

Land and indigenous territories in the Bolivian Amazon: full but imperfect spatial justice?

Laetitia Perrier Bruslé

Translation

John Crisp

Abstract

The Bolivian Amazon was the arena for significant land restructurings at the end of the 1990s, when Bolivia undertook a series of neoliberal reforms promoting indigenous rights and local governance. The indigenous peoples and the settlers – Andean peasants who had come to the Amazon in search of land – were allocated communal land under different land tenure regimes. Twenty years after the start of these big territorial reorganisations, the indigenous peoples – who were asking for their historical rights to be recognised – obtained reparation: they were given land. Promoted to the status of a territory, these landholdings represented the realisation of three-dimensional justice, combining resource distribution, cultural recognition, and political participation.

From a case study of the Tacana people, and the parallel observation of the situation of the settler farmers from the Andes, I show that the procedures whereby the indigenous peoples of Bolivia have received justice also generate social tensions. The processes of identity construction, access to resources and political participation, have often proved mutually contradictory. The aim of approaching the issue from a territorial perspective, as this text does, is to shed a different light on the implementation of environmental justice.

Keywords

Amazonia, Bolivia, Environmental Justice, Indigenous Peoples, Land, Territories, Tacana

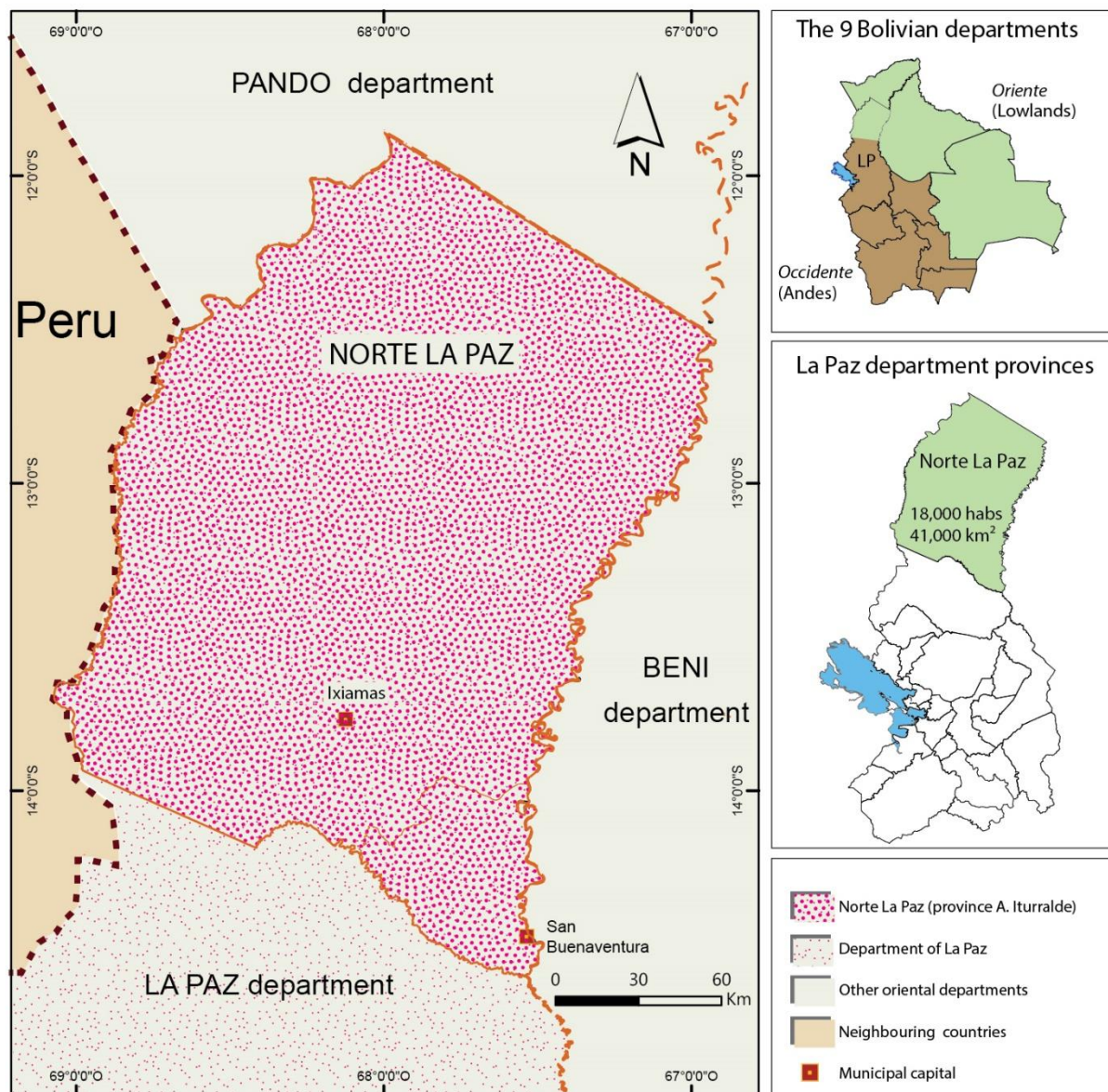
Introduction

In 1990, the indigenous peoples of the Bolivian Amazon marched to the capital, La Paz, to protest about the dispossession of their lands, and about the threat that this posed to their survival. Faced with the cattlemen and timber companies, they seized space in order to demand justice. “The march for territory and dignity” was the heroic event in the history of contemporary Bolivia. It combined in a single uprising the demands for land and recognition, and brought indigenous peoples fully into the political space opened up by the neoliberal reforms undertaken in Bolivia in the 1990s. Since then, in the space of a quarter of a century, indigenous peoples have obtained land, and the recognition of their identity has markedly progressed. Constitutional reforms gradually incorporated the indigenous component into the definition of the nation, making the state of Bolivia first multicultural (1994) and then plurinational (2009). Indigenous political participation developed, symbolised by the election to the presidency in 2005 of Evo Morales, first indigenous president in the Americas, and even beyond.

In Bolivia, therefore, it would seem that justice has been done to the indigenous peoples. The transfer of land opens the way for full reparation, including distribution, recognition and participation, in accordance with the three-dimensional definition of justice proposed by Iris

Young (1990) and Nancy Fraser (2000). However, a meticulous analysis of the actual processes implemented to obtain reparation is required, as the coordinators of this thematic issue have invited us to do, since it is not easy to bind these three principles of equity, recognition and participation into a coherent whole. In Norte La Paz (see Map 1), the Amazonian part of the Department of La Paz, the issue of justice remains at the heart of social relations, evidence that the process of reparation is not complete.

Map 1: Location map of Norte La Paz



In this low-density rural area (18,000 people per 42,000 km²) (INE, 2012), the populations – outside the three main towns – live in peasant communities, villages of a kind dominated by rural mono-activity and by groups bound together through collective land tenure. The

communities of indigenous peoples,¹ of the settler peasants from the Andes who settled there in the late 1970s, and of migrants recently arrived in Norte La Paz, are competing for land access. Land is not only a source of conflict but also at the heart of legal procedures: initially a source of injustice through land dispossession, it is perceived by these different actors as the means of reparation and the way whereby equity can be re-established, taking into account the different needs of each of the groups. Land, reconceived as territory, should also be the medium for the recognition of identity and for political participation. Through the case of Norte La Paz, and the indigenous Tacana people who account for one third of the population of the province (6180 self-declared as Tacana in 2012) (INE, 2012), I wish to show that the process whereby space is used to re-establish justice is more complex and more ambivalent than the statement of these two propositions might suggest. Does the allocation of land make reparation for injustice by restoring the indigenous peoples to their pre-dispossession state or does it engage them in a new relation to the territory and the environment? Can the granting of a territory guarantee full and integral cultural recognition, i.e. one that includes the permanent construction of identity, or does it lead to the imposition of a fixed and standardised identity? In sum, the aim is to explore whether the proposal to consider justice in its threefold dimension does not open the way to numerous contradictions in the context of a process of reparation.

The findings from a survey conducted between 2012 and 2015 in Norte La Paz go some way to providing answers. The materials consist of a set of interviews and questionnaires that reveal the diversity of the actors' territorial strategies. The literature relating to environmental justice and the way that it has been implemented in the Global South is used as a theoretical framework through which these materials are approached (Schlosberg, 2004; Schroeder et al., 2008; Walker, 2012; Martin et al., 2014). I intend to show the value of tackling questions of spatial and environmental justice – in a context marked by the presence of indigenous peoples – from a territorial perspective. I also show how the identities of indigenous peoples are constructed through politics of scale: changes from the local to the global in the scales of indigenous struggle (Cox, 1998; Kurtz, 2003), and the production of scales viewed as the spaces of political action (Tsing, 2000). I explore the question that has been asked so many times about the transition from universal principles of justice to their application in a local and always specific context (Wenz, 1988; Harvey, 1996; Schlosberg, 2004). Finally, I open up a debate on anthropological approaches that enclose indigenous peoples within fixed, isolated and ahistorical categories (Taussig, 1987; Whiteman, 2009), by postulating that the constructions of indigenous identity always take place in a dialogue with the exterior, at the boundaries of ethnicity (Barth, 1999).

The first part of this text shows the omnipresence of issues of justice in Norte La Paz and how they confront investigators. The second part analyses how the granting of land (then territories) opened the way to full justice, guaranteeing equity, cultural recognition and political participation. Finally, the third part exposes the limitations of this justice through territory and the sometimes imperfect cultural recognition to which it gives rise.

¹ Eight indigenous peoples live, in part, within the boundaries of the province. They are the Tacana, Mostén, Leco, Chimán, Quechua-Tacana, Esse Ejja and Araona peoples. The Tacanas are the most numerous.

Justice and injustice: narratives around territorial reconfigurations in the Bolivian Amazon

Studying integration processes in the Bolivian Amazon in order to explore the justice at the heart of the debates

In 2012, the CAPAZ project brought together historians and geographers from La Paz University (UMSA), including the author of this article, around the subject of the sociopolitical effects of integration in the Bolivian Amazon.² It raised the question of the resilience of local actors (peasant communities and indigenous peoples) to the integration of the province into larger spaces, a process conducted by state or global institutions (NGOs, international cooperation agencies, etc.). The area of study was limited to Norte La Paz, first a laboratory of neoliberal policies in favour of indigenous rights in the 1990s, then an iconic location for the return of the central state after 2010 (Perrier Bruslé, Gosálvez, 2014).

Spatial justice was not the initial subject of this research. However, it proved to be a crucial aspect of the actors' strategies. This is because, in Norte La Paz, indigenous peoples and settlers, loggers and small farmers, cattlemen and traders, confront each other and advance opposing arguments to obtain justice through the granting of land. Some speak of the need for farmland for their children, others of the necessity of protecting land or repairing an historical injustice. Distributions of land by the state are always assessed in terms of a justice that is at the heart of social relations. A constant topic of discussion, justice in Norte La Paz has nothing of the abstract concept about it. It might be a shared goal, but each perceives it in their own way. The interviews I conducted alongside my geographer colleagues were saturated with this question. The interview subjects constantly asked us to bear witness to perceived injustices in the allocation of space.³

The Bolivian Amazon, arena of indigenous struggles for justice in the 1990s

The question of justice relates to the narrative, which crystallised in the 1990s, of past land dispossession. Norte La Paz, like the other Eastern regions of Bolivia, was traditionally considered an agricultural boundary which, though inhabited by indigenous peoples, was to serve national development (Fifer, 1967; Groff Greever, 1987; Perrier Bruslé, 2007). However, the injunction to populate and exploit the Oriente long remained without consequence. Everything began to change in the 1960s. In the spirit of the agrarian reform of 1953, which sought to resolve the problems of land inequalities in the Andes and to drive agricultural development, the Lowlands became the focus of a twin occupation movement, driven on the one hand by the small farmers, and on the other by the agri-capitalist sector. The national agrarian colonisation plan (1963-65) distributed land to tens of thousands of Andean peasants who came to settle in the foothills of the Andes, in Chapare and in Yungas. In the 1970s, the grown children of these settlers moved to Norte La Paz, the second stage in this story of family migration, while other settlers came directly from Altiplano and Tarija, in the south of Bolivia. At the same time, the agri-capitalist sector moved into the region (Gill, 1987; Sanabria, 1993; Bottazzi Rist, 2012; Colque, Tinta, Sanjines, 2016). Out of the 26 million

² *Capacidades, resiliencias y repuestas al cambio de los actores sociales en la última frontera de La Paz*, funding IDH/UMSA/IRD.

³ This observation opens up a wide range of analyses on situated knowledge and reflexivity which lie outside the scope of this article.

hectares in the East on which land titles were granted between 1953 and 1993, 88% were allocated to medium or large landowners (Pacheco and Urioste, 2000). In addition, in Norte La Paz, forestry developed alongside land dedicated to cattle breeding (Hunnisett, 1997; Pacheco, 2005).

Small settlers, large landowners and loggers were thus perceived as a threat by the indigenous peoples, especially as their land titles were fragile or non-existent and they had few resources to defend them. They lacked representation by powerful farming unions like those in the Andes, and were subject to discriminatory legislation (Bottazzi, 2009). In response to this situation, in 1982 the peoples of the East founded the Confederation of Indigenous Peoples and Communities of the Bolivian Oriente (CIDOB - *Central de Pueblos y Comunidades Indígenas del Oriente Boliviano*). In 1990, hundreds joined “the march for territory and dignity”, a mobilisation that generated extensive media coverage and changed the face of Bolivia for ever (Postero, 2007): suddenly, the indigenous peoples of the Lowlands were no longer invisible (Assies, 2006). In the same year, President of the Republic Paz Zamora responded to their demand for justice with the creation of the first four indigenous territories.⁴ The connection between injustice, reparation through land, and identity recognition, was established.

Spatial injustice develops in a space of multiple scales, as does reparation

Let us retain from this moment the importance of studying the mechanisms that generated injustice, and led ultimately to its recognition. Assessing the injustices, describing them, and identifying their victims is not enough. Spatial injustice is the outcome of a process that develops through transcalar relations, where local space comes abruptly into contact with the spaces of external powers (Schroeder et al., 2008). In Norte La Paz, the state, on grounds of development, together with private companies in search of profit, were the external agents that generated injustice.

The transcalar process that produced this injustice had many similarities with the process involved in its reparation. Here again, the drivers were actors from outside the local space in which the dispossession had taken place: churches, big international or national agencies, NGOs, union and political organisations, etc. (Lavaud, Lestage, 2006). A typical example is the case of the German anthropologist Jürgen Riester, who in the late 1970s founded the NGO Support for Eastern Bolivia’s Indigenous-Peasant (APCOB - *Apoyo Para el Campesino – Indígena del Oriente Boliviano*) to develop contacts between a number of indigenous groups from the Oriente (Chiquitano, Ayoreo, then Guaranis, Guarayo and Mataco). It was these groups which together founded CIDOB in 1982 (Postero, 2007). NGOs also played an active role in the material organization of the 1990 march (Boulding, 2014), legitimised in their support by international advocacy of the indigenous cause that dated back to the 1970s (Postero, 2007; Brysk, 2000). Of course, the indigenous peoples of the Oriente were not mere spectators, and were themselves actively involved in developing these networks. Nonetheless, their struggle took place within a space of multiple scales, so it is legitimate to say that the process whereby justice was done – or demanded – was very similar in its spatial configuration to the process that generated, or can still generate, injustice.

⁴ In supreme decree No. 22610 (1990), the term used to describe those spaces is “indigenous territories”, not the word “lands”, which would be used in the INRA law (see below).

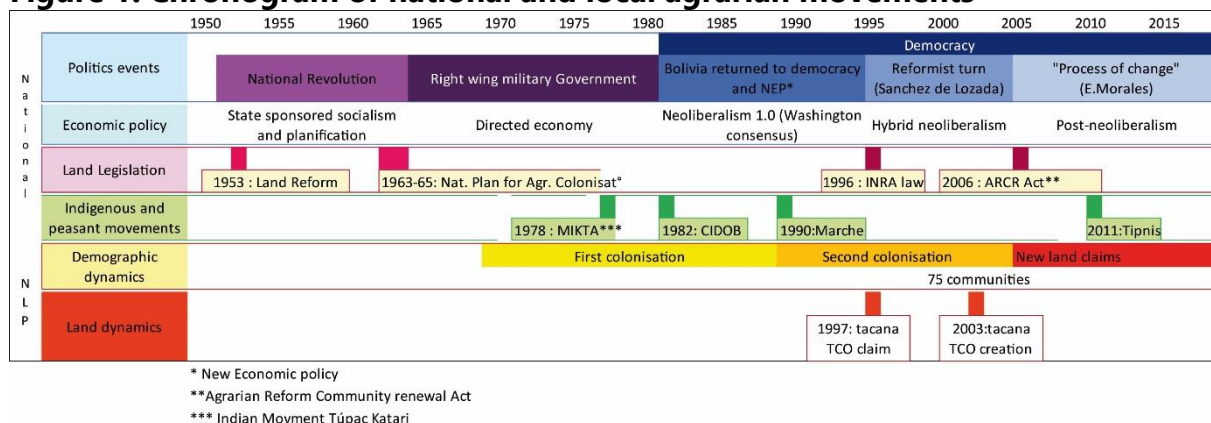
Doing justice through territory: distribution, recognition, and participation

Seeking full justice through territory

After the 1990 march, territory became an “icon” around which relations between the indigenous peoples and the state were organized (Postero, 2007, p. 49). The transition from an issue of land to an issue of territory, and therefore of cultural recognition, took the process beyond one of liberal justice founded on the simple quest for equity via a distributive model (Rawls, 1971; Barry, 1995). The granting of land was no longer restricted to the allocation of resources in compensation for a disadvantaged social position, in the spirit of positive discrimination. Nor did the indigenous peoples accept a simple sharing of the profits earned from the exploitation of resources, because their poverty could turn this redistribution into a means of economic coercion (Schroeder, 2008): this is because, in exchange for a share of the profits, they could be asked to give up some of their territorial rights.

From the 1990s, therefore, land in Bolivia was once again at the heart of reparation procedures, source of a post-liberal (or post-Rawlsian) justice operating in its three dimensions, as defined by Fraser (2000), Schlosberg (2004) and Young (1990). Land was simultaneously the method of reparation (since it allowed the distribution of resources), the medium of reparation (because it opened the way to the recognition of cultural territories), and a lever for obtaining further justice (since through land management, the indigenous peoples were involved for the first time in local governance). Figure 1 illustrates this turning point in the national political history of agrarian movements.

Figure 1: Chronogram of national and local agrarian movements



The INRA Law of 1996: reparation through the distribution of land and resources

Spatial justice, in the form of land allocation, was delivered through the legal framework of the INRA Law, named after the national institute responsible for applying agrarian reform (*Instituto Nacional de Reforma Agraria*). Passed in 1996, it reinstated agrarian reform half a century after the first law of 1953, which in terms of justice, particularly for the indigenous peoples, had been mixed in its effects. Promulgated under pressure from the Eastern indigenous movement (Lema, 2001; Postero, 2007), the INRA Law was also consistent with a form of hybrid neoliberalism (see Figure 1). In Bolivia in the early 1990s, the original neoliberal paradigm defined by the Washington consensus was evolving (Larner, 2003). An ambitious plan was launched for political and social reorganisation via the promotion of local

governance (Stokke, Mohan, 2001) and the recognition of indigenous cultures (Hale, 2005). Multiculturalism was in the air. The accession of Aymara leader Victor Hugo Cárdenas (1992) to the post of vice-president, and the constitutional reform (1994) that made Bolivia a “multi-ethnic state and pluricultural nation” (art. 1), reflect the importance attributed to the indigenous question at a time when the promotion of local governance was a political goal (Perrier Brulé, 2015).

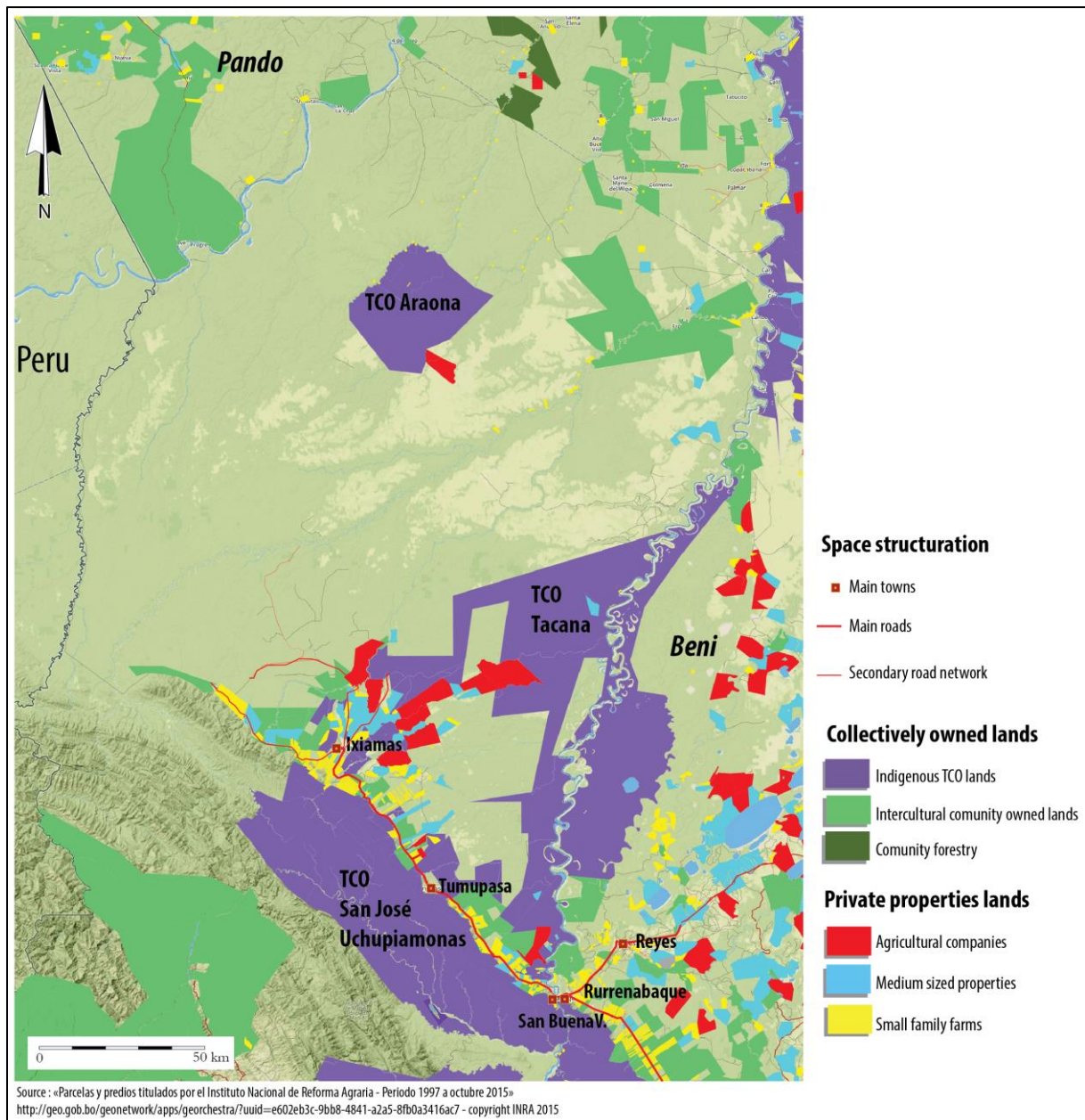
Embedded in this hybrid neoliberal context, the INRA Law was therefore simultaneously liberal, in the sense that it sought to foster economic freedom, and indigenist. Its objective was to create a market inland by bringing the land registry up-to-date (Hecht, 2005; Farthing, Kohl, 2014), and to modernise the farming sector by preventing land speculation and the holding of unworked land. In addition, the act had an indigenist and social dimension. The regularisation of land titles made it possible to identify fiscal lands, i.e. land that belonged to the state and could therefore be granted to indigenous peoples and landless peasants. The free market system for land was therefore not total, since it excluded two categories of land tenure (Figure 3): the lands of the peasant communities and of the indigenous peoples, so-called Original Community Lands (TCO - *Tierras Comunitarias de Origen*), were held under collective title and could not be bought and sold (Pacheco, Urioste, 2000).

Figure 2: Land tenure regimes established by the INRA Law (Art.41)

	<i>Ownership regime</i>	<i>Property owner</i>	<i>Property taxes</i>	<i>Characteristics</i>	<i>Open access to land market</i>
<i>Peasant small plot (solar campesino)</i>	Individual	Family patrimony	No	Indivisible unit Cannot be seized	Yes
<i>Small property</i>	Individual	Family patrimony	No	Indivisible unit Cannot be seized	Yes
<i>Medium property</i>	Individual	Legal person or entity	Yes	Divisible	Yes
<i>Agricultural company</i>	Individual	Legal person or entity	Yes	Divisible	Yes
<i>Original community lands (TCO)</i>	Collective	Indigenous peoples	No	Indivisible unit Cannot be seized Inalienable Imprescriptible	No
<i>Intercultural peasant community</i>	Collective	Peasant community	No	Indivisible unit Cannot be seized Inalienable	No

In Norte La Paz, three TCOs were created: Tacanas, San José de Uchupiamonas, and Araona (Map 2). At the same time, the settler farmers obtained collective land titles for some twenty communities.

Map 2: Map of TCOs allocated between 1997 and 2015 in Norte La Paz



Although the allocation of land to the indigenous peoples and peasant communities did not give them access to the land market, it nevertheless brought them into market networks. The indigenous peoples, in particular, could exploit the timber on their TCOs (Art. 32, Forestry Act No. 1700, 1996), at a time when Norte La Paz had been experiencing a logging boom since 1985. In this way the allocation of land, even unsaleable land, contributed to distributive justice through the commodification of timber. We will subsequently look at these ambivalent effects of the land redistribution.

Allocation of lands and recognition of identity

The establishment of a new spatial justice, initiated in 1996 by Bolivia's public policies, went much further than this distributive model: it also opened the way for the cultural recognition of the indigenous peoples. The large areas of land allocated to them (Figure 5) were in fact justified, in the INRA Law, by "the specificity of their economic, social, and cultural organization" so that they could "continue to survive and develop" (Art. 41, INRA Law, 1996). This connection between cultural recognition and huge land allocation was not challenged when Evo Morales, elected in 2005, undertook to transform Bolivia. The "post-neoliberal" path down which he took his country remains full of ambiguities, with a tussle between factors representing a breakaway from neoliberalism and those representing continuity (Freitas, Marston, Bakker, 2015).⁵ On the question of the indigenous peoples of the Oriente, on the other hand, the U-turn was clear and the divorce declared, whereas the neoliberal period had been broadly favourable to the indigenous cause. The return of the state also marked a resumption of the projects for agrarian settlement, again threatening the indigenous peoples. The Agrarian Reform Community renewal Act of 2006 reflected the preference given to peasant communities seeking land for settlement. At the same time, the new State Political Constitution (CPE) of 2009 blurred and weakened the "indigenous" category by combining it with the terms "peasant" and "native". The aim was to bring about a union of working-class, peasant and indigenous movements, all of which supported the government.⁶ However, although the cause of the settlers progressed, as a result of the peasant unions' unwavering support for the government, elements of continuity favourable to the indigenous territories nevertheless persisted. The TCOs became original indigenous and peasant territories (TIOC - *Territorios Indígena Originario Campesinos*) (Art. 393 to 404, CPE 2009). In consequence, while the "indigenous" category appeared to be under attack, the transition from the notion of land to the notion of territory conversely brought the promise of the creation of autonomous indigenous territories.

Nevertheless, by linking ethnic category to land allocation, the reparation process began in 1996 had consequences that went beyond the recognition of an already existing identity: it stimulated the (re)construction of identity, exemplified by the well documented case of the Tacanas of the Beni department. Under the provisions of the new INRA Law, these Tacanas declared themselves an ethnic group, and formulated a request for land on that basis. Then, with the promulgation of the Law in 1996, the tenuous and elusive existence of the Tacanas of Beni changed suddenly (Herrera Saramiento, 2006; Herrera Saramiento, 2002): people who simply called themselves "sons of Tacanas", in other words linked their indigenous identity to an individual and family history, began to develop markers of collective identity. In Norte La Paz, the same dynamic relationship between land applications and identity construction

⁵ Bolivian post-neoliberalism has given rise to numerous analyses, which all agree on one point: despite the much touted break, the policies pursued by Evo Morales represented a pursuit of neoliberalism, combined with a simple adjustment of governmental practices to unavoidable market conditions (Yates, Bakker, 2013; Jessop, Sum, 2006; Peck, Theodore, Brenner 2010). In this view, therefore, Bolivian post-neoliberalism was no more than the nth version of neoliberalism, which above all needs to be examined in context (Brenner, Peck, Theodore, 2010).

⁶ Invented from scratch, the category "*indígena originario campesino*" was hard to integrate into the sociopolitical landscape, since the division between peasants and indigenous peoples structures the history of Bolivian social movements, divided between ethnic and class-based claims (Fontana, 2014). The controversial project to build a road through the indigenous Tipnis territory in 2011 moreover shifted the eastern indigenous movement to the opposition side, whereas the peasant movements continued to support the government.

arose. When interviewed, the former director of San José de Uchupiamonas secondary school, now aged around sixty, described himself as a witness to these changes. Born in Tumupasa, in the heart of the province, he pursued a career as a teacher in the different schools of Norte La Paz. He explained that *"people had been calling themselves Tacanas for a long time, they were Tacanas simply because their grandparents were Tacanas. But at that time, our identity had been lost. It was a time of decadence. Even in the schools, when we were children, we were forbidden to speak Tacanas"* (J.A.T, San Buenaventura, 29/04/2013). As in Beni, parentage was the primary ethnic argument: one was Tacana because one was a son of Tacanas. The Tacanas of Norte La Paz therefore had few criteria of identity on which to base their land requests. The Director of the Institute for the Tacana Language and Culture, founded in 2013, paints the same picture of a Tacana under threat in the 1990s. Born in Tumupasa, of Tacana parents and grandparents, as she likes to insist, this former leader of the Tacanas does not speak her people's tongue. In retrospect, she recalls a vague communal awareness that perhaps existed before the application for land: *"There was always knowledge, we always knew that we were Tacanas"* (N.C.1, Tumupasa, 30/04/2013). The vague nature of the "knowledge" mentioned by the Director of the Tacana Institute shows that legal recognition, enacted by the creation of the TCO, signified not the culmination of the collective construction of identity, but its starting point, as if – once created – the territorial container needed to have meaning poured into it. Moreover, this process was subject to negotiation. With the help of foreign organisations (churches, NGOs), the Tacanas formulated not one but two requests: one for the Tacana TCO, the other for San José de Uchupiamonas, a partition justified by San José's Tacana people's wish for independence. The existence of two indigenous languages, Tacana and Quechua, the latter spoken in San José,⁷ explains this decision, which shows the importance of language, even a little-used language, as a foundation of self-awareness from which a collective identity could be reconstructed and a territorial dimension imprinted on the land.

Once the request was granted, this emerging territory became a much more powerful unifying force than the forgotten language and the few references to a traditional way of life, a fact acknowledged by the Director of the Tacana Institute: *"As an organization, the most important thing was to fight for the territory. We consolidated the TCO. Of course, this is not sufficient and we continue to struggle to consolidate what is lacking"* (N.C.1, Tumupasa, 30/04/2013). Most of the Tacanas we interviewed, including the current president of the Tacana Council (N.C.2, Buenavista, 29/09/2012), are incapable of saying how long the TCO has existed, as if – in order to gain in power – this foundational territory had to be spared the contingency of a birth witnessed in recent history.

Territory as the driver of new struggles: participation

However, the territory is more than a medium of identity. By enabling the indigenous peoples to participate in political life, it committed 1990s Bolivia to a process of total justice, in which "equity, recognition, and participation are intricately woven together" (Schlosberg, 2004, p. 527). Participation confers justice because it is the condition of just decisions, but also because it allows each person to express their freedom (Sen, 2009; Martin et al., 2014).

⁷ San José de Uchupiamonas was the missionaries' gateway to Norte La Paz. Until the mid-19th century, a variety of languages were spoken in this crossroads town. Subsequently, the Franciscan monks in charge of the mission imposed the use of Quechua (Pachaguayaya, Padraza, 1999).

In Norte La Paz, the participation of the indigenous peoples was driven by the creation of the TCO. Initially, land applications prompted the establishment of representative bodies which became channels for indigenous participation in national political life. At their head, CIDOB organized marches by indigenous peoples (1990, 1996, 2000), proposed legislation (like the ultimately abandoned indigenous act of 1992) and placed indigenous issues at the heart of political debate (Postero, 2007). Like the other TCO management structures, the Tacana Council is organically linked with CIDOB. The political participation of the indigenous peoples was also reinforced by their own administration of the TCO, as evidenced by the proliferation of management plans for the territory and its resources (CIPTA, 2003; 2008). Initially, nonetheless, the intention of the 1996 INRA Law was not to make things easier for the indigenous peoples. The choice of the term “community lands” (in the acronym TCO) was not an accident: the aim was to distribute land, not to create territories and thereby run the risk of fragmenting the country (Assies, 2006).⁸ However, through control of resources, the boards of the TCOs became de facto actors in local governance (Perrier Bruslé, 2015). They also proved to be an effective channel for direct access to central government. At a time when conflicts over access to new land were proliferating, the Tacana Council could thus make its voice heard in the places of power where spatial justice is organized.

In contrast, the Tacanas took little advantage of the possibilities of participation in local political life created by decentralisation through the 1994 “Law of Popular Participation” (LPP). Control of Ixiamas *municipio*⁹ (one of the province’s two administrative subdivisions) passed out of the hands of the local elites into those of the representatives of the settlers’ union (FESPAI - *Federación Sindical de Productores Agropecuarios de la Provincia Abel Iturralde*), without the Tacanas’ involvement in this strategic territorial link (interviews with M.H and B.H, senior town hall official and deputy governor, Ixiamas, 12/12/2012). It would seem, therefore, that indigenous political participation could only emanate from the TCO and not from a multi-ethnic municipal space where only a third of the population called itself Tacana. This probably explains the impossibility of creating an autonomous indigenous Tacana *municipio* (using the legal status of Peasant Original Indigenous Autonomy or AIOC),¹⁰ which would have been centred in Tumupasa. Despite the wishes of the Mayor of Tumupasa (J.T., 1/10/2012), it would seem that a plan for political autonomy could not exist outside the framework of the TCO, whereas the territory of the TCO could not be the starting point for an autonomous area.¹¹ From this, we conclude that in the case of the Tacanas,

⁸ The term “land” refers to land as a resource. Territory includes all the dimensions of spatial appropriation: historical, cultural, economic and political.

⁹ The *municipio* is the basic political-administrative division in Bolivia, which has 339 of them. It includes rural and urban areas. It varies in both surface area and density. Predominantly rural *municipes* can be immense. Ixiamas has 9360 inhabitants in an area of more than 37000 km² (INE, 2012).

¹⁰ *Autonomía Indígena Originaria Campesina*. The purpose of these entities is to enable the indigenous peoples to access self-government (art. 2 of the CPE of 2009). In concrete terms, indigenous peoples must demonstrate possession of a territory and a common desire for self-government (art. 289-296 and 303-304 of the CPE of 2009).

¹¹ The AIOC can in theory emanate from any territory, originating in a TCO or a *municipio*. The Tacana TCO could therefore have provided the territorial basis for this request. However, the prerequisite is to possess continuous territorial boundaries (Tomaselli, 2012), whereas TCO boundaries are flexible, overlapping existing administrative entities (Hirt, Lerch, 2013) and, in the case of the Tacana TCO, delineating a fragmented space (see Map 2). It is therefore the municipal area that has always been used as the basis of AIOC. The importance of the *municipio* in Bolivia's administrative organization is doubtless another reason for this orientation.

ethnic territory remains the only route to indigenous participation in political life, in which case, space becomes more than the object of justice – it is the engine of justice.

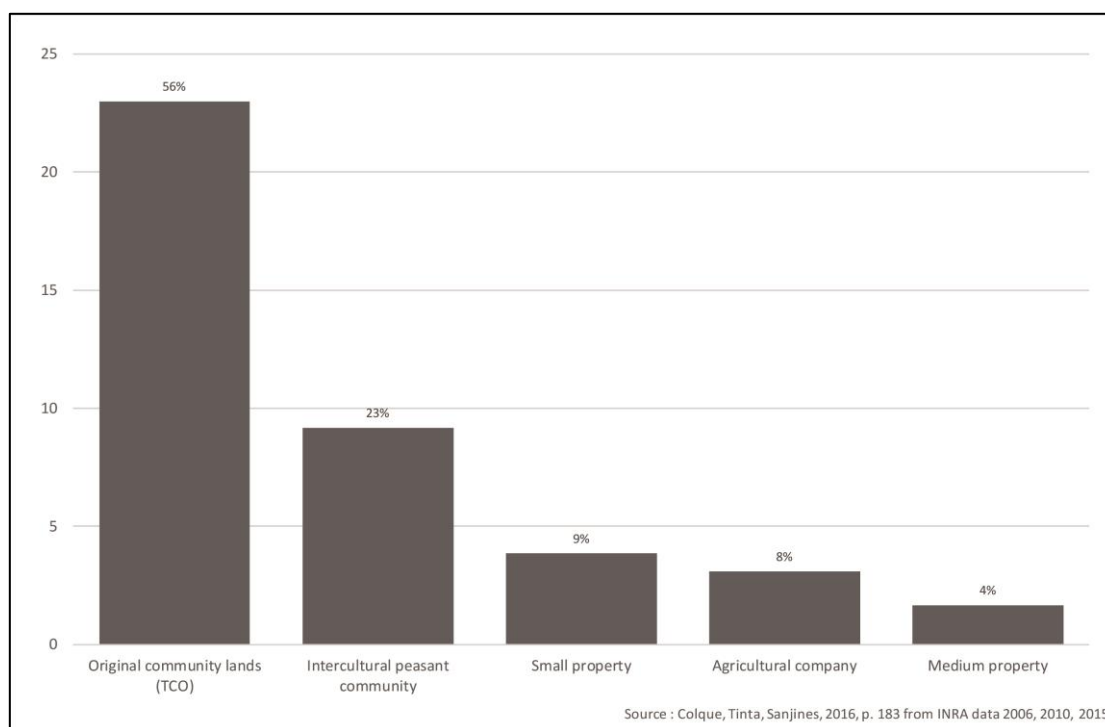
A spatial justice with ambivalent effects on recognition

Equity in land distribution, recognition of identity, and participation: the spatial justice that has been implemented in the Bolivian Amazon since the 1990s seems complete. Yet it is not without contradictions, especially with regard to cultural recognition.

Cultural recognition, a lever of justice... or injustice for those excluded from indigenous status

The first studies in environmental justice showed to what extent the ethnic factor, or the racial factor in the case of the US, could be discriminatory and generate injustice (Bullard, 1999; Walker, 2009). In recognition of this, the reparation procedures begun in Bolivia in the mid-1990s instead employed the indigenous category as a means of positive discrimination. This opened the door to spectacular reparations in terms of the allocation of land to indigenous peoples. Of the some 40.8 million ha granted between 1996 and 2014, more than half (23 million ha) were allocated within the framework of TCOs (Figure 3).

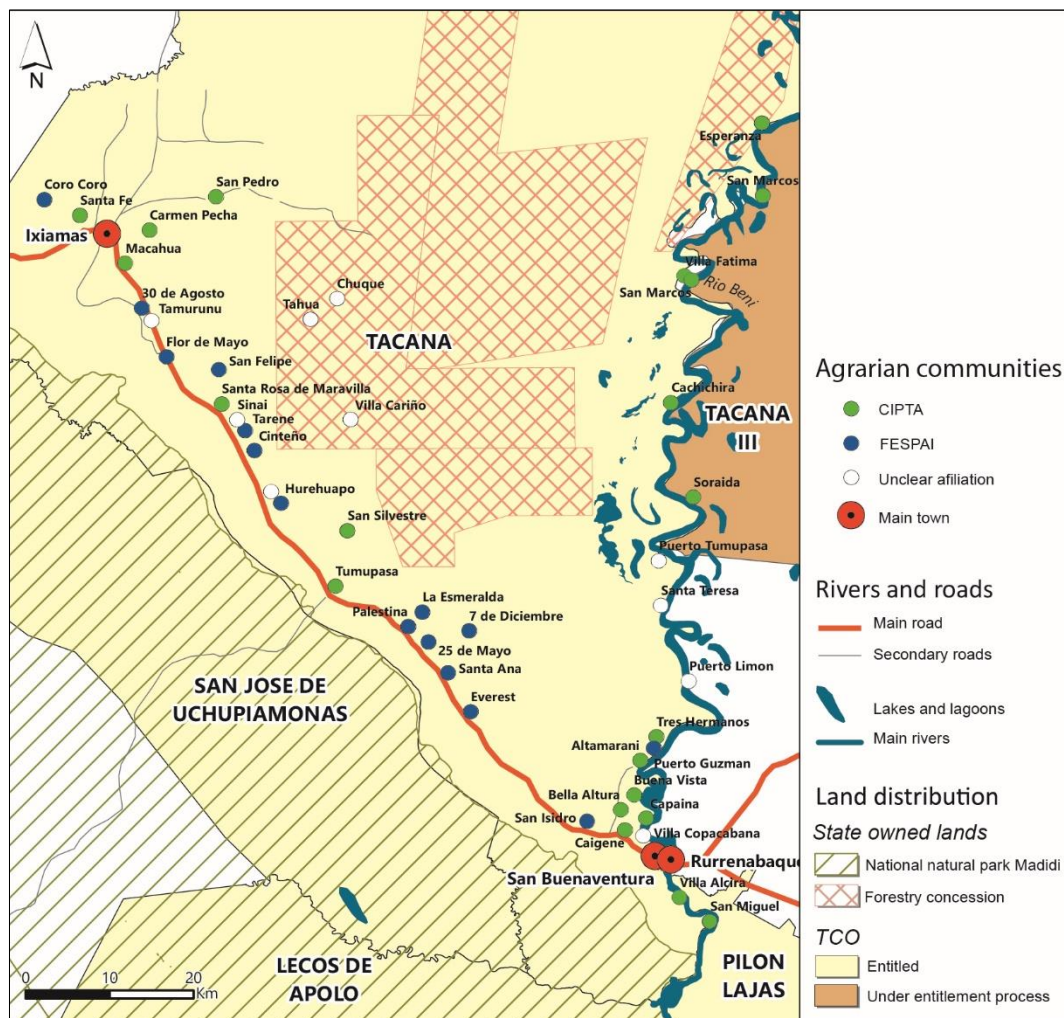
Figure 3: Distribution of land titles between 1996 and 2014 in millions of hectares



The other side of the coin is that the ethnic criterion, when used in reparation procedures based on territory, can also become a factor of exclusion for populations not explicitly defined by their ethnicity. In Norte La Paz, for example, whereas the families of the settler communities received only 50 ha each, the 113 families in the Tacana TCO shared 400,000 ha

between them (Viceministerio de Tierras, 2010). Today, the settlers no longer challenge the allocation of this huge area. However, they have recognised the connection between indigenous identity and the grant of large quantities of land, and are keen to turn it to their advantage. The conditions are favourable, since in Norte La Paz more than 1.2 million ha of fiscal land still remains to be distributed (Corz, 2014), which the settler families are asking to be allocated: *"At the time of the land regularisation, our children were 8 to 10 years old. Now they are young adults. These lands are for them."* (F.D, Secretary-General of the FESPAI, Ixiamas, 1/05/2013). To lend more weight to their request, and to assert the connection between indigenous recognition and reparation on their own behalf, these settlers from the Andes are seeking to join the category of indigenous. For example, in recent years they have begun to describe themselves as "intercultural" in order to highlight their indigenous status and to break away from the stigma of the settler category, which carries the stamp of extra-territoriality and the risk of exclusion from a share in the land. Because *"it is a sad irony. [On account of the term settler], we are like foreigners in our own country"* writes the National Union of Interculturals (C.S.C.I.B, 2013). And, in fact, indigenous identity is strong in these communities. Most of the women speak Aymara or Quechua, rarely Castilian, the families gather in neighbourhoods that bear the name of their province or their original Andean community, and the diet, tools and techniques are determined by a lively Andean culture. However, emphasising this identity is not enough, for the INRA Law stipulates as a condition of entitlement to large areas of land that, as well as being indigenous, one must be a native of the region. Aware of this condition precedent that threatens to exclude them, the Interculturals speak, in addition to their indigenous identity, of their rootedness in Norte La Paz, where many have been settled for more than 30 years. *"We are indigenous and all brothers, natives of Abel Iturralde province [Norte La Paz] (...). [The Deputy-Minister for Land] does not respond to our request for land, whereas he brings brothers from the Occidente [the Andean region] and distributes land to them"* (D.V, leader FESPAI, 10/09/2013). Moreover, the turnaround in land policy instigated by Evo Morales is reflected, even in the absence of a new law, in the revival of agrarian settlement by Andean settlers. In response and opposition to the newcomers, therefore, the Interculturals cite both indigenous recognition and rootedness, while redefining the "native" category to highlight their similarity to the peoples of the Amazon. In November 2012, after years of conflict, the Tacanas and the Interculturals signed an agreement to make a joint application for land on an abandoned forestry concession, thereby de facto excluding the newcomers (Ströher, 2014). Despite this repositioning, the Interculturals are often omitted from the "indigenous native" category, as in the case of the Inter-American Development Bank and World Bank compensation fund intended to mitigate the effects of the construction of the San Buenaventura-Ixiamas road (figure 6). This fund, estimated at 1 million dollars, was earmarked exclusively for the Tacanas, which the Interculturals resent as profoundly unjust. A leader of their union reminded me that only 20% of the communities affected by the road are indigenous (M.H, leader FESPPAI, Ixiamas, 10/09/2013).

Map 3: Distribution of the Tacana indigenous communities (CIPTA) and the Intercultural communities (FESPAI) along the new San Buenaventura-Ixiamas road



From Indians to indigenous peoples: when recognition of indigenousness does no justice

The relation between justice and recognition must also be assessed in the light of a semiological and political analysis of the indigenous classification, since its content can sometimes be a source of injustices. This is not a new observation. In Bolivia, as in the other Andean countries, the ethnic classification of the indigenous peoples of the Lowlands was originally imposed from outside to justify land dispossession. "Indian savages", as they were described on the first national map of the country in 1859, referred to a representation of the Creole society of the Andes. "Savagery" defined the otherness of the Indians and justified the national plan to conquer the Lowlands, a frontier space where "civilisation" must advance in the interests of national history (Perrier Brulé, 2007). The construction of indigenous identity by mixed-race society justified dispossession. In the same way, writing about shamanism in the Colombian Amazon at the time of the rubber boom, Michael Taussig shows how the savagery of the Indians was a product of colonial imagination and triggered a

cycle of reciprocal violence (Taussig, 1987). Ethnic classification thus served the enterprise of colonial domination, which numerous postcolonial authors have demonstrated in contexts other than Bolivia (Said, 1978; Spivak, 1987; Tsing, 2000).

In the Bolivian Amazon, the construction of ethnicity by outsiders continues to the present day. After the Franciscan monks, who defined the outlines of Tacana identity, and after the rubber bosses who turned them into exploited workers, came the churches and NGOs of the neoliberal era, who helped the indigenous peoples to obtain land within the framework of the INRA Law. The Tacanas were supported by the Wildlife Conservation Society (WCS), which recruited social science researchers to organise workshops, formulated the applications for land, then established management plans for the TCO. In so doing, they gradually defined the contours of a Tacana identity, as happened in other regions of Bolivia (Herrera Saramiento, 2009; Lavaud, 2007). However, this alliance between NGO and indigenous peoples, while it produced indisputable advances in terms of land recovery, has often led to the formulation of an identity from outside. The literature of this period bears witness to the process: whatever peoples were concerned, the same references to a simplified Indian cosmogony, to traditional ways of life, and to a special relationship with the environment, run through the reports of the experts, co-signed by the NGOs and the indigenous administrative structures. In addition, the similarities that emerge between the different peoples of the Oriente, and the commonalities with indigenous North American cultures (see Whiteman, 2009), suggest a relative homogenisation of indigenous identity.

This imposition of an identity constructed by external actors has proved particularly problematic in recent decades, as NGOs and indigenous peoples have fought for an environmental justice to different ends. While the former were fighting for the forest, as a world heritage of humanity, the latter were defending their ancestral lands. The result is that, as the space of political action changed, the goal of the struggle changed with it. This has had major consequences for the indigenous peoples of the Bolivian Oriente. Indeed, the NGOs failed to recognise the importance of an ethnic mix in the constitution of their cultures, often reducing the specificity of indigenusness to a special relationship with the environment. In short, cultural recognition prompted ecological NGOs to impose a partial vision of indigenusness, as has been seen elsewhere (Martin et al., 2014). The evangelical churches, institutions which – like the NGOs – operate at a global scale, have also contributed to the exploitation of indigenous identity for their own ends, as the 17th-century missionaries did before them. J.A.T., the already mentioned school teacher, relates how the Tacana cultural renaissance served the global goal of spreading the Christian faith: *"It was a language institute in Tumichuco which revived the Tacana language in the 1960s. It was called the Institute of Summer [Instituto Lingüístico de Verano, NDT]. They worked to save the language and also had a strong religious message. Their goal was at the same time to attract and convert disciples."* (J. A.T., San Buenaventura, 29/04/2013).

In Norte La Paz, relations between NGOs and indigenous peoples deteriorated after 2005. Should we see this as a sign of a desire for independence on the part of the indigenous peoples and the rejection of ethnic categories that failed to produce justice because they were partly imposed from outside? Or else a sign of disappointment in a neoliberal multiculturalism that bestowed cultural rights with no significant counterpart in terms of self-government (Hale, 2005)? In the case of the Tacanas, the historical alliance with the WCS began to turn sour after 2010. A leader of the Tacana administration explains this divorce as

being a result of financial disputes combined with the desire for independence: "*We want to cut the links with all the NGOs and find our own strengths*" (A.T., Tumupasa, 30/04/2013). For her part, the Director of the Tacana Cultural Institute refers to "*threats formulated by the NGOs, linked with their policy and way of doing things. We put a stop to it. Here, the NGOs have to adapt to what the Tacana people decides*" (N.C., Tumupasa, 30/04/2013). The rejection of the NGOs testifies as much to a desire for autonomy as to the refusal of a cultural recognition that does not bring justice, because imposed from outside; standardised from the start, it eventually becomes frozen, like "an imagined bedrock of out-of-time stability" (Tsing, 2009, p. 283).

Distributive justice versus justice through recognition

For advocates of procedural justice, redistribution, cultural recognition, and participation should all be part of the reparation procedure (Schlosberg, 2004; Schroeder, 2008; Walker, 2012; Martin et al., 2014). Establishing this three-dimensional justice is not easy, because the paradigm of distribution is sometimes in contradiction with that of recognition.

In Norte La Paz, for example, the definition of indigenous identity that accompanied the applications for land was contradicted by some current usages of natural resources by the indigenous peoples, usages that resulted from the characteristics of land distribution. The narratives around identity that took form at the beginning of the 21st century were founded on the particular relation linking the indigenous peoples to their natural environment. From this perspective, indigenous peoples are considered not as users of the environment, but as one of its components, in a holistic vision which makes no distinction between human and nonhuman (Whiteman, 2009). Convention No. 169 of the International Labour Organization on Indigenous and Tribal Peoples, for example, speaks of the traditional and nomadic lifestyles of indigenous peoples, in reference to this idea of symbiosis with the physical environment. However, this relation to the nonhuman world is not always verified in current practices, notably among the Tacanas of Norte La Paz. Under the principle of distributive justice, land allocation was accompanied by the right to exploit natural resources, which prompted the emergence of a commodified relationship with nature. The *corregidor* (Tacana community leader) of Tumupasa raises this in reference to the sale of the forest by the Tacana: "*At present, the land parcels situated in the TCO are collective property. Since people cannot sell them directly, they bypass the rule and sell the forestry resources of their land (...) This is our weakness as an indigenous people, because we do not have many resources and we are selling our trees*" (L.B., Tumupasa, 30/04/2013). In this way, the commodification of forestry resources is changing the indigenous relationship to the environment. In fact, the 42 questionnaire surveys conducted with Tacanas and Interculturals show that the proportion of families who exploit timber is roughly the same in both groups: 64.7% for the Tacanas and 60% among the Interculturals.¹² Since the forest began to be exploited for commercial ends (1985), ways of life have been disrupted. The forest is no longer simply a place to live, it is also a living. According to our survey, each Tacana family reckons to earn an average annual income of 2423 bolivianos (350 US dollars) from the forest.¹³

¹² Surveys conducted in December 2014 and March 2015 in different communities in Norte La Paz (Tacana and Intercultural).

¹³ This figure is based on 17 interviews conducted in the Tacana communities of Buenavista, Macahua, Santa Rosa de Maravillas, Tahua and Santa Ana.

This paradox of neoliberal multiculturalism, which has radically transformed the foundations of an identity that it sought to preserve, can also be observed in other countries (Martin et al., 2014; McAfee, 1999; Schroeder, 2008). It is explained less by the procedures of justice (resource distribution) than by the neoliberal context in which these are embedded. The indigenous peoples of the Amazon are part of a national space in which the value of a resource is defined by its price. In the context of neoliberal environmentalism (Bakker, 2003; Bernstein, 2001), however, there is no place for an ontology of nature specific to indigenous peoples. Monetary mediation structures the relations between indigenous peoples and their environment, and capitalism, following a logic well described by David Harvey, absorbs the values specific to each group by endowing them with a quasi-universal market value (Harvey, 2008; see the analysis by Vieillescazes, 2008). Any resource that can be monetised then becomes replaceable: money obtained from timber can be used to buy cows and consumer goods; the medicinal herbs formerly gathered in the forest are replaced by the drugs bought at the pharmacy, using income acquired from the forest. Moreover, on Tacana farms, the products people grow for their own consumption can all give rise to a monetary transaction (in the event of surplus), beginning with rice, maize, banana and yucca. These models of production and consumption reveal a growing uniformity in the way intercultural and indigenous communities live, signs of a mixing rather than a weakening of Tacana identity.

Conclusion: Opening up space in order to build justice

The spatial justice rendered to the indigenous peoples since the neoliberal period in Bolivia is a total justice, which goes beyond the distributive paradigm. Access to land was its central element. It allowed a more equitable distribution of goods, the recognition of identities and political participation. Having been the source of injustice, land has played its part in a project of justice. Space and justice are therefore linked and co-constructed in demands for reparation (Walker, 2009; Harvey, 1996). Nevertheless, the effects on reparation of this simultaneous constitution of space and justice have been ambivalent. The act whereby justice is done is also a semiological act which defines the indigenous peoples in their relation to the nonhuman world, founded on ways of living in harmony with nature. However, these narratives of identity were partly constituted by external actors (NGOs, churches, etc.), according to models defined far from the local sphere. At the same time, in Bolivia's neoliberal context, the allocation of land and its resources to the indigenous peoples is transforming the latter's relation to nature by introducing a monetary mediation. Cultural recognition, at the heart of the procedure of justice, is therefore doubly unsatisfactory. On the one hand, it imprisons the indigenous peoples in an idealised category as guardians of the temple of nature, while on the other hand it destructures this supposedly special relationship with nature.

In order to escape from this double bind, in other words in order that the allocation of land should lead to a justice that is global and un-fragmented, cultural recognition probably needs to entail greater flexibility in ethnic classification. Indigenous identity is neither homogeneous, nor static, nor archaic. It is constructed in the subtle displacement and transmutation of a category imposed from outside (Tsing, 2009). At the local scale, the territory needs to be envisaged as the place in which this reconstitution of identity takes place, and not as the bedrock of a naturalised identity. Only on this condition will justice be done. Indigenous peoples have too long suffered from being icons of stability. Deliberately

maintained outside of history, they were victims of the pioneer invasions and very nearly wiped out. For territory to give justice, therefore, space must be open. A product of dynamic social relations, it cannot be perceived as a container for already formed identities. In short “for the future to be open, space must be open too” (Massey, 2005, p. 12).

About the author

Laetitia Perrier Bruslé, Assistant Professor (or Lecturer), Université de Lorraine (Programme PERIMARGE/Programme CAPAZ).

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