

Obtaining Territorial Autonomy In South America: The Case of Bolivia

By Rosa Maldonadoⁱ

Working on the Library of Congress' Indigenous Law Portal has exposed me to an array of information: from indigenous people's histories, to language variation throughout the Americas, and traditional customary law.

Researching for the Portal means engagement in discussions surrounding the complex legal processes by which indigenous peoples acquire collective land titles to their *territorios indígenas* (indigenous territories).

There are various accounts throughout the Western Hemisphere of indigenous communities who are currently demanding legal recognition from their state government because the law and policy framework of colonial and post-colonial government has limited them from exercising political and territorial rights.

Obtaining territorial control will set up the legal framework for indigenous communities towards the right to self-determination and self-government. However, lack of indigenous representation in existing political systems is a road block for these communities in the pursuit of their land rights, the securing of collective legal titles for indigenous territories together with the land management and control over natural resources.

The other roadblock is the scarcity of sources and evidences as well as the extreme difficulty to obtain access necessary for information providers and legal researcher a like. For this reason, the *Indigenous Law Portal* based on and organized in subject content by the new LC Classification system on Indigenous law, was pioneered at LC for representation of indigenous law in the Western Hemisphere.

It is envisioned as a one-stop electronic communication and information tool on indigenous communities: their sociology and governance, uncovering and attesting to indigenous knowledge systems and at once promoting the efforts and look of rising indigenous communities.

The comparative research on indigenous communities in the larger Amazonian region, indeed, provided surprising aspects and a much better understanding of historical coherence. The many hundreds of downloads from the Portal by indigenous communities, as well as by governments in over 150 countries is a testament to its intended usefulnessⁱⁱ.

Understanding Differing Legal Approaches in Bolivia

I examined the South American country of Bolivia, where indigenous peoples have gained self-determination. Even within this one case, however, there is a strong disparity of governance structures between the indigenous regions of *tierras altas* (*Altiplano*, highlands) and *tierras bajas* (*Oriente Boliviano*, lowlands), based on different identity concepts.

The way these differences influence their organizations' demands for territorial autonomy fuels political discord among the indigenous people, which in turn inhibits efforts to reach the ultimate goal of self-governance.

Indigenous territories are characterized as *territorios indigena originario campesinas*, or autonomous territories owned collectively by indigenous peasantry (TIOC). In order for indigenous organizations to obtain legal titles to a TIOC, they must process and monitor lands for *saneamiento*, a transitory procedure that regularizes claimed territories and grants titling to claimants.

The organizational structure of landholdings for TIOCs differs in the indigenous regions. The *tierras altas* organize within *ayllus*, ancient social and territorial units that hold collectively land and manage the community infrastructure.

The lowlands have a hierarchal regional structure, ascending from *campesino sindicatos/cabildos* (local syndicates), to *sub-centrales* (regional administrative centers), to *centrales* (national-level administrative centers). *Centrales* share similar attributes as the *ayllus*, as they are representative advocacy organizations that encompass community councils and regional organizations.

The distinction between the organizational structures is that the *ayllus* is based on an ancient Andean communitarian model of (collective) landholding, whereas *centrales* are characterized as adapting to Western organizational structures that prioritize the redistribution of land. I compared *ayllus* and *centrales* in order to understand how their organizational efforts sets the foundation for territorial autonomy and auto-governance.

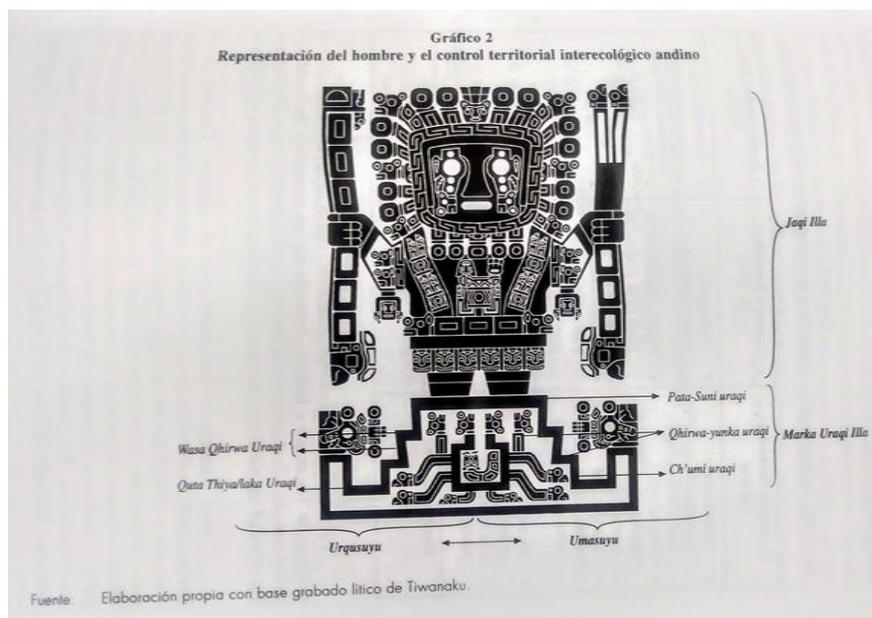
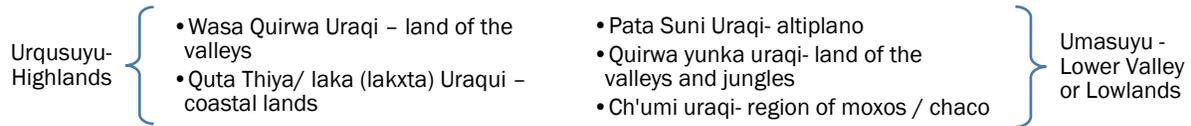


Figure 1: This icon is featured in the Simón Yampara Huarachi's book "El Ayllu y la territorialidad en los Andes: Una aproximación a Chambi Grande". The icon represents the Sun God, Lord Viracocha.

Translations are in ascending order from left to right:



I was fortunate to have interpretations of marked hieroglyphs in *Aymara* that enabled me to translate them into Spanish. Based on my translations, I hypothesized that the hieroglyphs may be an early cartographic interpretation of Andean territorial landscapes.

I compared the translations accompanying the icon with the present indigenous regions. Translation of the word *Urqusuyu*^{iii's} (left side) describes the geographic direction towards the Pacific Ocean, located in *the tierras altas*. Translation of *Umasuyu*'s^{iv} (right side), with its description of altitude change in *Amazonía*, relates to the lowlands.

The structure under the icon, termed *Marka Uraqi Illa*^v, translates as the physical territory of the people, which I assume, is the federation of *Qullasuyu-Bolivia*, one of four federations under the nation of *Tawantinsuyu* (Incan Empire, circa 15th century).

The translation of *Jaqui Illa*^{vi} alludes to the representation of man and the deity of nature. Perhaps this is an interpretation of Andean conceptions of the indigenous spatial organization. I believe that this icon should not be discerned solely as a map or calendric system, rather as an incorporation of spatial-cosmic organization of indigenous peoples.



Figure 2: Calendar Gate, ruins of the Puerta del Sol, Tiawanaco, La Paz, Bolivia. Bolivia Tiwanaku Site, None. [Between 1920 and 1947] [Photograph Library of Congress]

During the research phase on the *tierras altas*, I came across a similar carved icon, the center over the “Sun Gate” lithic (*Figure 2*) located in the ancient city of *Tiwanaku*, near Lake Titicaca in La Paz, a department (administrative division) that overlays partially both *tierras altas* and *tierras bajas*.

The lithic is situated in an important territorial space where spatial organization and cosmology intersect. It can be interpreted as an organ of geographic relations at the organizational level. Urqusuyu and Umasuyu are spatial divisions of the regional socio-political landscape, similar to the present day indigenous regions of *tierras altas* and *tierras bajas*.

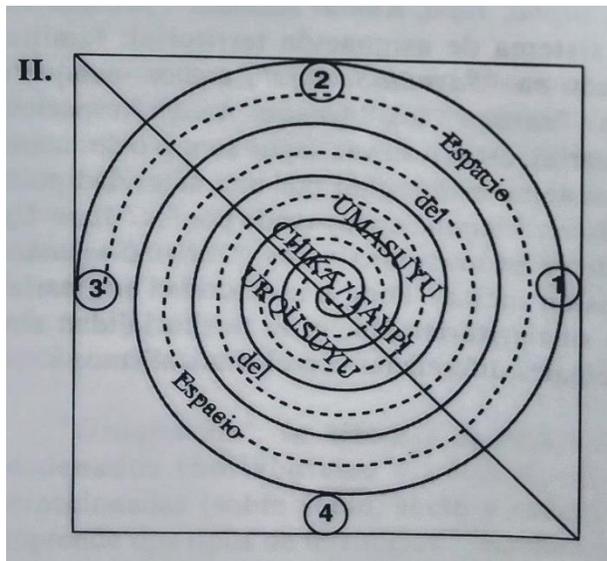


Figure 3: Dotted in diagram is interpreted as spatial organization through the usage of sun-tracking.

In *Fig. 3*, the dotted patterns are sun-tracking lines radiating from a Sun Temple to mark locations of *suyu* territories. These “markers” measured territorial boundaries that held natural resources shared between socio-political groups.

From Theory to Autonomy

So how does my hypothesis tie into the discussion of indigenous organizing efforts and territorial claims for autonomy?

In the *tierras altas*, *ayllus*’ hierarchal organizational structure is multi-faceted. *Ayllu-markas*, or their regional indigenous communitarian model, prioritize landholding arrangements and shared usufruct to natural resources.

Within *markas*, *ayllus* have *Apu Mallkus y Apu Tallas*, gender-linear governing bodies that advocate for the reconstitution of pre-colonial indigenous systems into the state apparatus. These systems encompass ecological and cosmological aspects of their territorial organizing efforts in forms of *suyus*, or “original nationalities” within the federation of *Qullasuyu-Bolivia*. *Ayllus* kinship and its priority of collective landholdings is an attempt to recover ancestral territories and claiming autonomy.

While the *ayllus* in the *tierras altas* retain strong cultural elements in their indigenous identity, the indigenous organizations in the *tierras bajas* such as *centrales* identify with modern Western-influenced governance structures.

Centrales formed in response to the lack of indigenous representation in land titling and management. Some *centrales* identify themselves as *originarios* thus pointing to their *indigineity*. In reality, *centrales* are not different from *ayllus* in their pursuit of territorial

autonomy that will inevitably transform their indigenous territories (TIOCs) to AIOCs (autonomous indigenous original and peasant territories).

I have recently come across exciting news concerning AIOCs: the TIOC of *Raqaypampa*, located in the administrative division of Cochabamba in the *tierras altas*, along with two other municipalities, became recognized on April 14th 2019 as the country's first AIOC.

ⁱ Rosa Maldonado, major in ethnic studies, was assigned to Jolande Goldberg (LC Law Classification Specialist) as research assistant for the Indigenous Law Classification and at once the Indigenous Law Portal development, section Latin America, at the Library of Congress (LC/HINP Spring Internship)

ⁱⁱ Questions about the Portal should be directed to Dr. Jolande Goldberg, Library of Congress, jgol@loc.gov. The Portal <http://www.llmcdigital.org> is open access resource.

ⁱⁱⁱ Urqusuyu translates to tierras altas or highlands.

^{iv} Umasuyu translates to tierras bajas or lower valleys or lowlands.

^v Marka Uraqi Illa translates to territorio fisico del pueblo or physical territory of the people

^{vi} Jaqui Illa's Spanish definition is persona; deidad natural representando. I translated that as the representation of man and deity of nature.