropology* 34, no. 4 (2014): 430, doi: 10.1177/0308275X14543393.

agenda...Rightwing autonomists speak of Quechua and Aymara migrants in eastern Bolivia as "ethnic cysts" and "hostile ethnics."<sup>104</sup>

Though eastern lowland indigenous groups allied with highlanders in social movements of the 1990s and early 2000s with the aim of casting off their entrenched hierarchies of *cruceño karai* elites, the evolution of Morales' agenda has disillusioned many lowland indigenous groups. The MAS' strong Andean symbolism and highland roots are discordant with the indigenous demands of the east. This divergence between the highlands and the eastern lowland indigenous synergy is exemplified with TIPNIS, wherein lowland indigenous protests to extractivist projects put forth by the Morales administration were suppressed violently by highland supporters of Morales.<sup>105</sup>

Morales' redistributive rhetoric<sup>106</sup> is seen by elites in Santa Cruz as a threat to their economic livelihood and existing power structure.<sup>107</sup> This ambivalent sentiment is matched by growing disillusion seen by lowland indigenous groups. Herein the elites have capitalized on the growing discord as an opportunity to further rift inter-indigenous tensions and reinforce power structures via autonomy rhetoric.<sup>108</sup>

This co-optation has been successful in stoking regionalism and highland-lowland indigenous tensions.

For instance, in interviews conducted with indigenous rights activists in Santa Cruz, the term

“indigenous” and the respective rights therein were strictly reserved for indigenous population native to

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<sup>104</sup> <sup>104</sup> Bret Gustafson, "Manipulating Cartographies: Plurinationalism, Autonomy, and Indigenous Resurgence in Bolivia." *Anthropological Quarterly* 82, no. 4 (2009): 1008, <http://www.jstor.org/stable/20638677.995>.

<sup>105</sup> Carla Alberti, "Consolidating Power in Multiethnic Societies: The MAS and the ambivalence of collective mobilization in Bolivia," *Society for International Development* 58, no. 1 (2015): 69. doi: 1011-6370/15.

<sup>106</sup> U.N. General Assembly, 69th Session. 7th Plenary Meeting. 24 Sept 2014 (A/69/PV.7) Official Record. In his U.N. General Assembly address, President Morales states: "We must resolve...poverty, absence of opportunities, cultural, political and social exclusion, discrimination, inequality, usurpation and territorial ruthlessness of capitalism and the dictatorship of the interests of transnational corporations."

<sup>107</sup> Esther Lopez Pila, "'We don't lie and cheat like the Collas do.' Highland-lowland regionalist tensions and indigenous identity politics in Amazonian Bolivia," *Critique of Anthropology* 34, no. 4 (2014): 436, doi: 10.1177/0308275X14543393.

<sup>108</sup> Nancy Postero, "Morales' MAS Government: Building Indigenous Popular Hegemony in Bolivia," *Latin American Perspectives* 37, no. 3 (2010): 29, <http://www.jstor.org/stable/25700514>. "These elite leaders have articulated their interests through a political movement demanding regional autonomy, mining long term popular regional resentments against La Paz and racist fears. Civic leaders mobilize large sectors of the lowland populations with a virulently racist counter-discourse, turning a blind eye to violent popular actions, especially by youth gangs in Santa Cruz that terrorize Andean migrants to the area."

Santa Cruz. Aymara or Quechua peoples living in the east are seen “native” *cruceño* mestizo and indigenous alike as *campesinos* not *indígenas*.<sup>109</sup> Though eastern indigenous groups remain cast out of Morales’ agenda, they also have fallen susceptible to elite manipulation of highland-lowland tensions. Eastern lowland groups are being quelled by predominant power structures both by the MAS and Morales’ policies and by the reinforcing of traditional power structures in Santa Cruz vis-à-vis autonomy. Both tactics of the prevailing powers –the MAS and Santa Cruz elites—is to schism and divide opposition, effectively hindering viable mobilization attempts.

### III. Soy in Santa Cruz

The previous sections have illuminated the evolving state-social, elite-indigenous, and inter-indigenous dynamics both regionally and nationally. With this essential framing, my research will now pivot to the soy sector in Santa Cruz. The nature of the agro-industry in Santa Cruz signals a furthering of marginalization, power asymmetries, and rights violations. A dangerous growing precedent of impunity and disregard for constitutionally-ascribed protections is already under way in Bolivia.

#### *Industry Backdrop*

Soy production in Santa Cruz did not come to the fore until the end of the 20th century. The first “boom” in soy production was from 1993-1997. This boom stemmed from the 1990 World Bank “Western Lowlands” project, strongly supported the soy production sector through the development of communications infrastructure, storage, and plant oil industry.<sup>110</sup> As McKay notes, “Brazilians and Argentineans took advantage of extremely low land prices. Trade liberalization, financial deregulation and the World Bank’s USD \$56.4 million ‘Eastern Lowlands Project’ facilitated this large-scale land expansion for export-oriented industrial agriculture.”<sup>111</sup> Neoliberal in nature, this project—through its

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<sup>109</sup> Interview, NGO representative, July 2017.

<sup>110</sup> Levieil, H el ene, et al, *Agricultura familiar y agrobusiness en el oriente boliviano* (Santa Cruz de la Sierra: IRD, 2012), 149 (author’s translation).

<sup>111</sup> Ben McKay, “BRICS and MICs in Bolivia’s ‘Value’-Chain Agriculture,” *BRICs Initiative in Critical Agrarian Studies* (2015): 6, <https://www.tni.org/en/publication/brics-and-mics-in-bolivias-value-chain-agriculture>.

support for market liberalization, infrastructure, and credit access—still favored the large-scale properties that were owned by the concentrated elites and capitalists.<sup>112</sup>

The introduction of motorized equipment during this boom transformed the production system in Santa Cruz.<sup>113</sup> Greater access to mechanized equipment for soy production led to the curtailing of the previous labor-intensive native crops, such as peanuts and rice.<sup>114</sup> The 1990s saw a growing abandonment of native, diversified crops, in favor of the mono-cropping of the commercial soy crop, primarily for export. In fact, from 1990-1996, agricultural exports from Santa Cruz increased by 400%.<sup>115</sup>

Santa Cruz' second soy boom that began in 2003 was attributed to the global price of soy and the relatively stable year-to-year price that motivated farmers in Santa Cruz to dedicate themselves—and almost all their land—to soy production.<sup>116</sup>

Bolivia's soy explosion has transformed Bolivia's agriculture sector. In 1972, only 800 ha of soy were harvested in Santa Cruz;<sup>117</sup> and by 1991, 200,000 ha of cultivated land were devoted to soy.<sup>118</sup> This pace has only increased with Bolivia's entry into the global soy market. Between 1991 and 2013, this cultivated land for soy increased by 500%, or 1,237,000 ha in absolute terms.<sup>119</sup>

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<sup>112</sup> Enrique Castañón Ballivián, "Empresas transnacionales agronegocio sojero," Fundación Tierra (La Paz: 2017): 19, <http://www.ftierra.org/index.php/publicacion/documentos-de-trabajo/169-empresas-transnacionales-en-el-agronegocio-sojero>.

<sup>113</sup> Levieil, Hélène, et al, *Agricultura familiar y agrobusiness en el oriente boliviano* (Santa Cruz de la Sierra: IRD, 2012), 150 (author's translation). "During the first boom, the development of mechanization increased the availability of agricultural machines for small-farmers that didn't have sufficient capital to purchase their own machines let alone cultivate vast land."

<sup>114</sup> *Ibid*, 141. (author's translation)

<sup>115</sup> Ben McKay, "BRICS and MICs in Bolivia's 'Value'-Chain Agriculture," *BRICs Initiative in Critical Agrarian Studies* (2015): 5, <https://www.tni.org/en/publication/brics-and-mics-in-bolivas-value-chain-agriculture>.

<sup>116</sup> Levieil, Hélène, et al, *Agricultura familiar y agrobusiness en el oriente boliviano* (Santa Cruz de la Sierra: IRD, 2012), 156 (author's translation).

<sup>117</sup> *Ibid*, 149 (author's translation).

<sup>118</sup> Enrique Castañón Ballivián, "Empresas transnacionales agronegocio sojero," Fundación Tierra (La Paz: 2017): 20, <http://www.ftierra.org/index.php/publicacion/documentos-de-trabajo/169-empresas-transnacionales-en-el-agronegocio-sojero>.

<sup>119</sup> *Ibid* (author's translation).

### *Industry composition*

Cultivated land area for soy has dramatically grown over the past two decades. At present, 37%<sup>120</sup> of cultivatable Bolivian land is used for soy production, making it the largest crop in the country.<sup>121</sup> Of this, 98% of cultivatable land for soy is located in Santa Cruz.<sup>122</sup> The orientation of this crop is primarily for export: only 25% of Bolivian soy is for domestic consumption, with the majority of exports sent to the Andean Confederation of Nations, Colombia in particular.<sup>123</sup>

The primary actors in Bolivian agriculture in general can be divided up into three groups: 1) large-scale, agro-industrial producers (export-oriented); 2) small-scale peasant production; 3) communal indigenous landholdings.<sup>124</sup> However, the indigenous communal lands rarely partake in the commercial soy production.<sup>125</sup>

It should be noted that the term “peasant” is convoluted across data sets on land holdings and agricultural production in Santa Cruz. The classifications of producers are divided by land ownership types (small, medium, large), not ethnicity. A small-scale peasant producer can also be ethnically indigenous. Research conducted by Webber refers to the small scale sector in Santa Cruz as the “indigenous-peasant” sector.<sup>126</sup> Yet Webber does not go into further detail about the make-up of this constituency. Other classifications only define indigenous groups as those occupying formalized TCOs.<sup>127</sup> Therefore, prevailing problems

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<sup>120</sup> Ibid, 12 (author’s translation)

<sup>121</sup> Leandro Vergara-Camus and Cristóbal Kay, “The agrarian political economy of left-wing governments in Latin America: Agribusiness, peasants, and the limits of neo-developmentalism,” *Journal of Agrarian Change* 17 (2017): 420, doi: 10.1111/joac.12215.

<sup>122</sup> Ben McKay, “New Dynamics and Trajectories of Agrarian Change in Bolivia: Regimes of Dispossession and the Rise of Brazil,” (panel, FLASCO-ISA Joint International Conference, University of Buenos Aires, Buenos Aires, Argentina, 23-25 July 2014), 17.

<sup>123</sup> Levieil, Hélène, et al, *Agricultura familiar y agrobusiness en el oriente boliviano* (Santa Cruz de la Sierra: IRD, 2012), 165.

<sup>124</sup> Jeffrey R. Webber, “Evo Morales, transformismo, and the consolidation of agrarian capitalism in Bolivia,” *Journal of Agrarian Change* 17 (2017): 331, doi: 10.1111/joac.12209.

<sup>125</sup> Interview with soy association representative, July 2017.

<sup>126</sup> Jeffrey R. Webber, “Evo Morales, transformismo, and the consolidation of agrarian capitalism in Bolivia,” *Journal of Agrarian Change* 17 (2017): 341, doi: 10.1111/joac.12209.

<sup>127</sup> Ben McKay and Gonzalo Colque, “Bolivia’s soy complex: the development of ‘productive exclusion’,” *Journal of Peasant Studies* 43, no. 2 (2016): 602, doi:10.1080/03066150.2015.1053875.

exist in the data collection that does not incorporate the Bolivian plurinational context, making it difficult to comprehensively determine the indigenous participation in the soy value chain.

The *cruceño* soy industry is predominantly comprised of small scale farmers. According ANAPO, the soy producers association, 78% of total soy producers in Santa Cruz are small scale farmers. Yet this majority only controls a scant 9% of cultivated land.<sup>128</sup>

The concentration of wealth in Santa Cruz is a preeminent concern. Export-oriented farming has been in the hands of the elites and capitalist entrepreneurs, and redistribution attempts—such as the 1996 Land Law—have failed<sup>129</sup> in Santa Cruz largely due to political resistance and economic clout of the elites.<sup>130</sup> Furthermore, of the lands transferred to TCO status, 72.8% were transfers from state-owned property to TCO, rather than expropriation.<sup>131</sup>

A key component to the power dynamics of the soy industry in Santa Cruz is its transnational character, most notably through the investments of Brazilian companies. Brazilians' controlled 40.3% of the total soy plantation area in Bolivia during the 2006-2007 soy campaign.<sup>132</sup> Comparatively, in 1994-1995 campaign, this figure was 19.6%.<sup>133</sup> It is estimated that Brazilian capital controls 1.2 million of Bolivia's 2.86 million ha of cultivated land available, though data estimates are incomplete and the figure could in fact be higher.<sup>134</sup>

Control of soy production, and its exportation, is highly concentrated and exclusive. Six companies control 95% of the production of soy for export: Gavental Bolivia, Industria de Aceites, Archer Daniel

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<sup>128</sup> Ibid.

<sup>129</sup> Ibid, 596. From 1996-2004, only 10% of land titles under the Land Law were processed in Santa Cruz. McKay 596

<sup>130</sup> Ibid.

<sup>131</sup> Jeffrey R. Webber, "Evo Morales, transformismo, and the consolidation of agrarian capitalism in Bolivia," *Journal of Agrarian Change* 17 (2017): 328, doi: 10.1111/joac.12209.

<sup>132</sup> Ben McKay, "BRICS and MICs in Bolivia's 'Value'-Chain Agriculture," *BRICs Initiative in Critical Agrarian Studies* (2015): 3, <https://www.tni.org/en/publication/brics-and-mics-in-bolivia-s-value-chain-agriculture>.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid, 4.



Midland SAO, Industrias Oleaginosas, Cargill Bolivia, and Bunge.<sup>135</sup> As McKay and Colque describe, “Transnational investors operating through these companies have captured vast shares of Bolivia’s storage, processing, and export markets.”<sup>136</sup>

*Implications:*

Implications for Small-holders

Although Morales’ agenda and discourse in international fora has espoused the objective of dismantling the colonial hierarchies and power structures,<sup>137</sup> Bolivia’s agrarian transformation vis-à-vis Santa Cruz’s soy production has had converse implications on the livelihoods of the vulnerable. Rather than casting off colonial power structures, the asymmetries of power have taken on different forms of dispossession. As Ben McKay and Gonzalo Colque assert, “Current state policies have actually reproduced dependency relationships with agro-industrial capital, thereby not providing any alternative pathways for small farmers or peasants through neo-collectivist agrarian development.”<sup>138</sup>

Santa Cruz soy industry’s oligarchical control constrains small farmers into little options. There is little viable agricultural alternative outside the soy production chain , as soy’s “market prices and demand from large multinational controlling storage, processing and distribution entices even capital-poor family farmers with less than 50 ha of land and no access to machinery to enter the ‘soy complex.’”<sup>139</sup> The viable inputs and marketing needed to sustain a small farm is intrinsically tied to and monopolized by the soy industry. By joining soy’s value chain, the subsequent result is often indebtedness (purchasing or renting

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<sup>135</sup> Ben McKay and Gonzalo Colque, “Bolivia’s soy complex: the development of ‘productive exclusion,’” *Journal of Peasant Studies* 43, no. 2 (2016): 598, doi:10.1080/03066150.2015.1053875.

<sup>136</sup> Ibid.

<sup>137</sup> U.N. General Assembly, 69th Session. 7th Plenary Meeting. 24 Sept 2014 (A/69/PV.7) Official Record. For instance, Morales’ 2015 address to the UN General Assembly notes, “We should denounce the imperialist war waged by the world powers who arrogantly destroy the ideals of liberty. These world powers manipulate the will and emotions of citizens, lie and cheat with impunity, and to promote wars to control strategic resources that will benefit transnational corporations.”

<sup>138</sup> Ben McKay and Gonzalo Colque, “Bolivia’s soy complex: the development of ‘productive exclusion,’” *Journal of Peasant Studies* 43, no. 2 (2016): 588, doi:10.1080/03066150.2015.1053875.

<sup>139</sup> Ibid, 602.

machinery and other inputs) and little mobility within the sector given its high concentration of ownership.<sup>140</sup> This creates a cycle of dependency and exploitative power relationship between the small scale farmer and production chain.<sup>141</sup>

A key implication on the smallholder is the loss of autonomy over land. Rather than land-grabbing in the physical sense, what is occurring in Santa Cruz are new forms of dispossession: Most small-scale farmers rent their land and enter into a “contract farming” relationship.”<sup>142</sup> According to the UN Food and Agriculture Organization (FAO) and the UN Special Rapporteur for the Right to Food, contract farming is “an agreement between farmers and processing and/or marketing firms for the production and supply of agricultural products under forward agreements, frequently at predetermined prices.”<sup>143</sup> When a smallholder enters into these supply contracts, they enter this transnational soy complex, dependent on agro-industrial inputs (seeds, chemicals) and the credit needed to purchase these inputs.<sup>144</sup>

In Santa Cruz, the safety measures to ensure a mutually-beneficial contract relationship are often ignored. Companies often reset prices when grains reach the storage facility to a price that was less than the proposed price at harvest. The smallholder is then often stuck in an unfair price setting scenario: should he/she renegotiate, the cost of re-transport and withdrawal from the silo is greater than renegotiated lower price.<sup>145</sup>

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<sup>140</sup> Ben McKay, “BRICS and MICs in Bolivia’s ‘Value’-Chain Agriculture,” BRICs Initiative in Critical Agrarian Studies (2015): 8, <https://www.tni.org/en/publication/brics-and-mics-in-bolivias-value-chain-agriculture>.

<sup>141</sup> Enrique Castañón Ballivián, “Empresas transnacionales agronegocio sojero,” Fundación Tierra (La Paz: 2017): 41, <http://www.ftierra.org/index.php/publicacion/documentos-de-trabajo/169-empresas-transnacionales-en-el-agronegocio-sojero>.

<sup>142</sup> Ben McKay, “BRICS and MICs in Bolivia’s ‘Value’-Chain Agriculture,” BRICs Initiative in Critical Agrarian Studies (2015): 8, <https://www.tni.org/en/publication/brics-and-mics-in-bolivias-value-chain-agriculture>.

<sup>143</sup> United Nations, Report of the Special Rapporteur on the Right to Food, Olivier De Schutter, *Towards More Equitable Value Chains: Alternative Business Models in Support of the Right to Food*, A/66/262 (2011): 4.

<sup>144</sup> Ben McKay, “BRICS and MICs in Bolivia’s ‘Value’-Chain Agriculture,” BRICs Initiative in Critical Agrarian Studies (2015): 9, <https://www.tni.org/en/publication/brics-and-mics-in-bolivias-value-chain-agriculture>.

<sup>145</sup> Enrique Castañón Ballivián, “Empresas transnacionales agronegocio sojero,” Fundación Tierra (La Paz: 2017): 22, <http://www.ftierra.org/index.php/publicacion/documentos-de-trabajo/169-empresas-transnacionales-en-el-agronegocio-sojero>.

What is especially precarious in the Santa Cruz case is that the entire soy cycle (inputs *and* exports) is controlled by this transnational capital. Transnational capital has a monopolistic control both on inputs<sup>146</sup>—such as seeds, agro-chemicals, silos—and the export market. For instance, of the approximately 9,400 tons of milled soy processed per day, 67% is controlled by transnational capital.<sup>147</sup>

These large transnational companies operate in ubiquity, and coordinate with each other at different links of the production process, opting many times to operate through intermediaries or subsidiaries.<sup>148</sup> Thus, this well-orchestrated soy oligarchy can block alternatives outside their own, limiting the choices of small-scale farmers.<sup>149</sup> There is an oligarchy over the entirety of the soybean market by only six companies that are able to set their desired prices.<sup>150</sup> Without having to own the land, transnational capital has, in essence, been able to exercise access and control over smallholder land.

#### Right to Food and Santa Cruz's Agribusiness

To realize the right to food, Special Rapporteur Olivier De Schutter emphasizes the need for sustainable food systems based on the principle of diversification.<sup>151</sup> In the case of Bolivia, the agrarian systems of Santa Cruz have significantly shifted in the past three decades. As indicated above, 37% of cultivatable land is dominated by soy, which is primarily mono-cropped for export, leaving little crop diversity that De Schutter discussed.<sup>152</sup>

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<sup>146</sup> Ben McKay, "BRICS and MICs in Bolivia's 'Value'-Chain Agriculture," BRICs Initiative in Critical Agrarian Studies (2015): 9, <https://www.tni.org/en/publication/brics-and-mics-in-bolivias-value-chain-agriculture>.

<sup>147</sup> Enrique Castañón Ballivián, "Empresas transnacionales agronegocio sojero," Fundación Tierra (La Paz: 2017): 28, <http://www.ftierra.org/index.php/publicacion/documentos-de-trabajo/169-empresas-transnacionales-en-el-agronegocio-sojero> (author's translation).

<sup>148</sup> *Ibid.*, 59.

<sup>149</sup> *Ibid.*, 41.

<sup>150</sup> Ben McKay, "BRICS and MICs in Bolivia's 'Value'-Chain Agriculture," BRICs Initiative in Critical Agrarian Studies (2015): 9, <https://www.tni.org/en/publication/brics-and-mics-in-bolivias-value-chain-agriculture>.

<sup>151</sup> United Nations, Report of the Special Rapporteur on the Right to Food, Olivier De Schutter, *Final report: the transformative potential of the right to food*, A/HRC/25/57 (24 January 2014): 12.

<sup>152</sup> Enrique Castañón Ballivián, "Empresas transnacionales agronegocio sojero," Fundación Tierra (La Paz: 2017): 12, <http://www.ftierra.org/index.php/publicacion/documentos-de-trabajo/169-empresas-transnacionales-en-el-agronegocio-sojero> (author's translation).

The current power asymmetries in contract farming typical of Santa Cruz's agrarian structure is typified by De Schutter as having severe implications for "the welfare of producers and consumers."<sup>153</sup> De Schutter elaborates, "[t]he resulting market structure gives buyers considerable bargaining strength over their suppliers... Concentration in buying markets is particularly worrying, and even more so than concentration in selling markets, because dominance in buying markets can be achieved with a relatively small market share."<sup>154</sup> In Santa Cruz's soy ecosystem, what is particularly worrisome is the extensive concentration of ownership of both buying *and* selling markets by same group of transnational capital owners that actively ensure that competition and control remains in select hands.

The right to food is threatened because this agrarian structure negatively impacts the livelihoods of small-scale farmers, limiting their economic choices, and creating a cycle of debt and dependency.<sup>155</sup> De Schutter analyzes this structural dimension of agribusiness through the lens of the right to food and asserts that the entrapment of small-scale farmers in debt as well as power asymmetries in contract farming and price-setting inhibit the enjoyment of the right to food.<sup>156</sup> What is critical to note in this discussion is the terminology used by international institutions in their definition of land-grabs that do not aptly incorporate this new iteration of dispossession. The UN Special Rapporteur on the Right to Food has identified land—and access its productive resources—as an essential condition for realizing the right to food.<sup>157</sup> Yet, the framing of land grabs and their resulting harms to the right to food continues to be through the narrow lens of dispossession in the physical sense: largescale land acquisitions.<sup>158</sup> In the case

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<sup>153</sup> United Nations, Report of the Special Rapporteur on the Right to Food, Olivier De Schutter, *Large-scale land acquisitions and leases: A set of minimum principles and measures to address the human rights challenge*, A/HRC/13/33/Add.2 (28 December 2009): 5.

<sup>154</sup> *Ibid.*

<sup>155</sup> Ben McKay, "BRICS and MICs in Bolivia's 'Value'-Chain Agriculture," *BRICs Initiative in Critical Agrarian Studies* (2015): 9, <https://www.tni.org/en/publication/brics-and-mics-in-bolivias-value-chain-agriculture>.

<sup>156</sup> United Nations, Briefing Note of the Special Rapporteur on the Right to Food, Olivier De Schutter, *Addressing Concentration in Food Supply Chains The Role of Competition Law in Tackling the Abuse of Buyer Power*, Briefing Note 03 (December 2010): 6. De Schutter notes, "[L]ower incomes for these producers... may have an impact on their ability to invest for the future and climb up the value chain, and it may lead them to lower wages that they pay the workers that they employ. There is thus a direct link between the ability of competition regimes to address abuses of buyer power in supply chains, and the enjoyment of the right to adequate food.

<sup>157</sup> *Ibid.*

<sup>158</sup> *Ibid.*

of Bolivia, the dispossession and loss of autonomy of small scale soy farmers has evolved and widespread displacement is not common in Santa Cruz.<sup>159</sup> Rather, the new dynamics of dispossession that follow the framework put forth by Saturnino Borrás are akin to limited autonomy over resources based on the global capital market the framework.<sup>160</sup> Borrás asserts that modern dispossession by agribusiness is more often less in the physical sense of “land grabs.”<sup>161</sup> Rather, dispossession in Santa Cruz is typified by the limitation of economic choices and subsequent supply chain entrapment. While land is certainly an important factor, the larger components of the ‘soy complex’ are indicative of the changing agrarian dynamics and processes of control. Those who control the storage, processing, distribution and export have much more influence over the soy industry than landowners themselves.

### Environmental Implications

In addition to the implications of the concentrated *cruceño* soy industry on those in the value chain, the other central implication of Santa Cruz’s soy complex is the environmental degradation.

Bolivia enumerates rights of Mother Nature in its Constitution, yet is also a country with some of the highest rates of deforestation<sup>162</sup> and carbon dioxide emissions<sup>163</sup>. Deforestation has claimed 0.5 percent of forests every year over the last decade, showing “little respect for previous land use, protected areas or indigenous territories.”<sup>164</sup> 865,000 acres of land have been deforested annually for agriculture since 2011,

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<sup>159</sup> Enrique Castañón Ballivián, “Empresas transnacionales agronegocio sojero,” Fundación Tierra (La Paz: 2017): 41, <http://www.ftierra.org/index.php/publicacion/documentos-de-trabajo/169-empresas-transnacionales-en-el-agronegocio-sojero> (author’s translation).

<sup>160</sup> See Current Literature section, above.

<sup>161</sup> Borrás Jr., Saturnino M., et al, “Land grabbing in Latin America and the Caribbean,” *Journal of Peasant Studies* 39, nos. 3-4 (2012): 845-872, doi: 10.1080/03066150.2012.679931.

<sup>162</sup> de Waroux, Yann le Plain, et al, “Land-use Policies and Corporate Investments in Agriculture in the Gran Chaco and Chiquitano,” *Proceedings of the National Academy of Sciences* 113, no. 15 (2016), 4032, doi: 10.1073/pnas.1602646113.

<sup>163</sup> Hiroko Tabuchi, Clare Rigby and Jeremy White. “Amazon Deforestation, Once Tamed, Comes Roaring Back,” *New York Times*, Feb 24, 2017, [https://www.nytimes.com/2017/02/24/business/energy-environment/deforestation-brazil-bolivia-south-america.html?mcubz=1&\\_r=0](https://www.nytimes.com/2017/02/24/business/energy-environment/deforestation-brazil-bolivia-south-america.html?mcubz=1&_r=0). “Bolivia’s greenhouse gas emissions levels per capita exceed that of many European countries, despite having a far lower per capita income. Deforestation is responsible for more than 80 percent of Bolivia’s total carbon dioxide emissions.”

<sup>164</sup> “Soy and Deforestation: The Chiquitano,” World Wildlife Fund, [http://wwf.panda.org/what\\_we\\_do/footprint/agriculture/soy/soyreport/soy\\_and\\_deforestation/the\\_chiquitano/](http://wwf.panda.org/what_we_do/footprint/agriculture/soy/soyreport/soy_and_deforestation/the_chiquitano/).

an area nearly the equivalent of Rhode Island in size.<sup>165</sup> According to the Bolivia Documentation and Information Center, this figure is compared to the 366,000 acres that were deforested in 1990.<sup>166</sup> Moreover, as part of its Patriotic Agenda 2025 (see below), Bolivia anticipates that it will clear approximately 14 million more acres to convert into farmland.<sup>167</sup>

The rampant deforestation in Santa Cruz is predominantly driven by the soy industry's exploitation of weak environmental protections.<sup>168</sup> De Waroux conducted a study that looks into business decisions of companies on investment in Bolivia based on deforestation regulations and enforcements. The study found that the "availability of cheap forestland and lower deforestation regulations attract investments by companies that tend to clear more forest, mostly, and that lower enforcement attracts all companies."<sup>169</sup> Bolivia holds ripe conditions for this investment climate where few restrictions are placed on land clearance and forest protections.

The variance in regulations between countries can change the investment climate, and thus what has been happening in Latin America, and in Santa Cruz in particular, is engaging in regulatory competition to intentionally maintain low regulations.<sup>170</sup> Law 1700 in Bolivia included only basic provisions for soil conservation and forest reserves, and its implementation varied significantly between provinces, and sanctions for illegal clearings and violations remained low.<sup>171</sup> Moreover, the Forestry and Land Authority is tasked with "the potentially conflicting roles of regulating land use, forestry and agriculture, and

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<sup>165</sup> Hiroko Tabuchi, Clare Rigby and Jeremy White. "Amazon Deforestation, Once Tamed, Comes Roaring Back," New York Times, Feb 24, 2017, [https://www.nytimes.com/2017/02/24/business/energy-environment/deforestation-brazil-bolivia-south-america.html?mcubz=1&\\_r=0](https://www.nytimes.com/2017/02/24/business/energy-environment/deforestation-brazil-bolivia-south-america.html?mcubz=1&_r=0).

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid. "Deforestation is driven by the world's growing appetite for soy and other agricultural crops... Behind the rise in deforestation is a strategy by multinational food companies to source their agricultural commodities from ever more remote areas around the world. These areas tend to be where legal protections of forests are weakest."

<sup>169</sup> de Waroux, Yann le Plain, et al, "Land-use Policies and Corporate Investments in Agriculture in the Gran Chaco and Chiquitano," *Proceedings of the National Academy of Sciences* 113, no. 15 (2016), 4021, doi: 10.1073/pnas.1602646113.

<sup>170</sup> Ibid, 4025

<sup>171</sup> Ibid, 4022

issuing concessions for logging and farming.”<sup>172</sup> These low-bar protections and meager enforcement are matched with new legislation (Law 337) that grants amnesty to previous deforestation, further condoning the practice.<sup>173</sup> These combined factors point towards a robust investment climate for agro-industrialists.

Increased global demand for soy and the corresponding soy complex in Santa Cruz has tremendous impacts on the environment. Where regulations are in place, enforcement is significantly weak and illegal deforestation is commonplace. The goals to expand agriculture over the next decade (see Patriotic Agenda) has added fuel to the soy complex fire, as it is estimated that approximately 14 million more acres in Santa Cruz will be deforested in the coming decade for primarily soy cultivation.<sup>174</sup>

Increased deforestation and illegal land clearance that have clear disregard for land ownership can have an increasing impact on indigenous territory as this complex further pushes into expanded eastern territory.<sup>175</sup> Threats of increased deforestation on account of increased soy production per the Patriotic Agenda 2025 may spell out trouble for indigenous claims to consultation. In addition to the Constitution’s enumeration<sup>176</sup> of the right to consultation (that has proven ineffective, above), the Constitution goes further in the realm of renewable natural resources, stipulating in Article 30.17 that indigenous communities have exclusive rights to renewable natural resources in their territory.<sup>177</sup> However, this harkens back to the Guaraní issue addressed above in the definition of indigenous territory and the need for formal titles. As of 2006, only 11.1% of land had been titled in Santa Cruz.<sup>178</sup> Therefore, future increases in expansion of soy production may lead to heightened contestations over titling. As the Guaraní

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<sup>172</sup> Congreso Nacional de Bolivia, "Law No. 1700 - Forestry Law." (1996).

<sup>173</sup> de Waroux, Yann le Plain, et al, "Land-use Policies and Corporate Investments in Agriculture in the Gran Chaco and Chiquitano," *Proceedings of the National Academy of Sciences* 113, no. 15 (2016), 4025, doi: 10.1073/pnas.1602646113.

<sup>174</sup> Hiroko Tabuchi, Clare Rigby and Jeremy White. "Amazon Deforestation, Once Tamed, Comes Roaring Back," *New York Times*, Feb 24, 2017, <https://www.nytimes.com/2017/02/24/business/energy-environment/deforestation-brazil-bolivia-south-america.html?mcubz=1&r=0>.

<sup>175</sup> Ministra de Autonomías. Agenda Patriótica 2025. La Paz (2013). <http://extwprlegs1.fao.org/docs/pdf/bol141864.pdf>.

<sup>176</sup> Constitution of the Plurinational State of Bolivia (2009), Art. 30. Sec. 15.

<sup>177</sup> Constitution of the Plurinational State of Bolivia (2009), Art. 30, Sec. 17.

<sup>178</sup> Instituto Nacional de Reforma Agraria (INRA) (2006), "Estado de Proceso de Saneamiento a 10 Años de validez de la Ley 1715," La Paz: INRA, 2006.

case exemplifies, the government's role as arbiter of land titles and prioritization of economic development may mean a loss of autonomy over resource control on ancestral indigenous lands.

Furthermore, Bolivia's 1991 legislation, Law 22884: Reglameto de la Pausa Ecológica (RPE), requires consultation on deforestation near indigenous lands.<sup>179</sup> However, policy analysis on the law by the local NGO, CEJIS, finds that implementation has long been stalled due to lack of resources.<sup>180</sup> In addition, deforestation not only impacts all Bolivians in relation to environmental degradation, but to indigenous culture. Article 30.7 of the Bolivian Constitution protects the right to indigenous sacred places.<sup>181</sup>

*Harbingers of increased production:*

In 2010, there was a discernable rapprochement of Santa Cruz elites and the Morales government in the concessions afforded to the former in the drafting of the 2009 Constitution. Following violent clashes in 2008 between autonomist gangs and MAS supporters, negotiations were forged that conceded agricultural reforms that favored Santa Cruz's elites.<sup>182</sup> For instance, with the motivation to control large-scale land expansion, a 2008 referendum placed a 5,000 ha ceiling on landholdings.<sup>183</sup> "However, the government then negotiated with agro-industrialists to add a provision permitting an unlimited number of associates to hold up to 5,000 ha, as McKay summarizes, "essentially rendering the land ceiling futile."<sup>184</sup>

This concession not only paved the way for land concentration and soy expansion, but started an active dialogue of agricultural expansion as part of Bolivia's larger economic strategy. As Vegara-Camus explains, "Evo Morales' first 3 years were indeed very tense with the landed oligarchy of that region. But after this initial conflict, the state decided to support agribusiness in that region through institutional protection of large properties and the registration of more land to them. As a consequence, the area

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<sup>179</sup> Congreso Nacional de Bolivia, "Law No. 22884 - RPE." (1991), Arts. 25-27.

<sup>180</sup> Judith Marinissen, "Legislación Boliviana y Pueblos Indígenas", 2nd edition, (Santa Cruz: CEJIS, 1998), 163.

<sup>181</sup> Constitution of the Plurinational State of Bolivia (2009), Art. 30, Sec. 7.

<sup>182</sup> Nancy Postero, "Morales' MAS Government: Building Indigenous Popular Hegemony in Bolivia," *Latin American Perspectives* 37, no. 3 (2010): 30, <http://www.jstor.org/stable/25700514>.

<sup>183</sup> Ben McKay and Gonzalo Colque. "Bolivia's soy complex: the development of 'productive exclusion'," *Journal of Peasant Studies* 43, no. 2 (2016): 597, doi:10.1080/03066150.2015.1053875.

<sup>184</sup> *Ibid.*



planted with soybean soared.”<sup>185</sup> Additionally, the high-quality, productive lands have been saturated by medium and largescale farms, whereas the titles given to communal lands are marginalized lands with less productive capacity and access to markets.<sup>186</sup>

The Morales government has furthermore set the policy agenda for the future expansion of the soy industry and the important role of it in Bolivia’s economic aspirations. What is referred to as the Patriotic Agenda 2025, the government has set out goals to dramatically increase Santa Cruz agricultural exports.<sup>187</sup> This agenda seeks to increase production volume and expand cultivated land by 1 million ha annually for the next ten years, expanding total cultivated land from 3.5 ha to 13.6 by 2015.<sup>188</sup>

At present, conciliatory approach is underway between the Santa Cruz elites, soy producers and the Morales government.<sup>189</sup> In fact, the only highlighted issue was the need for decreased export regulations in order to meet this 2025 goal.<sup>190</sup> At present, the Morales administration has capped exports of soy at 100,000-300,000 tons, though production exceeds 2 million tons per harvest and internal consumption is 25%.<sup>191</sup> As a result, producers claim that they cannot rely on government mechanisms to ensure fair price formation, estimating a loss of \$135 million or more.<sup>192</sup>

Agriculture in Santa Cruz is on a fast upward trajectory, with policy agendas to drastically increase the land under production by 278% from 3.5 ha to 13.6 ha, with a discernable export-orientation. With the alliance between Morales and the elites since 2010 and a soy expansion agenda, the human rights ramifications will likely be exacerbated by this increased push by the highly concentrated industry. The soy industry, with its unequal, concentrated power structure and export-orientation, is currently

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<sup>185</sup> Leandro Vergara-Camus and Cristóbal Kay, “The agrarian political economy of left-wing governments in Latin America: Agribusiness, peasants, and the limits of neo-developmentalism,” *Journal of Agrarian Change* 17 (2017): 422, doi: 10.1111/joac.12215.

<sup>186</sup> Jeffrey R. Webber, “Evo Morales, transformismo, and the consolidation of agrarian capitalism in Bolivia,” *Journal of Agrarian Change* 17 (2017): 341, doi: 10.1111/joac.12209.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Interview, soy producers’ association representative, July 2017.

<sup>190</sup> Ibid.

<sup>191</sup> “ANAPO Noticias,” *ANAPO*: no. 112 (June 2016): 8.

<sup>192</sup> Ibid, 2.

threatening the smallholder's realization of right to food. Coupled with the pre-existing regional tensions and government promotion of expanded agribusiness in the region, Santa Cruz' soy industry is the next foreseeable frontier in the indigenous rights movement's struggle for consultation and self-determination.

#### IV. Analysis

The soy industry's negative impacts on the right to food and the environment show no signs of being alleviated by the state. Stakeholder interviews and analysis of indigenous groups in the eastern lowlands shows little organization around this very issue.<sup>193</sup> Rather, emphasis has been placed on imminent threats of extractivist development projects and the right to consultation, predominantly in the Guaraní regions of Santa Cruz.

##### *Mobilization Strategies: Past*

Eastern indigenous groups in Bolivia have a rich history of social movement participation and mobilization. The extent to which these strategies being used and updated to call for indigenous rights in the current Morales context will be discussed in this section.

The indigenous electorate that propelled the MAS to power in 2006 stemmed from the indigenous rights movement of the 1990s.<sup>194</sup> This nascent movement began in the eastern lowlands Santa Cruz region, and was supported by international institutions and NGOs following suit with the neoliberal tenet of "ethno-development."<sup>195</sup> Early claims from these indigenous communities were for primarily localized and focused on rights to land (vis-à-vis recovering territory), education, and government services.<sup>196</sup> At the

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<sup>193</sup> Interview with Santa Cruz NGO representative, in discussion with the author, July 2017.

<sup>194</sup> Carla Alberti, "Consolidating Power in Multiethnic Societies: The MAS and the ambivalence of collective mobilization in Bolivia," *Society for International Development* 58, no. 1 (2015): 66. doi: 1011-6370/15.

<sup>195</sup> Lorenza B. Fontana, "Indigenous Peasant 'Otherness': Rural Identities and Political Processes in Bolivia," *Bulletin of Latina American Research* 33, No. 4 (2014): 441-2, doi:10.1111/blar.12207.

<sup>196</sup> Bret Gustafson, "Manipulating Cartographies: Plurinationalism, Autonomy, and Indigenous Resurgence in Bolivia." *Anthropological Quarterly* 82, no. 4 (2009): 995, <http://www.jstor.org/stable/20638677.995>.

national level, the movement began engaging with other national indigenous organizations and transnational networks.<sup>197</sup>

As indigenous social movements began taking hold, however, regional organization began shifting demands to the national. In August of 1990 indigenous communities from eastern lowlands, embarked on a 34 day march (March for Territory and Dignity) from Trinidad in the eastern region to La Paz, the nation's capital situated in the western highlands.<sup>198</sup> The objective of the march was to call for legal protections of indigenous land, which at the time was being confiscated by timber companies and migrant farmers from the highlands. The immediate result of the march was that the Zamora administration passed presidential decrees legally recognizing select indigenous territories.<sup>199</sup> The 1990 march was a major advocacy push for Bolivia's signing and ratification of the ILO Convention 169 the following year.<sup>200</sup>

Two landmark policy reforms that capitalized on this period of indigenous claims came in the mid-1990s. The first, was the 1994 Law of Popular Participation (LPP). The LPP granted full citizenship rights and opportunities for political representation.<sup>201</sup> This in turn enabled the political opportunity structure for an opening for local mobilization.<sup>202</sup> The second landmark reform under this neoliberal period was the Law

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<sup>197</sup> Ibid.

<sup>198</sup> Fernando Molina. *Historia Contemporánea de Bolivia* (Santa Cruz de la Sierra: Gente de Blanco, 2016): 72. "The 16th of August the march left Trinidad and headed for La Paz, with 300 marchers from the movima, yuracaré, mojeño, y sirionó communities of Beni; on the way the march incorporated guaraníes from Chuquisaca, matacos from Chaco, tacans from Norte de La Paz, mostenes from Alto Beni, .and urus chipayayas from the Altiplano, until the marchers totaled over 800." (authors own translation)

<sup>199</sup> Ibid., 73.

<sup>200</sup> Ibid (author's translation). "As signer of the Convention, the Bolivian State considered it necessary that the indigenous groups possess their own territory and retain their ownership procedures, determine their own path to development, and be consulted before any development project or natural resource extraction project."

<sup>201</sup> Article 1 of LPP (1994). "The present Law acknowledges, promotes, and consolidates the process of Popular Participation, incorporating the indigenous and rural communities and urban neighborhoods in the juridical, political, and economic life of the country. It is aimed at improving the quality of life of the Bolivian women and men through a fairer distribution and better administration of public resources. It strengthens the political and economic means and institutions necessary for perfecting a representative democracy, facilitating the citizens' participation and guaranteeing equality of representation at all levels between women and men." Translation: Holly Piere, "Local Level Democracy and Decentralized Development The Case of Bolivia's Popular Participation Plan" University of Miami (1997).

<sup>202</sup> Santiago Anria, "Social Movements, Party Organization, and Populism: Insights from the Bolivian MAS," *Latin American Politics and Society* 55, No. 3 (2013): 26, <http://www.jstor.org/stable/43284846>.

of the National Institute of the Agrarian Reform (INRA) in 1996.<sup>203</sup> INRA created *Tierras Comunitarias de Origen* (TCOs), or native communitarian lands, which assigned collective land to indigenous communities.<sup>204</sup>

By the late 1990s, a shift of plurinational theories and paradigms emerged in Bolivia. This plurinational discourse emphasized interculturality over ethnic territoriality. This shift towards concepts of extra-territorial indigeneity allowed for opening of ties between unions/peasants and indigenous in face of the mounting common enemy of neoliberalism.<sup>205</sup>

Indigenous strategies in the eastern lowlands, such as those of the Guaraní, aligned interests and claims more broadly (transcending ethno-territorial boundaries) in order to confront the elites and pervasive colonialism in Santa Cruz.<sup>206</sup> By the late 1990s, the resulting effect was the shifting trend away from neoliberal ethno-development towards horizontal alliances across ethnic differences. By the early 2000s, indigenous mobilization strategies in Santa Cruz were typified by alliances with international NGOs and peasant unions utilizing non-violent tactics such as marches, blockades, and hunger strikes, to contest regional power hierarchies.<sup>207</sup>

Though the neoliberal reforms progressed political, education, and land claims of the indigenous movement, the neoliberal structure and emphasis on decentralized ethno-development pervaded underlying issues. Neoliberal multiculturalism was not an altruistic aim or byproduct of decentralization,

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<sup>203</sup> Lorenza B. Fontana, "Indigenous Peasant 'Otherness': Rural Identities and Political Processes in Bolivia," *Bulletin of Latina American Research* 33, No. 4 (2014): 443, doi:10.1111/blar.12207.

<sup>204</sup> *Ibid.*

<sup>205</sup> Santiago Anria, "More Inclusion, Less Liberalism in Bolivia," *Journal of Democracy* 27, no. 3 (2016): 102, doi: 10.1353/jod.2016.0037. "The combination of new space for participation with still-deficient representation—in a context of high poverty and inequality and unevenly enjoyed citizenship—created the conditions for the MAS to rise to electoral dominance."

<sup>206</sup> "They [Guaraní] sought to flexibly rearticulate across space to counterbalance centers of power like the city of Santa Cruz, contest illegal *latifundia* or extractive activities, and subvert and invade provincial power structures."

<sup>207</sup> Bret Gustafson, "Manipulating Cartographies: Plurinationalism, Autonomy, and Indigenous Resurgence in Bolivia." *Anthropological Quarterly* 82, no. 4 (2009): 998, <http://www.jstor.org/stable/20638677.995>.

but rather a pointed strategy.<sup>208</sup> Though the neoliberal 1990s saw key reforms and emerging indigenous mobilization strategies, primarily marches as seen in the March for Territory and Dignity, it fell short of true indigenous autonomy and self-determination claims.

In sum, the indigenous mobilization strategies deployed from 1990-2006 primarily consisted of trans-indigenous, plurinational marches, blockades, and protests en masse. These strategies were directed at the aim of policy reform in the areas of land and territory, education, increased indigenous political representation.

### *Mobilization Strategies: Present*

Though eastern indigenous groups and NGOs have utilized tactics<sup>209</sup> similar to their mobilization strategies of the 1990s—marches, protests, and blockades—their aim, target, and issue-areas have evolved.

The mobilization efforts of the 1990s pushed for legislation and policies that granted and stipulated indigenous rights. With the advent of the new Bolivian Constitution in 2009, the aim of indigenous social movements is full realization and implementation of their enumerated rights in the Constitution, with the primary focus of eastern indigenous mobilization is around the issue of consultation, territory, and state-supported extractives projects.<sup>210</sup>

In a post-2006 Bolivia in which the central government has been elected on a platform of indigenous rights, indigenous mobilization around the government's extractivist policies<sup>211</sup> did not come to the fore

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<sup>208</sup>Nancy Postero, "Morales' MAS Government: Building Indigenous Popular Hegemony in Bolivia," *Latin American Perspectives* 37, no. 3 (2010): 22, <http://www.jstor.org/stable/25700514>. "It [neoliberal multiculturalism] did not substantially alter the structural inequalities facing indigenous people. Rather, it was a top-down effort by the neoliberal state to incorporate indigenous peoples into the national project as responsible and docile neoliberal subjects."

<sup>209</sup> Almut Schilling-Vacaflor, "Who Controls the Territory and Resources? Free, Prior, and Informed Consent (FPIC) as a Contested Human Rights Practice in Bolivia," *Third World Quarterly* 38, no. 5 (2017): 1066, doi:10.1080/01436597.2016.1238761.

<sup>210</sup> Interview with Santa Cruz NGO representative, in discussion with the author, July 2017.

<sup>211</sup> See Hydrocarbon Law, Supreme decrees mentioned in previous sections.

until 2011 with the TIPNIS event, a pivotal event that triggered the fragmentation of the MAS coalition's "unity."

The TIPNIS (Isobore Secure National Park and Indigenous Territory) case exemplifies the government prioritization of economic development projects, with the support of the peasant electorate, and the disregard for enumerated indigenous and environmental protections. The case refers to the planned construction of a highway that would connect Villa Tunarí in Cochabamba department with San Ignacio de Moxos in the Beni department to enable the expanded communications and commercial infrastructure.<sup>212</sup>

Moreover, the road—supported by investment from Brazil—would circumvent Santa Cruz<sup>213</sup> and directly connect the local coca growers (prime allies of Morales) to Brazil.<sup>214</sup> The opposition response, comprising of predominantly lowland indigenous groups, urban middle class, and ecologists, was overwhelmingly negative. Citing the constitutional requirement for consultation, a public outcry and advocacy campaign began. On August 15, 2011 2,000 people left Trinidad for La Paz in the 1,500 km VIII Indigenous March for the Defense of TIPNIS. In September 2011, police violence against marchers broke out.<sup>215</sup> And CSUTCB members, ardent supporters of Morales, attempted to block the march.<sup>216</sup>

TIPNIS illustrated the political agenda of Morales and his disregard for indigenous rights and consultations in the face of furthering economic development and his allied interest groups (coca

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<sup>212</sup>Lorenza B. Fontana, "Indigenous Peasant 'Otherness': Rural Identities and Political Processes in Bolivia," *Bulletin of Latina American Research* 33, No. 4 (2014): 446, doi:10.1111/blar.12207. "The infrastructure would facilitate the communications and connect these areas of central Bolivia to the trans-American corridors, thus contributing to development and economic growth. These, at least, were the arguments of the government and of its local allies, mainly peasant and coca growers communities. The latter were also interested in the possibility of expanding the agricultural frontier beyond the protected area's borders, although this was not explicitly stated."

<sup>213</sup> As explained further in this research, the Santa Cruz department is the center of opposition to Evo Morales.

<sup>214</sup> Andrew Canessa, "Conflict, Claim, and Contradiction in the New 'Indigenous' State of Bolivia," *Critique of Anthropology* 34, no. 2 (2014): 164, doi: 10.1177/0308275X13519275.

<sup>215</sup> Lorenza B. Fontana, "Indigenous Peasant 'Otherness': Rural Identities and Political Processes in Bolivia," *Bulletin of Latina American Research* 33, No. 4 (2014): 446, doi:10.1111/blar.12207.

<sup>216</sup> Carla Alberti, "Consolidating Power in Multiethnic Societies: The MAS and the ambivalence of collective mobilization in Bolivia," *Society for International Development* 58, no. 1 (2015): 68. doi: 1011-6370/15.

farmers). Mass mobilizations and marches were met by violence.<sup>217</sup> And opposition calls to respect the Constitution were met by a growing Morales tone of nationalism: “Letting a group of families tell us what to do would mean paralyzing all our work on electrification, hydrocarbons, and industries.”<sup>218</sup>

Ultimately, the road through TIPNIS was not built; but the die had been cast for the future of the coalition. Stemming from the TIPNIS conflict, two eminent indigenous organizations represented in the MAS coalition CONAMAQ and CIDOB—withdrew from the Unity Pact.<sup>219</sup> The TIPNIS case marks a pivotal moment in coalition fragmentation and the growing polarization between Morales’ nationalistic economic development aims and indigenous and environmental rights rhetoric.

Until this moment, indigenous groups largely viewed President Morales as part of the indigenous movement and a “brother” of their struggle.<sup>220</sup> However, a shift in mobilization strategy was seen following TIPNIS, when it became evident<sup>221</sup> that pro-indigenous rhetoric and economic development policies were becoming increasingly divergent and contradictory, with the latter trumping the former.

No longer appealing to Morales’ shared ethnic identity of indigenous, indigenous rights actors made claims to the contrary, saying that Morales is in not indigenous.<sup>222</sup> In fact, this was a common theme among Santa Cruz stakeholders I interviewed. “Morales’ authenticity claims of indigeneity fall flat. He is seen by many in the east as a *campesino*, not an *indígena*”<sup>223</sup> The stakeholder notes that this comes out in

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<sup>217</sup> Ibid.

<sup>218</sup> Andrew Canessa, “Conflict, Claim, and Contradiction in the New ‘Indigenous’ State of Bolivia,” *Critique of Anthropology* 34, no. 2 (2014): 164, doi: 10.1177/0308275X13519275.

<sup>219</sup> Carla Alberti, “Consolidating Power in Multiethnic Societies: The MAS and the ambivalence of collective mobilization in Bolivia,” *Society for International Development* 58, no. 1 (2015): 69. doi: 1011-6370/15.

<sup>220</sup> Katie Kuhn, “Identity-Based Appeals: Explaining Changing Strategies of the Indigenous Movement in Bolivia,” *Indigenous Policy Journal* 24, no. 1 (2013): 16. <http://ezproxy.cul.columbia.edu/login?url=https://search-proquest-com.ezproxy.cul.columbia.edu/docview/1438164943?accountid=10226>.

<sup>221</sup> Interview with Santa Cruz NGO representative, in discussion with the author, July 2017.

<sup>222</sup> Katie Kuhn, “Identity-Based Appeals: Explaining Changing Strategies of the Indigenous Movement in Bolivia,” *Indigenous Policy Journal* 24.1 (2013): 16. <http://ezproxy.cul.columbia.edu/login?url=https://search-proquest-com.ezproxy.cul.columbia.edu/docview/1438164943?accountid=10226>.

<sup>223</sup> Interview with local legal advisor to NGOs, in discussion with the author, July 2017.

speeches and traditional ceremonies wherein Morales incorrectly pronounces indigenous words, for example.<sup>224</sup>

The audience of these strategies now aren't Morales, but rather the Bolivian people. Kuhn elaborates, "Although the movement appealed to the public to some degree before Morales took office, its interactions with the public are now more deliberate and more specifically framed around being in opposition to Morales."<sup>225</sup>

Therefore, it the indigenous movement in Bolivia is currently centered on the strategy of anti-identity of Morales. Not present in literature nor in stakeholder interviews conducted was the prioritization of the eastern lowlands indigenous movement around the issue of increased soy production and agribusiness in Santa Cruz. Rather, in Santa Cruz the pressing concern of the movement has largely dealt with the Guaraní struggle with asserting consultation claims amid government-supported extractivist projects. This is largely because of urgency and involvement.<sup>226</sup> A small number of indigenous groups currently partake in soy production in Santa Cruz; and so the soy complex is not at the fore in the movement's priorities.

#### *State Response*

A result of this counter-resistance to Morales by lowland indigenous groups has been a government suppression—both overt and covert. As aforementioned, the government has attempted to silence many of its vocal critics via threats, intimidation, or suspension of its activities.<sup>227</sup> The NGO law is a prime example of the legal avenues Morales has taken to suppress civil society. More privately, the government's strategy dividing the opposition can be seen in its tactic to infiltrate the opposition.<sup>228</sup>

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<sup>224</sup> Ibid.

<sup>225</sup> Katie Kuhn, "Identity-Based Appeals: Explaining Changing Strategies of the Indigenous Movement in Bolivia," *Indigenous Policy Journal* 24.1 (2013): 17. <http://ezproxy.cul.columbia.edu/login?url=https://search-proquest-com.ezproxy.cul.columbia.edu/docview/1438164943?accountid=10226>.

<sup>226</sup> Interview, legal advisor to local NGOs, July 2017.

<sup>227</sup> Anria, Santiago, "More Inclusion, Less Liberalism in Bolivia," *Journal of Democracy* 27.3 (2016), 105. <http://www.jstor.org/stable/43284846>.

<sup>228</sup> Interview with Santa Cruz NGO representative, in discussion with the author, July 2017.



Many of the once-dominant indigenous organizations in Santa Cruz, have split into two because many MAS loyalists and government cronies with top-down derivatives from La Paz form part of its core membership. CIDOB, a Santa Cruz-based eastern lowland indigenous organization that notably organized the TIPNIS march, has fractured into two: a MAS loyalist organization and a “dissident” organization.<sup>229</sup>

The key to suppressing indigenous movement dissent is the division of regional actors. In her 2013 research Kuhns explains, “[t]There are divisions within the movement as well, key among which is that between the highland and lowland indigenous. However, the movement unites as one force against the state because of its common goals such as defending native territory.”<sup>230</sup> While the indigenous rights movement’s strong mass mobilization across inter-indigenous lines propelled the MAS to electoral power in 2006, this same strong united front poses a threat to the administration as it is increasingly distancing itself in policy (while maintaining allegiance rhetorically in international fora).<sup>231</sup>

“While the MAS came to power using these collective forms of organizations and mobilizations as its main instruments, mainly via protests, blockades, and collective voting, among others, indigenous movements have used these same mechanisms in cases of conflict. What is more, if the indigenous organizations that currently back Morales ever decide to withdraw such support, the same collective form of organization that once brought the party to power may be used to remove the MAS from government.”<sup>232</sup> Therefore, it can be theorized that the infiltration and division of indigenous rights movements may be part of a larger government strategy in response to mobilization against the Morales administration.

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<sup>229</sup> Ibid.

<sup>230</sup> Katie Kuhn, “Identity-Based Appeals: Explaining Changing Strategies of the Indigenous Movement in Bolivia,” *Indigenous Policy Journal* 24.1 (2013): 13-14. <http://ezproxy.cul.columbia.edu/login?url=https://search-proquest-com.ezproxy.cul.columbia.edu/docview/1438164943?accountid=10226>.

<sup>231</sup> Carla Alberti, “Consolidating Power in Multiethnic Societies: The MAS and the ambivalence of collective mobilization in Bolivia,” *Society for International Development* 58, no. 1 (2015): 69. doi: 1011-6370/15.

These tactics by the government to divide and split lowland opposition are further complicated by Santa Cruz' autonomous rhetoric. Both small producers *and* indigenous groups are the vulnerable parties to growing economic development, and both have fallen trap to the dominating power asymmetries and economic interests. Where there should be inter-cultural networks and alliances between these two groups to strengthen resistance, there currently is little to no space for collaboration. Just as the Morales government has used division as a tactic to stifle resistance, the Santa Cruz elites have deployed the regional discursive strategy of autonomous rhetoric to wedge the "native" indigenous groups and the migrant *colonos* groups. Though both stand to lose control and access to resources at the hands of the growing soy industry, these networks for mobilization are at present absent.

## **V. Conclusion**

The present threat of development projects in Guaraní lands is a valid and present concern for indigenous rights activists in Santa Cruz. As noted above, however, the sector's increased expansion agenda backed by the government is a stark harbinger that point towards its imminent threat to indigenous rights to consultation, self-determination and territory, and culture (vis-à-vis environmental degradation).

As this research has indicated, the increased trend of soy production has been on a parallel track with the central government's disregard for indigenous rights and prioritization of extractive industries over rights. With government rapprochement with business elites in Santa Cruz and new policy strategies for intensive soy expansion, it is feared that these two tracks will converge. As the soy complex pushes into further land expansions, neo-extractivist models pursued by the government may take on a new character in Santa Cruz.

The soy complex's large concentration in the region is matched by disparate resistance; and at present, there is little to no mobilization around this imminent crisis. Indigenous groups in Santa Cruz have mobilized around the extractives industry in the south of the department, as they see these as current threats to indigenous rights of consultation and territory. The government's current lack of consultation

procedures for extractives projects or disregard for constitutionally-enumerated rights and protections are a wearisome harbinger for increased violations. Though indigenous communal land is not currently enveloped in the soy complex, the government rapprochement and 2025 Patriotic Agenda to further expand the industry matched by their nationalist-driven disregard for rights could mean not only a squeeze for resources (already increasingly concentrated due to the mono-cropped nature of soy) but for a clampdown of rights.

It should be noted that though these threats are looming, there are present and real threats to small-farmers in regards to realizing the right to food and dispossession and dependence on capital markets due to the oligarchical nature of the soy supply chain. With indigenous groups and small holder farmers victims to power asymmetries both regionally and nationally, the deforestation, environmental degradation, and vicious cycles of small holder indebtedness and loss of autonomy are but first signs at what might be amplified with rampant expansion.

Schisms both within indigenous groups and identification politics must be addressed in order to successfully mobilize. The breakdown of the MAS coalition and the resulting highland-lowland tensions have seen internal discord due to loyalty and dissident factions of eastern lowland indigenous groups. Moreover, regional autonomist rhetoric driven by Santa Cruz's elites has pinned "native" lowlands indigenous groups against highland Andean indigenous migrants that actively engage in the soy value chain.

Current indigenous mobilization strategies employed have not garnered substantial change, and increasingly the state is suppressing resistance—physically (police backlashes at protests, blockades), legally (NGO law), and tactically (infiltration of organized groups). New resistance strategies, notably ones that form networks across marginalized groups in Santa Cruz, must take hold in order for these marginalized groups to realize their rights—largely the right to food, the right to self-determination, and consultation.

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