Bolivian Legal Reforms and
Local Indigenous Organizations

Opportunities and Obstacles
in a Lowland Municipality

by
J. Montgomery Roper

Ethnic organizations throughout Latin America have increasingly mobilized over the past several decades in response to threats to their lands, human rights, and ethnic identities. Both within and across national boundaries, many of these movements have coalesced around shared goals such as land claims and broad collective identities such as "indigenous." Many movements have influenced significant changes in states' legal frameworks, resulting in new opportunities for indigenous peoples to participate in governance, in the definition and implementation of development initiatives, and in the management and protection of natural resources. Yet, in many cases, the true potential of these reforms depends on the way in which they are implemented at local administrative levels and the degree to which local indigenous actors are able to take advantage of them. This article examines a case study from lowland Bolivia in an attempt to consider whether the local-level organizations that served as the constituent base of a broader movement will be able to capture these transformational opportunities.

In the mid-1990s, Bolivia's indigenous movement realized a significant victory by influencing a series of legislative reforms. I will review some of the reforms that represent transformational opportunities for local-level indigenous organizations and then examine how these are affecting such organizations in the municipality of San Ignacio de Moxos, arguably the

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cradle of the lowland movement. I will show that indigenous organizations in Moxos have generally not benefited from the new opportunities because of (1) a lack of understanding of the laws, (2) interference by municipal elite and logging interests, and (3) conflicts and divisions within and between the indigenous organizations. This case underscores the significance of accountability in implementing legislative reforms. It also demonstrates that distinct interests and identities that are often overshadowed within broader movements are more likely to be exposed in local-level politics and development and that "indigenousness" may no longer serve as a meaningful basis for solidarity and indigenous empowerment at this level.

TRANSFORMING BOLIVIA'S LEGAL FRAMEWORK

State legal frameworks are a prerequisite to a multitude of more specific local agendas for indigenous peoples. Laws are a necessary first step for ensuring the political and human rights of indigenous peoples as citizens with the right to vote and to participate in the political system. They create the institutional framework through which the state interacts with indigenous people, providing them with institutionalized means for pursuing demands. They also define the rights and responsibilities of the state with regard to indigenous people and of the indigenous people with regard to their lands and their communities.

Bolivia's recognition of indigenous rights has come only in the past decade. For most of this century, the state has followed an integrationist policy, hoping to convert indigenous groups into "civilized" peasants and integrate them into the national society (Angel and Bogado, 1991: 6–7; CIDDEBENI, 1990). The Agrarian Reform Law of 1953 explicitly sought "to incorporate the indigenous population into the national life" (D.L. 03464 in CIDDEBENI, 1990, my translation) and gave preference in granting lands to persons who would permanently reside in those areas as agriculturists. The State Constitution of 1967 had no mention of "indigenous community" but only of "peasant communities." As Davis and Wali (1993: 11) note, these policies were largely created around the reality of highland groups. There was no allowance for the diversity that existed among indigenous groups and no institution to serve as an intermediary between the state and indigenous organizations except for those that had taken charge of incorporating indigenous people into the nation.

THE EMERGENCE OF THE LOWLAND MOVEMENT:
A MARCH FOR DIGNITY AND TERRITORY

The transformation of Bolivia's legal framework in the direction of greater recognition of indigenous rights was significantly influenced by the lowland indigenous movement, which strode onto the national scene with the 1990 March for Dignity and Territory and then maintained negotiations with the state primarily through its highest-level organization, the Confederación Indígena del Oriente Boliviano (Indigenous Confederation of Eastern Bolivia—CIDOB). The historic march arose primarily in response to events taking place in and around the municipality of San Ignacio de Moxos (herein referred to as Moxos) in the Beni Department. Beginning in the late 1970s, the Chimanes Forest, which straddles the western boundary of Moxos, became a center of conservation and logging development, but little consideration was given to the approximately 8,350 indigenous people living in it or on its fringes (Jones, 1990: 4). Responding to this and to declining access to land and resources throughout the Beni, Mojeño leaders founded what would become the Central de Pueblos Indígenas del Beni (Central of Indigenous Peoples of the Beni—CPIB) in 1987 (Jones, 1991: 38–40). The organization incorporates subcentrals and other first-level supracommunal organizations, which in turn represent aggregated community organizations (most often *cabildos*). CPIB now claims representation of 19 ethnic groups[1] and has more than 15 subcentrals. One of the first of these was the San Ignacio subcentral, which came to represent communities in the eastern Chimanes Forest and around the capital of Moxos. The Chimanes Forest land claim became a focal point for the lowland movement, and the San Ignacio subcentral became one of the most active of the CPIB.

In August and September 1990, the March for Dignity and Territory was undertaken in response to the state's repeated refusal to recognize indigenous demands, particularly its refusal to grant lands in the center of the Chimanes Forest, where logging was most profitable. Several hundred indigenous people, along with various supporters, walked from the Beni capital of Trinidad to La Paz. Two of the four march leaders, the San Ignacio subcentral president and the Isiboro Sécure National Park subcentral president, came from Moxos. As Albó (1994: 62) notes, the complementary use of "dignity" and "territory" as the march's theme was related to the new ethnic awareness of the indigenous peoples of the Oriente. March leaders successfully framed the debate not just in terms of land and resources but also in terms of *indigenous* rights and recognition. This resonated with indigenous highlanders and created broad support in civil society. In response, President Jaime Paz Zamora

decreed the creation of four indigenous territories and the establishment of a commission to draft an Indian law to give traditional leaders and governing bodies legal standing (D.S. 22612). Two of these territories were in Moxos: the Territorio Indígena Multiétnico (Multiethnic Indigenous Territory—TIM)[2] (D.S. 22611), which included lands in the center of the Chimanes Forest, and the Territorio Indígena y Parque Nacional Isiboro Sécure (Isiboro Sécure Indigenous Territory and National Park—TIPNIS) (D.S. 22610).

THE NEW LEGAL PROVISIONS FOR INDIGENOUS RIGHTS

After the march, a primary concern of CPIB and CIDOB was the effort to create the new Indian law. In 1993, however, President Gonzalo Sánchez de Lozado abandoned these efforts and instead undertook a series of national reforms that incorporated provisions on indigenous peoples. I will summarize some of the key provisions of the Constitution, the Agrarian Reform Law, the Forestry Law, and the Popular Participation Law that provide new spaces for indigenous political participation and economic empowerment. I will go on to examine the degree to which the laws have been applied and have affected indigenous organizations and their constituency in Moxos.

At the most basic level, reforms to the Constitution of the Republic (Law 1615 of February 6, 1995) declare for the first time that Bolivia is a multiethnic state. They also state that the social, economic, and cultural rights of indigenous peoples are to be respected, especially in relation to indigenous communal lands. Indigenous communities are recognized as legal entities (with *personería jurídica*), and traditional authorities (caciques, corregidores, and others) are recognized as having the right to administer and implement community norms.

The Law of Popular Participation (Law 1551 of April 20, 1994) expands the jurisdiction and responsibilities of municipal governments while also giving legal recognition to community and supracommunal representative organizations and providing these with greater control over and access to local governance. The municipal government is now elected by, represents, and must address the development concerns of the entire municipality. It receives state funds on the basis of the size of the municipal population in order to pursue regional development, which must be based on a five-year plan elaborated through a process of participatory planning involving all sectors of the population. Organizaciones Territoriales de Base (Territorial Base Organizations—OTBs) are registered in each community and have the right

to communicate development priorities and oversee projects. Organizations that represent groups of OTBs (such as the indigenous subcentrals) receive legal recognition as *asociaciónes comunitarias* (community associations). OTBs and/or groups of OTBs from subunits in the municipality elect representatives to the Vigilance Committee, which coordinates with the Mayor's Office in municipal planning, articulates the demands of the OTBs, and ensures that funds are spent according to the development plan. Finally, the Mayor's Office may choose to decentralize administrative functions and Popular Participation funds to municipal districts, which may include indigenous territories, for their direct management.

The new Forestry Law (Law 1700 of July 12, 1996) allows indigenous peoples to log commercially on collectively held land, given an approved management plan, or to contract out forested areas to be developed. The law also expands the responsibilities of municipal governments to include administration and monitoring of the forest sector.

Finally, the new Agrarian Reform Law (Law 1715 of October 18, 1996) guarantees the rights of the indigenous peoples to *tierras comunitarias de origen* (community lands of origin), including in this designation the concept of an indigenous territory.[3] Indigenous lands are recognized as collective property, and inhabitants have the right to the sustainable use of renewable natural resources present on these lands. Legal recognition provides the basis for collective agreements and contracts at the level of the community lands. The distribution of lands and resources for individual and household use is governed by community norms. The state called on the new Servicio Nacional de Reforma Agraria (National Agrarian Reform Service) to title the two Moxos territories created in 1990 immediately and identify and resolve any land disputes within ten months.

As a result of these laws, the opportunities for indigenous individuals and representative organizations to become involved in governance and gain access to state resources have increased considerably, and in some places significant achievements have been realized. Vallejos (1998) shows that in the municipality of Ascensión in the Santa Cruz Department the Confederación de Pueblos Nativos Guarayos (Confederation of Native Guarayos Peoples) took control of the municipal government, displacing the elite that had been in power since the 1950s. Blair (2000: 23) notes that in many parts of the Andean region Quechua and Aymara community representatives are serving as elected municipal authorities for the first time. Throughout the country in 1995, 28.6 percent of the municipal councilors elected were peasant or indigenous (Van Cott, 2000: 229).

IMPACTS OF THE REFORMS
IN SAN IGNACIO DE MOXOS

Indigenous peoples represent 60–70 percent of the Moxos population and can be divided into four ethnic groups: Mojeño (Ignaciano and Trinitario, collectively about 80 percent of the indigenous population), Chimán, Movima, and Yuracaré (CIDDEBENI, 1997a). The cabildo is the primary community organization, and there are five first-level supracommunal organizations, corresponding to the regions around the population centers of San Ignacio, San Francisco, and San Lorenzo and each of the two indigenous territories (TIPNIS and TIM). All are representative in nature, and decisions are made by vote and/or consensus at meetings of representatives from constituent communities. Each organization loosely follows Bolivia's union model of organization,[4] and each has *personería jurídica* and statutes that identify its rights and responsibilities.[5] Most have administered funds and/or projects gained through external support, and the organizations representing the territories have been active in territorial management and development. All belong to CPIB, an affiliate of CIDOB.

Given the highly organized nature of the Moxos indigenous population and the key role that its organizations played in the 1990 march, one might expect that Moxos would provide a model of the transformational potential of the new laws for indigenous peoples. The Moxos indigenous organizations have, however, generally not benefited from the reforms. In the discussion below I will focus primarily on the TIPNIS and San Ignacio subcentrals and the TIM government, the organizations that have been the most active in the region and would seemingly be best situated to benefit from new legislation. In discussing the failures of the reforms, I will focus on two areas of missed opportunities: (1) management and development in the two territories and (2) political participation and access to resources.

EFFECTS ON THE MANAGEMENT AND
CONTROL OF THE INDIGENOUS TERRITORIES

One area in which we might have expected to see organizations benefit from the new laws is in the self-development, management, and protection of the two territories. Yet, the territorial organizations have not witnessed any increase in funding of rural projects by the Mayor's Office or been offered any opportunity to manage and administer projects or fiscal resources. Nor has their control over the limits of the territories or logging within them increased.

At the close of 1997, collective management and development activities by the organizations in the two territories were minimal, and the municipality was providing no support. In the TIPNIS, a management plan was being elaborated with the help of the Centro de Investigación y Documentación para el Desarrollo del Beni (Center of Investigation and Documentation for the Development of the Beni—CIDDEBENI). The subcentral also maintained a carpentry shop to help fund its management center, a technical planning team, and approximately 20 forest guards. Yet, most of these activities had existed before the reforms, and none was strengthened by them. In the TIM, the activities and projects of the representative organizations had actually declined since 1996, and in 1997 there were virtually no development or protection activities. The forest guard and technical team created in 1991 collapsed in 1996, and several CIDDEBENI projects were canceled in 1997.

Despite the protections of the new laws, both territories were experiencing continued pressures by ranchers and logging companies, and the southern part of the TIPNIS was being overrun by colonists from Cochabamba. Border conflicts were not resolved, and territorial boundaries were not demarcated. No forestry permits had been granted for either territory, yet logging companies were extracting mahogany and cedar. In the TIM, for example, a sawmill made agreements with individuals and communities to buy wood, and the TIM government was unable to control the logging or expel the sawmill from the territory. The TIM president declared that forestry use was a "disaster." "When there were no laws," he noted, "there was almost no exploitation of the forest. Now there are laws, but there is a huge exploitation."

EFFECTS ON MUNICIPAL GOVERNANCE

As of 1997, the principal actors in power had not changed, and there was little involvement of subsectors of the population in municipal governance. The five municipal councilors were all from the urban capital of San Ignacio, and not one was indigenous. OTBs had been registered in most communities, but few of these were functioning, and many indigenous communities were registered as peasant communities (Prefectura del Beni et al., 1996). The Vigilance Committee with six permanent positions, two of which were reserved for representatives from the territories,[6] had been formed, but there had been little participation by either territory in the committee, which in turn had had no input into municipal spending in 1995, 1996, or 1997.

Certainly, municipal income and spending had increased considerably. In 1994, the municipality's independent funds of US$55,441 were supplemented by US$167,272 in Popular Participation funds. Total municipal income rose to US$749,671 in 1996 and was projected as US$2,095,241 for

1997 (CIDDEBENI, 1997a; 1997b). Key indigenous leaders of the TIM, TIPNIS, and San Lorenzo agreed that there was some increased participation by their subsectors in the municipality but pointed out that this had not meant increased benefits. The primary concern of the Mayor's Office has centered on urban improvements, which accounted for 78 percent of expenditures in 1995 and 70 percent in 1996 (CIDDEBENI, 1997a). While most municipal districts are isolated from the capital, the Mayor's Office has so far rejected decentralizing any responsibilities, only discussing this as a possibility for the TIPNIS.

Perhaps the most hopeful outcome of Popular Participation has been the creation of the Plan de Desarrollo Municipal de Moxos (Moxos Municipal Development Plan) through a process of participatory planning. In 1997 CIDDEBENI, under contract from the departmental government with funds from the World Bank, elaborated a five-year plan. The Mayor's Office ignored this process until the final stages, when it did assign a technician to participate. There was also minimal participation by TIM leaders and the Vigilance Committee president. Despite these obstacles, CIDDEBENI was able to achieve unprecedented levels of participation by Moxos civil society. CIDDEBENI's success was made possible largely by its prior work on management and development plans for the two territories, which had involved participatory planning. In the TIM, for example, research teams spent three days in each community in 1995 conducting workshops and gathering a range of social, political, and economic information. Similar studies were done in the TIPNIS and, once the development-plan contract was received, throughout Moxos. This information was used to identify areas of potential development and specific projects that were then prioritized in meetings of representatives of all the regions. Despite the limited involvement by some indigenous leaders, representatives from all regions agreed that their interests were represented in the final plan. By law, it must now serve as the basis of future expenditures, though most actors of the civil society are dubious that this will happen.

OBSTACLES TO INDIGENOUS EMPOWERMENT

I have shown that the indigenous organizations that played a primary role in the lowland movement have not much benefited from the legislative victories that the movement negotiated. There are several interrelated reasons for this. First, there is a lack of knowledge and understanding of the new laws. More important, there is resistance by entrenched political and economic interests. Most important, there have been serious conflicts within and

between the indigenous organizations and divisions into distinct interest groups.

KNOWLEDGE AND UNDERSTANDING
OF THE NEW LAWS

The new laws provide a legal framework through which indigenous people can benefit, but, as the TIM president noted, as long as they remain uninformed it is unlikely that they will participate in the new democracy or prosper from the new opportunities. According to civic leaders and local authorities, there has been no training on the Forestry Law, and training on Popular Participation has generally been restricted to a single course. TIPNIS and TIM leaders report having not even received this. What knowledge exists is often mistaken, leading to frustration for organizations of the civil sector, which find themselves unprepared or fighting the wrong battles. The 1996 Vigilance Committee president, for example, blamed the committee's failures on a lack of understanding of its rights and responsibilities, particularly in relation to the Mayor's Office. Most subsectors erroneously believe that Popular Participation means that the municipal government is *obliged* to pass funds directly to the subsector for spending or to spend a precise amount on the subsector based on its population. Misunderstanding of the laws also led the TIM government to spend several months pursuing a meaningless claim against the national forestry superintendent. In addition, lack of information on the new laws leaves the organizations open to manipulation by the logging companies and the municipal elite.

There has actually been more training than most actors recognize. Between 1995 and 1997, numerous workshops and seminars were provided throughout Moxos both by regional NGOs and by the state. The perception of limited training is due partly to poor dissemination by those trained to their constituency and to the high turnover of leaders and failure to train new ones. Lack of retention of information has also been due to the fact that concerns have been dominated by logging and internal conflicts.

RESISTANCE BY ENTRENCHED INTERESTS

Lack of knowledge of the laws is manipulated and exacerbated by powerful entrenched interests in the municipality that would represent a significant obstacle to empowerment for indigenous organizations in any case. Both the municipal elite and the logging companies are threatened by the new powers available to the indigenous organizations and have resisted change and hindered the implementation of reforms. As the TIM president stated in 1997,

"Clearly, the new laws could improve the condition in the territory. But when the laws are not practiced and are not respected, then they are truly empty."

Most of Moxos is savanna, and economic and political power lies with the white (of Hispanic origin) cattle ranchers, merchants, and landowners. Historically, there has been little coordination between the elite and the indigenous peoples (see Jones, 1980; 1991). In addition, Moxos is divided between the political parties of Movimiento Nacional Revolucionario (National Revolutionary Movement—MNR) and Acción Democratica Nacionalista (Nationalist Democratic Action—ADN). By late 1997, positions of power in the municipality were occupied exclusively by the ADN.[7] A longtime scholar of the region has noted that one family has essentially dominated politics for over two decades (James Jones, personal communication, April 3, 1997).

The ADN elite has resisted involving other actors in municipal governance, and the relationships between the Mayor's Office and non-ADN organizations have been either minimal or conflictive. As the CIDDEBENI professional responsible for coordinating the development of the municipal development plan has noted, there has been no initiative by the Mayor's Office to involve subsectors of the population and no "democratic vision." While the Mayor's Office is concerned about the encroachment of colonists into the TIPNIS, there has been no effort to coordinate or take into account the views of the TIPNIS subcentral on this or any other matter. Explaining why the Mayor's Office did not initially take part in the 1997 participatory planning meetings, an official said that with so many communities with distinct needs the process was best coordinated from above. This also reflects the paternalism of most municipal authorities toward the indigenous population. This paternalism was further exhibited by the president of the Moxos Civic Committee, who explained to me that indigenous people were like "children" and then outlined a number of development projects that he had thought up for indigenous communities that could be implemented after his party (ADN) won the 1997 municipal elections.

The problems that the civil sector has had in playing a role in municipal governance are best represented by the relationship between the Mayor's Office and the Vigilance Committee. The Mayor's Office completely ignored the committee, refusing to work with it or even provide it copies of annual operating plans. These plans were developed in 1995, 1996, and 1997 exclusively by the Mayor's Office, and many outside of it believe that funds were regularly redirected at his whim. In response to these problems and possible evidence of embezzlement, the committee followed formal procedures and filed a complaint against the mayor at the national level in 1997. Remarkably, although no one on the committee was interviewed, the "investigation" found

no irregularities. Prior to resigning, the committee president told me, "By my criteria, the municipality is under a dictatorship of the mayor."

While the ADN elite has been able to ignore aspects of the new laws and retain its control over municipal government, the greater force in undermining indigenous organizations and disrupting their ability to benefit from the new laws has come from logging interests in western Moxos. Logging companies have been able to operate in the forested areas of the two indigenous territories as if these were part of their legal concessions. Here I will focus on events in the TIM, where the situation has been most extreme.

When the TIM was created in 1990, approximately 25 percent of the commercial wood that had been identified in the Chimanes logging concessions became "trapped" within the territory (Proyecto Forestal Chimanes, 1991: 13–14). Sawmills ignored the presidential decree that they remove their installations from the TIM by the end of 1990 and continued felling trees. Between 1990 and 1994, territorial leaders responded with protests and demands that the state remove the sawmills and organized a territory guard that began confiscating felled trees. The companies ignored and undermined them by making illegal deals for timber directly with individuals and community leaders. Companies also gained the support of key institutions and individuals in the state, which regularly ignored demands to remove the sawmills until threatened with civil unrest and then repeatedly mediated on behalf of the sawmills for an extension of time. The representative of the Instituto Indigenista Boliviano (Bolivian Indigenous Institute—IIB) responsible for overseeing the implementation of the 1990 presidential decree also mediated on behalf of companies in private deals with individuals in the TIM.

In an effort to initiate a sustainable development plan for the forest, indigenous leaders and CIDDEBENI began planning the project "Integrated Use and Management of the Forest Resources in the Multiethnic Indigenous Territory" in 1992 (CIDDEBENI and COTIM, 1993). This received favorable review for funding by the European Union but was then undermined by the companies and individuals within the state. A commission in the Senate with no bearing on the project faxed the San Ignacio subcentral saying that the project would never receive the required state approval. One of the companies then initiated rumors that CIDDEBENI was using the project to take control of the forests and persuaded the subcentral president to abandon CIDDEBENI and the plan. The project collapsed, and instead two direct sales of felled timber were made to the companies, in 1994 and 1995. Access to the forests was extended beyond the agreements through the payment of bribes to territory guards, indigenous leaders, and state officials.

In 1996, logging companies took advantage of a debilitating power struggle in the TIM by again negotiating contracts directly with individuals and

communities. The new TIM government that finally emerged from this strug-gle turned its attention to controlling the logging, armed with resolutions made at territorywide meetings, its legal status as a community association, and the legal title providing territorial *personería jurídica*. Both CIDOB and CPIB had ratified the new leaders as the legitimate TIM government, but log-ging officials refused to recognize them and even paid the final disbursement of funds from the 1995 sale to the deposed leaders. Company employees also tried to undermine the new leadership by spreading rumors of corruption. At a meeting in late 1997 the chief of the sole sawmill remaining in the TIM dis-missed demands by the TIM government for an end to private deals with indi-viduals and the payment of US$10,000 for a year's back rent. Instead, the chief told the leaders, "Look, it is not we who are rejecting you . . . it is the communities. . . . If we don't make these deals with the communities, then some other company will." He then made a deal with the community nearest to the sawmill to pay US$2,000 for rent in exchange for its supporting the company against the TIM government. I later asked the sawmill chief if the TIM government didn't have the right to control logging in the territory. He responded that there was no "TIM" and no collective resources because the new agrarian reform law makes communities responsible for their resources.[8] According to Walter Paz, a lawyer specializing in indigenous and environmental issues with the Centro de Estudios Jurídicos e Investigaciones Sociales (Center for Legal Studies and Social Investigations—CEJIS), both the Agrarian Reform Law and the Forestry Law give explicit recognition to indigenous collective territories, and the title together with the community resolutions gave the TIM government legal standing to effect its demands.

The lack of respect that state officials have for indigenous organizations (and the law) and the support they have given the sawmills were again seen in the state's response to the rent dispute. Despite knowing of the TIM govern-ment's efforts to remove the sawmill, the subprefect (an appointed provincial governor) approved the rent deal between the sawmill and the community. In protest, and still resolved to remove the sawmill, the TIM government and its supporters blocked three trucks loaded with mahogany illegally acquired in the TIM from leaving the territory. In response, the Beni prefect sent police and 30 soldiers to end the blockade. Five indigenous leaders were placed in jail, and one was badly beaten.

CONFLICT AND DIVISION WITHIN
THE INDIGENOUS MOVEMENT

The most serious obstacle preventing indigenous organizations from fill-ing new spaces in local governance, getting access to more resources, and

increasing security over their lands is conflict and division within the indigenous movement. Conflict has primarily concerned the control of valued timber resources, the management of finances, and broader management issues concerning the two territories, and it has manifested itself in hostilities within and between communities, distrust between communities and representative organizations and leaders, factionalism within indigenous organizations, and power struggles between indigenous organizations. While this discord has been partly instigated and clearly exacerbated and manipulated by the logging companies and the political elite, these interests did not fracture a strong collective but took advantage of existing ethnic, ideological, and territorial divisions within the indigenous movement. Even in the absence of logging pressures and open indigenous conflict, such divisions would impede overcoming the vested political elite of Moxos. I will begin with the most significant conflict affecting indigenous empowerment in the region, that between the TIM government and the San Ignacio subcentral.[9]

When the TIM was created in 1990, the San Ignacio subcentral took responsibility for overseeing the territory, and all 37 communities of the subcentral participated in decision making. A TIM government was created to represent the 17 communities in the territory, but it never really functioned as a separate entity. It was located in subcentral headquarters in the municipal capital (outside of the TIM), its leadership was elected by all the subcentral communities, and it was generally overshadowed by the subcentral. Community leaders in the TIM were dissatisfied with this situation and demanded that the TIM government relocate to the territory and more regularly interact with community leaders. There was also a growing perception of corruption or at least incompetence in the organizations. Nearly US$1 million from the 1994 and 1995 timber sales was spent by the subcentral and TIM government with little accounting and without benefiting several communities in the territory, and US$60,000 "disappeared" from one leader's home. In 1996 TIM community leaders decided to elect new leadership to the TIM government. This led to a power struggle between two factions that resulted in a series of contested elections before a group of new leaders with the recognition of CIDOB and CPIB emerged. This struggle caused discord between communities in the territory and serious animosity between the San Ignacio subcentral and the new TIM government, which disassociated itself from all persons and institutions associated with the old leadership. Relations deteriorated further when the new TIM government removed the contents of the subcentral headquarters and a truck, claiming that these items had been purchased with funds belonging to the territory. Although the tensions underlying this conflict had been building for some time, ironically the new laws played an important role. Taking advantage of the electoral power provided by the expansion of

municipal jurisdiction, the faction seeking to take control of the TIM from the subcentral entered into a brief alliance with the ADN elite in San Ignacio. The new TIM leaders were provided with loans, food and supplies, and travel support in their struggle in exchange for their support of ADN in the 1997 local elections.[10]

The struggle for the TIM brought the San Ignacio subcentral to a standstill. The leadership was demoralized and without a focus now that the TIM had been wrested from its jurisdiction. It was also without equipment. A division had also emerged between the new government and several communities most of which had entered into negotiations with logging companies during the power struggle and did not want to abandon these and subject themselves to territorial governance. Some of these communities were also allied with the deposed leaders, and there were also elements of ethnic division between Mojeño and Yuracaré, which backed some of the previous leaders. In addition, some community leaders believed that the new TIM government had gone too far in completely disassociating itself from the subcentral and "looting" the subcentral headquarters and viewed the new president as overly divisive.

In mid-1997, the subcentral was revitalized by the return of a charismatic leader who had been president from 1993 to 1995. Communities in the TIM opposed to the TIM government joined with subcentral communities from outside the territory who believed that the TIM should benefit all the communities of Moxos, and the subcentral initiated a campaign to retake control of the territory. It declared a state of emergency that lasted nearly two months and involved almost daily meetings of community leaders. A media campaign was begun against the TIM government, plans were made to capture the TIM president and deliver him to the police on a variety of charges, and a replacement TIM government was elected. In response, the TIM government in the territory also held meetings and declared itself a subcentral in order to remove all doubt that it might somehow be subject to the San Ignacio subcentral.

During this conflict, there was no interest in an "indigenous" collective effort to be involved in municipal governance or time for leaders to develop one. The two factions also made it difficult for NGOs to remain neutral, and most NGOs withdrew from their activities in the TIM. CIDDEBENI, for example, decided that it could no longer work in the territory. It reluctantly abandoned a management plan and its newest integrated forest management and development project, which had received favorable review from the International Tropical Timber Organization, and offered to return funding to Oxfam-America related to other projects.

While conflicts over the management of timber resources and meddling by vested interests may have been catalysts for discord in the indigenous population and certainly exacerbated conflict, these factors only served to uncover a lack of agreement concerning the use of resources, foment divisions within a diverse population, and ignite preexisting potentialities for division. Indeed, while the impetus for the 1990 March for Dignity and Territory may have come largely from Moxos, there is no reason to assume that there had ever been an indigenous collective in Moxos. Less than 5 percent of the indigenous population joined the march when it paused for several days in Moxos, and many fewer continued the march (based on Contreras, 1991: 42). Nor should we assume that those who took part in the movement for the purpose of obtaining territory had a collective ideology on how to manage the territories, who should have access to or control over them, or any of a myriad of other local-level issues. One factor working against the likelihood of such a collective ideology is that many families living in the indigenous territories have no long historical ties to one another or to the region but have come from other regions as part of a revitalization movement, the search for the "Loma Santa" (Jones, 1980; Lehm, 1993). Only one of the current communities of the TIM existed prior to 1950, and many of the families arriving in the past half-century traditionally lived not in forested areas but in the savanna regions.

To the extent that an indigenous movement existed in Moxos, it has become fractured at the level of the municipality into distinct groups whose interests and identities outweigh any collective "indigenousness" such as was a basis of the lowland movement. Concerns now relate more to social and economic development within the specific territories, communities, and households. Paradoxically, the presence of five indigenous organizations in Moxos (four subcentrals and the TIM government) does not provide strength for the indigenous population in collectively taking advantage of the reforms but divides the movement by region and key interests. Similarly, the creation of the two indigenous territories has refocused the attention of their respective inhabitants on the territorial boundaries and inward rather than on broader municipal politics. The creation of the territories also divided the population between those who reside in them and those who do not but view them as broader collective goods and feel entitled to the resources they contain. This was part of the conflict between the San Ignacio subcentral, dominated by communities outside of the TIM, and the new TIM government.

Increased perception of community rights and boundaries has also divided the indigenous movement. In the two territories, for example, villages moved frequently until the past decade but have now seemingly become

permanent and, despite the fact that the territories are collective, more commonly conceive of community resources and boundaries. In the TIM, communities have increasingly accused one another of coming onto "their" lands to take resources, and many now feel that individual communities have the right to make deals with logging companies for trees located on their lands. These divided interests and greater sense of bounded property are heightened by increasing participation in market economies. While there may be sufficient resources for subsistence, there are limited resources for economic gain, and these are not distributed evenly across the region.

Finally, the presence of four ethnic groups, as well as the distinction within Mojeño between Trinitario and Ignaciano, has served as a further basis for division. Nash (1989: 124) notes that while ethnic differences do not automatically imply conflict, they do serve as a reservoir for division that can be incited by external interference and "ethnic entrepreneurs" who cultivate the differences for power. During the 1997 conflict between the subcentral and TIM government, for example, a prior leader of Yuracaré ethnicity appealed to communities composed primarily of Yuracaré for support against the TIM government based on ethnic distinctions. The possibility of latent racism between ethnic groups was also indicated when one Mojeño leader explained to me that the Yuracaré are naturally less intelligent and thus more susceptible to manipulation and misinformation.

FINAL FACTORS

The problems just discussed represent the primary obstacles facing indigenous organizations through 1997, but there are at least two others that are likely to become significant. First, as many have noted (e.g., D'Emilio, 1997; Van Cott, 2000), NGOs and nonlocal organizations will have to play an important role in financing, training, and support if the benefits of the Bolivian reforms are to be realized. Protection of territories, for example, will require funds to settle land disputes, to demarcate and delineate boundaries, and to monitor borders. Municipal development will also rely on external organizations. Sixty-eight percent of the 1997 proposed spending in Moxos relied on external sources, and this trend will continue (CIDDEBENI, 1997b). NGOs will also likely play an important role in ensuring that municipal authorities abide by the reforms. In response to the skepticism on the part of numerous local actors that the Mayor's Office would implement the management plan, the CIDDEBENI coordinator of the plan pointed out that financiers and development organizations would increasingly insist on funding only projects that appear in the document. Indeed, without the

involvement of CIDDEBENI, made possible through World Bank funds, it is certain that the municipal elite would have controlled or avoided altogether the creation of the five-year plan.

Another problem that has arisen elsewhere in Bolivia (e.g., D'Emilio, 1997; Dudley, 1997; Van Cott, 2000) and is certain to affect Moxos is the requirement that elected state authorities belong to political parties. While lowland organizations have been active in political affairs and indigenous communities and organizations may side with one candidate or another, there is a strong distaste for institutionalized party politics. Indeed, the statutes of the San Ignacio subcentral (1997) state that party independence is a basic principle of the organization. Marcial Fabricano, a past CIDOB president, was criticized by many local indigenous leaders and within CIDOB for being a vice-presidential candidate in the 1997 national elections.

SUMMARY AND DISCUSSION

To summarize, recent legal reforms in Bolivia support indigenous rights and create new spaces for the participation of local-level organizations in local governance and access to resources for self-defined development priorities. Yet, indigenous organizations in the municipality of San Ignacio de Moxos have not significantly benefited from these transformational opportunities. They have not seen any additional resources and have had almost no input into municipal governance, and the indigenous territories remain threatened by logging and colonization. Perhaps the only benefit that any indigenous organization could claim lies in some indigenous leaders' leveraging their voting power to gain municipal support and take control of the TIM government. Knowledge of the laws is limited, logging officials and state authorities have rejected those aspects of the laws that threaten their entrenched power, and any potential benefits have been undermined by divisions and conflicts between and within the organizations.

What are the broader implications of these findings? First, this case study joins many others in showing that increasingly favorable treatment for indigenous peoples in policy and legal frameworks may have little impact on the realization of local rights and access to resources (e.g., Cummings, 1990; Gray, 1997; Roper, Frechione, and DeWalt, 1997). As Utting (1993: 143–146) notes, it is often authorities and dominant interests at the local level that are most significant in preventing the empowerment of indigenous peoples. Legal frameworks are only as helpful as the states' commitment to enforce them.

In a study of participation and accountability in local governance in six countries,[11] Blair (2000: 27) also argues that democratic governance demands accountability of public servants. Interestingly, he finds that of the six Bolivia has the most viable sources of accountability in its political parties, the media, and formal procedures. But these sources of accountability have not yet worked in Moxos. Formal complaints by the Vigilance Committee against the Mayor's Office were ignored by the state, and in the case of the TIM's complaints against the sawmills the state did not impose sanctions but worked to resolve the problem in favor of the companies. This history underscores the need for clear channels to responsive institutions with no vested interests and decisive enforcement when laws are violated. The presence of two strong political parties in Moxos will likely serve to strengthen the position of the indigenous inhabitants, as ADN and MNR will increasingly have to campaign for the indigenous vote. Yet the political party system also inhibits indigenous people from running for office because of their aversion to party politics. Finally, the media in Moxos are dominated by the political elite, and the department-level and interdepartment-level associated indigenous organizations and NGOs outside of Moxos that in the past have used broader media channels to put pressure on local governments have withdrawn because of conflict within the Moxos indigenous movement.

Thus, it is not that Blair is wrong about Bolivia's systems of accountability or that Moxos is somehow an anomaly; there are in fact systems of accountability in place. But, as Blair (2000: 32) notes, the presence of these systems does not ensure that they work for the public good, and some may never function properly or may take some time to do so. Moxos provides a cautionary case study of the circumstances under which these channels of accountability may be insufficient. Indeed, the case suggests that one of the most significant factors that can undermine the proper functioning of systems of accountability is conflict within the indigenous organizations themselves. I believe that eventually democracy in Moxos will be strengthened and the position of indigenous inhabitants will be improved, in part because of these systems of accountability. As I have mentioned, another source of accountability that will be key is the participation of NGOs and funding organizations.

A second major lesson to be drawn from this case study is that the bases of power for indigenous movements that prove effective at the national level in negotiating rights with the state are likely to be much less meaningful and less effective at the local level, where specific resources and local power are at stake and more distinct identities and ideologies come into play. Tarrow (1994: 5) notes that one of the principal reasons people support or participate in collective activities is recognition of their common interests. Perry and

Pugh (1978: 247) point out that it is often collective ideologies that provide the motivation for collective action. As many have noted (e.g., Chase-Smith, 1984; Clay, 1984; MacDonald, 1992: 217), indigenous strategies often initially involve confronting external power structures, and local support and mobilization commonly take place around broad ideologies and conceptions of ethnic and multiethnic identities that clearly distinguish between local people and these external powers. Such identity politics have often proven quite successful, as several of the articles in this special issue show. In Bolivia, the lowland indigenous movement gained territories and initiated a process that resulted in a new legal framework, and many indigenous peoples have benefited from this achievement.

Yet, collective actions and social movements do not depend solely on ideologically based solidarity. Social movement theorists note that the motivations and concerns of individuals are also important (e.g., Olson, 1965; Tarrow, 1994: 14). For movements at the national level, goals such as "territory" and "dignity" can provide benefits with few costs to individuals, and broad notions of multiethnic indigenous identity can provide a basis for unity in confronting the state. At the local level, however, such broad issues may be less relevant, and the motivations and concerns of individuals are more likely to revolve around issues relating to their families and households, their communities, their territories, or even their ethnic groups. In addition, in areas with multiple indigenous organizations representing distinct sectors of the population, the common interests and collective ideologies that distinguish each group are likely to be more pronounced at the local level. Conflicts are more likely as issues of the apportionment of or access to limited resources and access to and control over positions of authority and decision making come into play. These narrowed interests at the local level are often exacerbated by poverty, manifested by a great number of needs and a limited number of resources. Thus, it is not that identity politics become meaningless at this level but only that the relevant identities change. Distinct goals and messages will probably evolve that could lead to contests between groups to occupy new spaces of local power. As Postero (2000: 11) notes, "by *inclusion* at the local level, indigenous demands have been fragmented and refocused." Indeed, one could argue that there is no longer an indigenous movement in Moxos. The organizations are in place and might be able to be mobilized for an indigenous movement, but they exist at the present as distinct interest groups. Thus, when I say that the position of indigenous inhabitants will likely improve, I mean not as a collective indigenous movement but individually as rural people or as members of localized interest groups.

I began by asking what new spaces local-level organizations could fill given the new opportunities created by reforms. Despite the failures in Moxos, there are a number of possibilities. Organizations representing territories might oversee collective commercial forestry—handling resources, administering projects, and so forth. Groups without territory have the option of gaining access to lands. All have the opportunity to participate in municipal governance, either through OTBs and vigilance committees or directly through positions of authority. Yet, knowledge of the laws, indigenous solidarity, and lack of external interference are in themselves insufficient to ensure the full benefits of the new opportunities. Most organizations will likely require support in building human capital (education, administrative capacities, and so forth). Bebbington (1996: 1174–1175) warns that organizations' administrative and management capacities are frequently still quite fragile and strains could be produced by a rapid increase in financial resources or management responsibilities. At the same time, Blair (2000: 29) notes that civil organizations that have served primarily as governing bodies, by setting rules for members and settling disputes, may find difficulties in acting as advocates with local government or competing for the attention of local governments. He says that there is no quick way to transform their competencies because their experiences have simply been in a different realm of action. In many areas, it will take some time before we witness the transformational potential of the new laws.

NOTES

1. These include Moxeños, Sirionós, Yuracarés, Movimas, Chimanes, Mosetenes, Tacanas, Esse-Ejjas, Chácobos, Itonamas, Moré, Pacahuaras, Buares, Cabiñenos, Guarayos, Araonas, Canichanas, Cayababas, and Yaminaguas.

2. While a significant portion of the TIM is in the province of Yacuma, for reasons of history and road access all communities rely on Moxos for their needs and are attended to by Moxos.

3. A territory is recognized as established in the International Labor Organization Agreement 169 and ratified through Bolivian Law 1257 of July 1991.

4. The San Ignacio subcentral includes a president, vice president, general secretary, and secretaries of organization, treasury, health, education, press and communication, investigation, and land and territory, a link to the Women's Organization, and several generic members.

5. The 1997 statutes of the San Ignacio subcentral define its roles as including representing the interests of the communities, defending their lands and territories, supporting cultural identity and traditional organizations, strengthening community democracy, and promoting economic and social development.

6. The other representatives come from San Ignacio, San Lorenzo, San Francisco, and Desengaño and may or may not be indigenous.

7. ADN controlled the Civic Committee, the Cattle Ranching Association, the Municipal Council, the Mayor's Office, and Office of the Subprefect.

8. This is an argument that I also heard from the San Ignacio Civic Committee president. It is possible that parts of the law will have to be tested in the courts. This could take considerable time, and indigenous organizations have few resources for fighting the lumber companies.

9. The TIPNIS was also experiencing problems. In response to private sales of timber by leaders of the TIPNIS subcentral, higher-level indigenous organizations to which the TIPNIS subcentral belongs disbanded it in late 1997 and placed a council of elders in its place. The subcentral contested the legality of this, and at a departmentwide meeting of indigenous organizations in Trinidad in December representatives of both the subcentral and the council of elders appeared claiming legitimacy.

10. Some outside observers believe that the municipal government purposefully divided the indigenous movement and then manipulated the new TIM leaders to ensure their election in 1997. I disagree. There is considerable evidence in the minutes of meetings of the subcentral and of communities within the TIM that there was growing dissatisfaction with the control of the territory by the subcentral and the government of the TIM. This was exacerbated by the problems with the management of funds, which had nothing to do with the municipal elite. Community evaluations undertaken in 1995 by teams of researchers in every community in the territory also clearly show that communities did not feel that they were being well represented and that their representative organizations needed to work more closely with them.

11. These include Bolivia, Honduras, India, Mali, the Philippines, and Ukraine.

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