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Rights for Mother Earth: The case of Bolivia

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Rights for Mother Earth
The case of Bolivia



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Abstract

In this thesis, the motivations behind the adoption of the Law of the Rights of Mother Earth in Bolivia will be explored. Three different explanations will be researched, namely that the law was adopted because of social movement activism, or to gain more control over the country's natural resources, or, alternatively, in order to increase Bolivia's international reputation. This thesis argues that all three explanations contributed to the adoption of the law.

Key words: *Law of the Rights of Mother Earth, Bolivia, Evo Morales, earth jurisprudence.*

Introduction

In December 2010, Bolivia's Plurinational Legislative Assembly accepted the world's first draft Law of the Rights of Mother Earth. The law was based on the new Bolivian constitution that was adopted in 2009 (Humphreys 2017) and states that Mother Earth has certain undeniable rights and that it is the state's moral obligation to uphold these rights (Villavicencio Calzadilla and Kotzé 2018). Although it is not the first country to include Earth's rights in their policy, it is the first country to incorporate elements of the Andean cosmovision and nature protection rights into a separate national law (Humphreys 2017; Williford 2018). The constitution of the country explicitly mentions indigenous concepts of harmony as an important factor. The concept of "Buen Vivir" (harmonious living/living well) and associated indigenous-language concepts have been used to explain the aims of the Bolivian constitution (Broad and Fischer-Mackey 2017, 1328). This kind of policy is often associated with policies and debates regarding natural resources. Although nature protection laws were implemented at the highest level, Bolivia did not stop the extraction of natural resources in vulnerable territories. On the contrary, it expanded the extractive frontier to include newer areas of extraction. These decisions were motivated by the desire to develop the country economically. Protests from indigenous communities were infantilised or outright ignored (Bebbington and Humphreys Bebbington 2011).

For this thesis, I will research the practice of including indigenous cosmovision and the rights of nature into state policy. I will focus specifically on Bolivia. The main question here is: *which factors led to Bolivia adopting the Law of the Rights of Mother Earth?* It is important to analyse this, because it will provide a framework for other countries that consider implementing these policies. Researching the motivations behind the adoption of the law could help these state actors to move in the direction that is appropriate in that

specific context. By researching the adoption of the Law of the Rights of Mother Earth (LRME), its effects on the current Bolivian society will become visible, meaning other countries are able to see its advantages and disadvantages. This means they can adjust the policy to overcome previous obstacles and to maximize its potential.

The academic importance of this thesis lies in its method. Most scholars mainly focus on a single explanation of the reason for Bolivia to adapt the LRME (for example, Kaltmeier 2018; Bebbington and Humphreys Bebbington 2011; Gudynas 2011; Kennemore and Weeks 2011) . However, this thesis explores three possible factors that might have played a role in this process. The hypothetical multi-causality of the implementation of the law could provide a new insight in processes of sustainable governance and indigenous inclusion, especially in developing countries. Moreover, researching the LRME in Bolivia is intrinsically important for scholars of Bolivian politics and economics.

This thesis will make use of a single case study to assess the research question. Bolivia can be seen as a crucial case of rights of nature and state policy. In order to answer the research question, three different hypotheses will be tested.¹ I will look at the rights of nature in state policy from the perspective of international relations and global political economy. After introducing the topic, the thesis will give a short overview of the academic literature regarding the Bolivian case. Then, the historical context of the LRME in Bolivia will be explained. Lastly, I will conduct an analysis of the case in order to answer this thesis' main question. The aim of this is research to provide a more comprehensive overview of possible explanations of the relationship between governance, sustainability, indigenous cosmovision and extractivism, particularly in Latin America.

¹ See Research Design (p. 12)

Literature Review: The Different Faces of the Rights of Nature

Within academia, there are different terms for the adaptation of indigenous cosmovision and rights of nature in law or discourse. Some academics refer to the rights of nature as “earth jurisprudence,” which relates to the belief that nature has rights, and “earth system law,” the recognition of nature as a legal entity (Humphreys 2017; Gellers 2020). Villavicencio and Kotzé (2018) view laws regarding the rights of nature as related to ecocentric law, in which nature is presented as intrinsically important regardless of human values given to it. Contrary to this is anthropocentric law, which states that humans are dominant over all other species (Villavicencio Calzadilla and Kotzé 2018). Gellers (2020) agrees with this view, stating that the anthropocentric nature of most laws results in injustices for both vulnerable humans and nature (2).

Regarding indigenous cosmovision in policy, most scholars use the terms *Buen Vivir/Vivir Bien* (living well/harmonious living) in the Latin American context, as well as indigenous language conceptualizations of this notion, such as *Sumak Kawsay* (in Quechua) and *Suma Qamaña* (in Aymara) (Svampa 2019; Villavicencio Calzadilla and Kotzé 2018). In the Bolivian context, scholars also refer to the law as the rights of *Pachamama* (Mother Earth), although the Bolivian law specifically uses the Spanish term *Madre Tierra* as opposed to the more indigenous-oriented *Pachamama* (Humphreys 2017; Villavicencio Calzadilla and Kotzé 2018).

The Rights of Nature and Social Movements

Within the context of Latin America, the literature on earth jurisprudence often researches natural resource extraction, commonly taking a world-systems theory or critical approach by exposing patterns of exploitation of the subaltern that are rooted in the history of the

continent (Kaltmeier 2018; Humphreys 2017). These patterns of exploitation in Latin America are strongly intertwined with concepts of indigeneity and the socioeconomic struggles of subaltern groups. For many scholars, part of the explanation of the adoption of environmental laws lies in activism and pressure from the indigenous community, which is a response to the patterns of exploitation in Latin America. Although economic factors play a role in these processes, it is not the main focus of the research (Perreault 2006; Svampa 2019). Rather, the focus lies on social and cultural relations between and within groups. The aspect of indigeneity is an important factor in these relations.

For example, Kaltmeier (2018) argues that in Bolivia, the making of a new constitution in 2009 was strongly advocated for and supported by indigenous and social movements (Kaltmeier 2018). Humphreys (2017) also recognizes the link between indigenous support and the adoption of the LRME, stating that many indigenous values can be observed in the law. According to Kaltmeier (2018), the constitution can be seen as advocating for decolonialization and indigenous self-determination, identifying the concept of *Buen Vivir* as central to Bolivia's development (Kaltmeier 2018, 189-190).

The explicit inclusion of indigenous peoples in the new constitution is not unexpected. Bolivia has a long history of indigenous exclusion and marginalization. Struggles about the privatization of water (2001) and natural gas (2003) culminated in widespread popular protest in which the Quechua and Aymara indigenous minorities played a large role. According to Perreault (2006), these protests indicated an underlying dissatisfaction with the country's natural resource management and possibilities for political participation for marginalized groups, with one of the protesters' main demands being a new constitution (Perreault 2006). It is no wonder that the 2009 constitution recognized Bolivia as a plurinational state, giving more autonomy to indigenous peoples and recognizing them as

nations (Kaltmeier 2018; Humphreys 2017, 407), which was possibly because of advocacy from the indigenous community.

The academic literature focusses less on non-indigenous social movement. Humphreys (2017) briefly mentions the “*popular-indígena* divide ‘between Che Guevara and the Pachamama’” (466), referring to the divide between leftist and indigenous social movements, with then-president Evo Morales being able to receive the support of both groups during his election. Perreault (2006, 206) shows how during the water and gas wars in 2001 and 2003, the indigenous protests garnered support from urban social movements. However, this does not provide more insight into the role of non-indigenous social movements in the adoption of the LRME. This academic absence of research into the presence of non-indigenous social movements in the Bolivian case, along with Morales himself being of Aymara descent (Humphreys 2017), raises the question whether there is indeed no link between non-indigenous social movement activism and the adoption of the LRME, whether it presents an under-researched area of academia or whether Morales adopted the law mostly for the benefits of his own community, a view also mentioned by Humphreys (2017).

Thus, the Law of the Rights of Mother Earth is seen as a product of indigenous activism by many scholars. However, the law is not without criticism. Some argue that the theoretical base of this law and similar policies in Latin America does not accurately represent the real indigenous concept of *Buen Vivir*, but rather a Western and economically convenient version of it (Svampa 2019). Others question whether the adaptation of Andean cosmology in the Bolivian constitution was inclusive enough of the actual indigenous people, seeing that the law was criticised by indigenous leaders in the countries for having

no real consequences for the indigenous community (Bebbington and Humphreys Bebbington 2011).

This body of literature shows how activism and advocacy from social movements played a large role in the adoption of the Law of the Rights of Mother Earth in Bolivia. Most of the literature heavily focusses on indigenous groups and their involvement in the law, glossing over other, non-indigenous movements that might have had an influence on the adoption of the law. However, this goes beyond the scope of this thesis. Social movement activism could be considered a partial explanation for the adoption of the LRME, seeing that there are more possible reasons for the policy that are mentioned by researchers.

The Rights of Nature and the Economy

A sizeable body of research on earth jurisprudence and related concepts in the context of Latin America focusses on the question whether the policy can be seen as a break with or a continuation of previous neoliberal policies. This idea again builds on world-systems theory, the idea that the world can be categorized into different categories depending on their influence and power in the global system (Williford 2018, 98). However, these authors are more focused on the economic foundations and implications of the policy (for example, Bebbington and Humphreys Bebbington 2011; Kennemore and Weeks 2011). Many scholars researching this process attempt to analyse it from a theoretical perspective: is the Law of the Rights of Mother Earth really such a radical break with the neoliberal, exploitative past that only focussed on economic progress and development? Gudynas (2011) argues that this is indeed the case. For them, “[t]he term *Buen Vivir* is best understood as an umbrella for a set of different positions,” one that takes a different shape depending on the context, society and country (Gudynas 2011, 444). According to the author, the inclusion of *Buen Vivir* in the

constitutions of Ecuador and Bolivia can be interpreted as these countries taking a different path, away from westernized ideas of modernity and development.

However, other authors challenge the views brought forward by Gudynas, arguing that instead, the adoption of the rights of nature in legislation signifies a continuation of policies of modernity and development, only with a different approach. For Kennemore and Weeks (2011), the adoption of the LRME in Bolivia can indeed be seen as a reaction to decades of neoliberalism, in which the poor were marginalised and political inclusion was low. The policy is an example of “twenty-first-century socialism,” a concept that aims to promote economic equality while at the same time using capitalist elements to achieve that goal (Kennemore and Weeks 2011, 268). For the authors, however, the continuation of an economic system based on capitalism and the perpetuation of exploiting natural resources indicates that twenty-first-century socialism is not radically different from the neoliberal development model of the past. Williford (2018), researching the case of Ecuador, presents a similar view, stating that “while policy changes in Ecuador were counterhegemonic and incompatible with western notions of development, they did not change the reality of capitalist production.” (Williford 2018, 98). Thus, it can be assumed that the constitutional changes in Bolivia and Ecuador are a contrast to the past, but not a radical discontinuity of historical patterns of exploitation.

The literature on rights of nature in Latin America makes clear that the adoption of *Buen Vivir* cannot be seen as separate from the extraction of natural resources. The majority of academics views extractivism, or the resistance against it, as the main driver of the advocacy for the policy. For Svampa (2019), the constitutional change in Bolivia and Ecuador is seen as a phase in what the author calls a neo-extractivism ideology. Neo-extractivism signifies a break with old patterns of exploitation of natural resources, especially in Latin

America. It encompasses a more inclusive and developmentalist approach to natural resources, characterized by a greater influence of the state and nationalisation of resources. However, Villalba-Eguiluz and Etxano (2017) assert that this tendency is not compatible with perceptions of *Buen Vivir*, seeing that in most cases, the state continues, or even intensifies the extraction of natural resources, despite popular protest.

As can be seen in the literature, some scholars have reacted positively to Bolivia's decision to include the concept of *Buen Vivir* in state policy (Gudynas 2011). In contrast, others have criticised the move. As mentioned above, many experts accuse these policies as being a continuation of neoliberalism and capitalism, although only with a more socialist "sauce." The policy and its associated political rhetoric are seen as a way to justify the state capturing resource rents and using it for redistributive policies (Kennemore and Weeks 2011, 271;Humphreys 2017). Other criticism applies to the actual implementation of the law and its effects: Bolivia keeps extracting natural resources from vulnerable ecosystems, raising the question whether the adoption of the law is a farce (Centellas 2017; Villalba-Eguiluz and Etxano 2017).

The aforementioned literature shows that the economic aspect should be considered when assessing the Law of the Rights of Mother Earth in Bolivia. It shows the possibility that the laws were accepted because they gave the state a greater control over the country's natural resources. Within the literature, there is an overlap between social movement activism and the economic considerations for the law, indicating a possible multi-causality for the adoption of the rights of nature in state policy.

The Rights of Nature International

An overarching theme in the research on the rights of nature in state policy is the focus on domestic factors. Most research does not make clear whether there might be international factors that play a part in the adoption of these laws. Although there are some who mention international aspects of the law in their research, it is often only briefly mentioned, or specifically focussed on one particular natural resource.

For example, Broad and Fischer-Mackey (2017) look at mining policy and conclude that Bolivia is not the only country that has implemented -or has considered implementing- policies that prevent the extraction of certain natural resources. In El Salvador, industrial gold mining has been prohibited since 2006 because it caused health and safety hazards. Similarly, Costa Rica outlawed mining in 2002 as a result of popular activism against the environmental problems caused by open-pit mining (Broad and Fischer-Mackey 2017, 1328). In both cases, the desire to protect nature was a motivator for implementing such policies. (Broad and Fischer-Mackey 2017).

Humphreys (2017) briefly mentions the international aspects that might have played a role in the adoption of the LRME in Bolivia. The author illustrates how the idea that nature has rights emerged in the USA in 1970's and shows how the new constitution of Ecuador was used as an example for the LRME in Bolivia (Humphreys 2017, 470–71). However, it does not become clear what other international factors played a role in the adoption of the law.

There is another aspect that might play a part in the adoption of the LRME and its international factor, namely South-South cooperation (SSC). Gray and Gills (2016) argue that countries in the global south are increasingly working together to foster economic development without being dependent on the global North (557). For Gudynas (2016), this started with the emergence of the Pink Tide – leftist- governments in Latin America, to

which Evo Morales belonged. The author claims that *Buen Vivir* is a break with the prevalent paradigm on development and should be included in SSC, something that Bolivia did not attempt to do (728). Therefore, Gudynas argues, the concept of *Buen Vivir* should be included into South-South cooperation programmes (730). However, Kröger and Lalander (2016) argue that it was exactly South-South cooperation that made governments of global South countries adopt the rights of nature in state policy (687). This raises the question whether SSC played a role in the adoption of the LRME in Bolivia.

Although the international aspect is present in the literature about the LRME, it is mostly directed at similar laws in other countries, or on precedents in other countries that influenced Bolivia's decision. What is lacking is a more constructivist approach to the case, which will be useful in assessing whether Bolivia adopted the law for reputational benefits, i.e., if Morales advocated for the law in order to be seen in a positive way by international actors such as environmental NGO's and other countries in the Global South. However, it could antagonize international investors, especially international energy corporations that are active in natural resource extraction in Bolivia. This could fit into Morales' nationalist rhetoric of anti-imperialism and self-determination. Investigating this could also be helpful in determining motives for adopting environmental laws in other countries as well.

Research Design

Case Selection

For this thesis, I will be using a case study in order to assess the research question. The chosen case is Bolivia, which can be seen as a crucial case, as Bolivia has become symbolic for national policy changes that include the rights of nature, especially for countries in the global south (Aguirre and Cooper 2010). A crucial case is particularly useful in explaining a certain causality (Seawright and Gerring 2008). In the case of this thesis, it can be used to research the causal mechanism between a country's decision to adopt the rights of nature in state policy and several different causes that lead to this decision.

There is some criticism for using single case studies, stating that a single case study does not have sufficient explanatory power (van Evera 1997, 52). However, as mentioned before, there are other instances in which a very similar policy is applied, most notably Ecuador and New Zealand, but also El Salvador and the United States (Broad and Fischer-Mackey 2017). The only difference being that in the latter two cases, the rights of nature are applied on a local level, and not on a national level. Nevertheless, especially because of the scale, the case of Bolivia can serve as a useful example of the rights of nature and its effects on state policy.

Hypotheses and operationalization

For this thesis, I will test the following three hypotheses:

1. *The Morales government adopted the LRME because of pressure and activism from social movements and the indigenous communities.*

This view is particularly prevalent in Humphreys (2017) and Williford (2018). It has been argued that the strong presence of indigenous communities in the constituent assembly in 2009 is a compelling reason for the adoption of the law (Humphreys 2017).

In order to prove the validity of this hypothesis, this research needs to show how indigenous communities supported the policy, either by advocating that the law should be adopted or by reacting positively to the adoption of the LRME. This will become clear from activities by indigenous communities, such as protests or demonstrations during the period in which the law was adopted, or from statements by indigenous community leaders. This will be demonstrated by academic literature as well as secondary sources such as newspaper articles. In addition, official government discourse will also be taken into consideration to examine whether Morales or other government officials expressed their motivation to adopt the LRME because of popular opinion. On the other hand, if indigenous leaders or other activists rejected the policy, the hypothesis can be seen as less viable.

2. *The adoption of the law was motivated by nationalism and the desire to have more control over the country's natural resource extraction.*

This interpretation is backed by Svampa (2019) and Bebbington and Humphreys Bebbington (2011). For Svampa, neo-extractivism is a continuation of earlier neoliberalist policies, while at the same time being used as a tool for the state to have more influence in the extraction of natural resources. Similarly, Bebbington and Humphreys Bebbington are careful to call the new Bolivian policy “post-neoliberalist,” but rather see it as a perpetuation of old patterns of exploitation and dependency. A contested and contradictory concept (Ruckert, Macdonald, and Proulx 2017), post-neoliberalism in this context refers to connecting the state with economic development through natural resource extraction, whereas this was previously

seen as the domain of the market. Post-neoliberalism is contradictory with neoliberalism, precisely because it can be seen as a countermovement to neoliberalism (Ruckert, Macdonald, and Proulx 2017; Bebbington and Humphreys Bebbington 2011).

This hypothesis will hold true if there is considerable academic evidence that points to Bolivia using the policy to nationalise its extractive industry, or when empirical evidence shows that the state nationalised its natural resources after the law was adopted. In addition, government discourse in which these intentions are stated will prove in favour of this hypothesis. If becomes clear that the Bolivian government adheres to the law and did not carry out extractive activities in vulnerable areas, this would weaken the hypothesis. Of course, it is impossible to know what happens inside policymakers' heads, meaning that it is impossible to identify their motivations. The best way to solve this problem is by looking at the actions policymakers carry out after a law is adopted in order to analyse their motivations.

There is a third explanation that is not often taken into account when studying the rights of nature in the Bolivian case:

3. *The Morales government adopted the law because of the reputational benefits it would bring, especially in the international community.*

In this case, "reputational benefits" refers to the way in which the country is seen by international actors. This thesis specifically focuses on the reactions of other countries in the Global South and multinational energy companies. Although Humphreys (2017) mentions the internationalisation of the policy, there is no attention given to the international reputational benefits of adopting the LRME in state policy. This thesis will give more insight into this understudied aspect of the topic. Villavicencio Calzadilla and Kotzé (2018) briefly

mention the adoption of the LRME as a way for Evo Morales to appear a global advocate for Earth's rights (415). Because of the lack of academic literature in this regard, this hypothesis will mostly be studied through the use of primary sources such as government statements and policy papers.

To prove the validity of this hypothesis, there need to be evidence that the international community reacted positively to the law. This can best be researched through analysing statements made by actors from Global South countries and from international energy corporations. Additionally, if the Bolivian government has expressed their interest in gaining a better reputation it will also point to the validity of the hypothesis. If there is strong evidence that the adoption of the LRME was ignored by international actors it weakens the believability of the thesis.

These three hypotheses will be tested through a qualitative single case study analysis. In order to confirm or reject hypothesis 1, I will look at both primary and secondary sources. Here, I will research academic literature as well as statements made by indigenous communities and Bolivian social movements. In addition, official government discourse will be taken into account, specifically communication by president Morales².

For the second hypothesis, academic sources will be used, as they are best suited for it. It is not likely that Evo Morales would publicly acknowledge that he adapted the LRME as a way to have more control over the country's natural resources. However, it is possible that a part of the answer can be found in public discourse by Morales' political opposition and activist movements, in which case these statements will be used in this thesis.

² If necessary, Spanish language sources will be translated into English by the author.

Seeing that there has not been substantive research into the international factors that influenced Bolivia's decision, researching hypothesis 3 will be mostly done through discourse analysis. In order to do this, international responses to the implementation of LRME will be studied. These responses can be found in primary sources such as official statements for leaders of other countries in the Global South and announcements by multinational energy companies, as well as in scholarly sources.

Expectations

I expect to find that Bolivia mainly implemented the policy for the national reputational benefits. After decades of elitist politics, Evo Morales (2006-2019) was elected on the platform of an inclusive, plurinational state in which indigenous people and the poor would have more rights and opportunities. The rights of nature were written into the new constitution in order to fulfil this promise and to appease the indigenous community. At the same time, it would seem to the international community as if the country was motivated to combat climate change and environmental damage caused by extractivism. The second hypothesis will also hold true. I expect to find that implementing the policy was meant as a justification for more state intervention in the extraction of natural resources. It is a convenient tool to extent state influence over the extractive sector and to side-line international companies that had long held a favourable position in the country.

With this in mind, I expect that the responses from the international community were diverse: NGO's and environmental activist organisations have applauded Bolivia's move, whereas international companies that extracted resources in the country are expected to be unhappy with the policy. This will show the connection between the reputational benefits of the law and international environmental organisations on the one hand, and the failure of

the policy and Bolivia's long history of extractivism on the other hand. The expected outcome is that foreign countries will accept the policy change in their discourse, mostly for reputational benefits. However, they will be less likely to invest in or engage in trade relations with Bolivia, seeing that the restrictions on the exploitation of nature will increase the cost of extraction.

A Short History of Bolivia

Early history and colonial period

Like most Latin American countries, Bolivia was colonized by Spain in the beginning of the sixteenth century (McKinney 2011; Klein 2011)³. Similar to most Spanish colonies, the region that is now Bolivia was mostly used for the extraction of natural resources and agricultural products, which were exported back to Spain (McKinney 2011). Before the Spanish conquest, the territory of what is now Bolivia was the home to a wide variety of indigenous peoples. The Aymara were the most widespread and dominant people in the area, until they were annexed into the bigger Quechua-speaking Inca empire. These peoples grew agricultural products such as corn and coca, while also fabricating textiles and working in metallurgy (Klein 2011).

After the Spanish “discovery” of the American continent, many impoverished nobles and people from the lower classes moved to the new world, causing a rapid sociodemographic change to take place in the Americas (McKinney 2011; Klein 2011). The Spanish colonialists would later become the mestizo elite who controlled the indigenous population and -after independence- controlled the political system, resulting in a highly unequal distribution of wealth and power, which continues to influence Bolivian society until today (Klein 2011; McKinney 2011; Morales 2010).⁴ In the colonial period, Bolivia became famous for its silver, especially in the Potosí region. It is estimated that half of the silver that Spain imported from the Americas was mined in this region (McKinney 2011, 142). On the one hand, the newfound wealth meant the development of an economic system, but the

³ In this chapter “Latin American countries” refers to the countries in Spanish America, disregarding Brazil, Guyana and Surinam, among others, seeing that these require a historical overview entirely of their own.

⁴ Morales (2010) as cited in this thesis is an academic scholar, not the former president of Bolivia (Evo Morales).

one-sided development made the continent vulnerable to economic shock and crises (McKinney 2011; Bértola and Ocampo 2012). Economic hardship in the colonies and political turmoil in motherland Spain resulted in Bolivia's independence in 1825 (de la Pedraja 2011; Klein 2011). After independence, the country relied mainly on the export of raw materials, helped by moderate state control over these goods (McKinney 2011).

Between the wars and after (1880-1951)

The period after independence was marked by military dictatorships, authoritarianism and foreign interventions, and dictators (*caudillos*) often waged war against others (de la Pedraja 2011). The War of the Pacific and the subsequent loss of territory in 1880, made Bolivia a landlocked country. This marked the beginning of civilian oligarchic rule, which would continue until 1934 (Klein 2011). From the second half of the nineteenth century up until the 1950's, Bolivia's main economic drivers were silver and tin extraction, which made a few people very rich. However, this wealth was not distributed evenly among the population. As Morales (2010) states: "Often in Bolivia's history, a major national resource has enriched a very few at the expense of the many [...]" (94). The silver and tin "barons" had a strong influence in politics, resulting in a highly corrupt and dependent political system.

From 1914 onward, the country started developing a multiparty system, which gave rise to a number of socialist parties. These would not have strong influence on the state until the 1950's (Morales 2010). Like the war in 1880, the 1932 Chaco War against Paraguay proved a major turning point in Bolivian history. The corruption and mismanagement by the military leadership led to Bolivia's defeat and a growing dissatisfaction with the government. The 1936 coup by young military officers marked the beginning of a new military rule that would last until 1951 (Klein 2011; Morales 2010). The military junta adapted a rhetoric of

“military socialism,” anti-imperialism and economic nationalism. It improved the rights of the peasant population and nationalised many natural assets. However, it was met with resistance from the oligarchic ruling class, which took control of the country in 1947 and violently oppressed any opposition. This, combined with economic decline and rigged elections led to the National Revolution in 1951 (Klein 2011; Morales 2010; Thomson et al. 2018).

Revolution, counter-revolution and counter-counter-revolution

After the National Revolution, the country’s biggest party, the MNR (Nationalist Revolutionary Movement), took control of the government and implemented reforms, the most important of which were granting universal voting rights, nationalising Bolivia’s mines and land reforms (Klein 2011; Morales 2010; Thomson et al. 2018). These policies mostly benefitted the rural peasant and indigenous population, antagonizing the wealthy industrial and land-owning elites in the process (Morales 2010), which led to the 1964 counterrevolution. This period can be characterised as very anti-leftist and oppressive, favouring the rich elite (Morales 2010; Thomson et al. 2018) and impoverishing the lower class and peasantry, meaning a sharp increase in social and economic inequality (Morales 2010). In addition, the country became highly dependent on natural resources (Klein 2011). The government’s human rights abuses and drug connections contributed to its avoidance by foreign governments, which resulted in the end of the dictatorship in 1982 (Morales 2010; Klein 2011).

The 1980’s and 90’s in Latin America can be characterised as a time of economic crisis. To pay off their enormous foreign debt, countries privatised their economies and implemented neoliberal policies, influenced by international actors such as the World Bank

and International Monetary Fund (Kennemore and Weeks 2011, 267; Klein 2011; Bértola and Ocampo 2012). The resulting decline in public spending meant a rise in poverty and economic inequality, whereas economic growth slowed down to the extent that some observers call this period the “lost decade” for Latin America (Bértola and Ocampo 2012; Kennemore and Weeks 2011). For Bolivia, the democratic transition in 1982 did not mean an end to the economic challenges the country faces before. On the contrary: the nation’s foreign debt led to drastic austerity measures, supported by the International Monetary Fund and foreign investors. (Morales 2010; Kennemore and Weeks 2011). Bolivia belonged to the “aggressive reformers” that implemented the adjustment programs quickly and thoroughly (Bértola and Ocampo 2012, 214; Klein 2011). Most of the negative effects of these changes were felt by the working class, many of whom were indigenous peasants (Morales 2010). This group became increasingly organised at the end of the twentieth century and demanded change.

A factor of growing importance during this time was cocaine. For thousands of years, the coca leaf has played an important social and cultural role in the belief systems of many Andean populations (Morales 2010; Farthing and Kohl 2010). The discovery and criminalisation of cocaine has led to an increased politicisation of the product (Farthing and Kohl 2010; Klein 2011). The growing popularity of the drug in the United States, along with the rise in poverty in Bolivia during the 1980’s and -90’s, led to many small landowners to start producing coca (Morales 2010; Klein 2011). Bolivia became one of the main coca paste exporters in the world (Klein 2011, 247).

During this time, the government became increasingly repressive of the coca farmers, or *cocaleros*. Coca eradication programmes, financed by the US, led to human rights abuses against the *cocaleros*, generating widespread protests. The small coca producers are

organised in tight-knit unions, that often hold a lot of political power. According to Farthing and Kohl (2010), “the impoverished but well-organized coca growers became the country’s principal resistance to both U.S. drug and neoliberal economic policy” (198). As the leader of the biggest *cocalero* union, Evo Morales emerged as the main advocate for the coca producers. In addition, the Water and Gas Wars in 2001 and 2003⁵ respectively illustrated the people’s widespread discontent with the government (Perreault 2006).

It was in this context that Evo Morales was elected president in 2005. Morales is a former coca farmer who presents himself as being of indigenous descent (Villavicencio Calzadilla and Kotzé 2018). After he was elected president, he continued his pro-coca stance, moving away from the “zero coca” policy of his predecessors to a “coca yes, cocaine no” policy (Morales 2010, 228; Farthing and Kohl 2010, 205), to the point of discontinuing the counternarcotic activities of the DEA in the country (Morales 2010, 264). His main goals as president were putting an end to US-supported anti-drug programmes, abandoning neoliberalist economic policies, regional autonomy and giving more rights to indigenous peoples (Morales 2010; Kennemore and Weeks 2011). Morales inherited a deeply divided society in which the elite mestizo class that mostly lives in the lowlands often clashes with the Andean indigenous population (Centellas 2017; Morales 2010). This division also played a large role in the 2007 adoption of the new constitution. After a series of conflicts, an amended constitution was approved by a referendum in 2009 (Morales 2010).

⁵ See literature review (p. 4)

The Adoption of the Rights of Nature

In this chapter the three different hypotheses for the adoption of the LRME will be explored.

Social Movement Activism

The Morales government adopted the LRME because of pressure and activism from social movements and the indigenous communities.

As mentioned before, the new Bolivian constitution of 2009 does not explicitly state the rights of nature. However, it did spur the adoption of the LRME. Article 34 states that “every person [...] is empowered to exercise legal actions to defend the rights of the environment” (Solón 2017). As Humphreys (2017) argues, this opened the way for the constituent assembly to consider the rights of mother earth. The Law of the Rights of Mother Earth was first proposed in 2010 (Thomson et al. 2018), after a summit for grassroots movements that closely mirrored the Copenhagen talks on climate change in that year (Aguirre and Cooper 2010). Resistance from Media Luna led to some changes in the law, which was formally adopted in 2012 (Humphreys 2017; Thomson et al. 2018).

Humphreys asserts that social movement activism played a large role in the formation of the LRME. However, there is not much evidence that the Bolivian social movements were actively advocating for the creation of such a law. After the law was formally adopted in 2012, a few activist groups and social movements reacted positively to the law. For example, Bolivian environmental activist and politician Pablo Solón (Democracy Now! 2010) asserted that the rights of Mother Nature challenge capitalist and anthropocentric ideas about our relationship with nature, and that the LRME is a step in that direction. However, the activist

applies some nuance to his positivity, showing that Bolivia is still heavily involved in the extractive industries, which goes against Nature's rights (Solón 2017).

Additionally, there were many academics, both Bolivian and foreign scholars, that expressed their support for the law. For example, Orellana and Pacheco reacted positively to the law, stating that it has the possibility for fundamental changes to Bolivian society (Orellana Halkyer and Pacheco Balanza 2012). Their article was later published by Nature Rights Watch, a Latin America-focussed social movement that advocates for the rights of nature, formally established in 2018 (Nature Rights Watch n.d.), showing the organisation's approval of the law. Similarly, Fernando Huanacuni, later Bolivia's foreign minister (Los Tiempos 2017), called the LRME "a new paradigm of life," in which the old anthropocentric view of the state and nature would end (Huanacuni Mamani 2016, 157).

However, the law was also criticised. Bascopé Sanjinés, Díaz Vidaurre, and Hugues (2012) state three major problems that, according to them, have decreased the law's legitimacy. The authors state that the adoption of the law has closed participatory spaces, made the country's economic model less clearly defined and has therefore failed in setting an example for challenging neoliberal regimes in the rest of the world, thus missing its purpose (37).

The absence of a strong reaction of Bolivia's social movements implies that pressure from Bolivia's activist groups was not necessarily the main driver for the adoption of the LRME. However, saying that social movement activism had no influence at all in the adoption of the LRME would be inaccurate. Instead, the influence of activism was more subtle and deeply rooted in the country's long history of natural resource extraction. A second factor that played a role was the fact that Bolivia has the biggest population of indigenous-

identifying people in Latin America (Humphreys 2017). As Morales (2010) illustrates, this indigenous and peasant minority has become a powerful political group in Bolivian society.

Evo Morales was elected because he promised an end to neoliberal policies and foreign influence in the extractive industry (Morales 2010, 239; Kennemore and Weeks 2011, 269). These promises came at the right time, seeing that between 2000 and 2003, the country was caught in a wave of protests challenging neoliberalism (Morales 2010).⁶ In addition, president Morales often invoked indigenous rhetoric and practices in his politics. For example, Dangl (2019) illustrates how president Morales was inaugurated with an indigenous ceremony in the old Tiahuanaco capital after his second re-election in 2015, just like he did when he was first inaugurated in 2006 (Morales 2010, 241).⁷ Morales, being Aymara himself, is often cited as Bolivia's first indigenous president (Morales 2010).

One could say that Morales' decision to propose the LRME was more indirectly motivated by social movement activism. The protests against the neoliberal privatisations and the associated social movement activism allowed for Morales to be elected for his promises of change. The change in the constitution, which in turn contributed to the adoption of the LRME, was one step in this process of change. However, it could be argued that the constitutional change and adoption of the rights of nature were mainly used as a strategy for obtaining votes from the indigenous part of the population. This could be seen as a form of ethnopopulism, which is "a strategy adopted by social movements and political leaders to increase their political influence by reaching out and making populist appeals that attract not only indigenous people but other constituency groups." (Humphreys 2017, 467).

⁶ See literature review (p. 4)

⁷ Tiahuanaco (Tiwanaku) was the major pre-Inca ethnic group that was dominant in what is now Bolivia. The capital city of their empire is also called Tiahuanaco (Morales 2010).

Taking into consideration the above, the hypothesis that pressure from social movements led to the adoption of the LRME is plausible, although indirectly so.

Extractivism

The adoption of the law was motivated by nationalism and the desire to have more control over the country's natural resource extraction.

Bolivia's economy is highly dependent on the export of commodities, especially raw goods (UNCTAD 2019; the Observatory of Economic Complexity 2019). The country's biggest export product is minerals, particularly petroleum-based products. The export of these products has grown substantially between 1995 and 2018. Especially since the election of Evo Morales in 2005, we can see an expansion of the export of natural resources such as oil products, precious metals and agricultural goods (Atlas of Economic Complexity 2018). However, Bolivia still imports more products than it exports, causing the country to have a trade deficit of over 2.000 million USD in 2018 (Atlas of Economic Complexity 2018; World Bank n.d.). According to the United Nations Conference on Trade and Development, Bolivia's dependence on primary goods makes the country highly vulnerable to external shocks and changes in commodity prices (UNCTAD 2019).

Bolivia's history of extractivism and foreign influence made many Bolivians sceptic of external meddling in the country's affairs (Kohl and Farthing 2012). Especially during the 2001 water wars, in which plans were made to privatise community water wells, tensions around this topic became heightened. The impression that foreign powers came to strip the community of its ancient customs and make money off their wells was very prevalent in these communities (Perreault 2006, 159; Kohl and Farthing 2012, 229). As expected, president Morales, promoting the nationalisation of natural resources and being sceptic

towards external influences, became very popular among these groups (Morales 2010, 239). Additionally, the president's different approach to coca production made him a popular politician among the powerful *cocalero* unions.

The conflict between Bolivia's natural resource wealth, economic development and environmental protection has been pointed out before. Farthing (2009) shows that many people in the country are advocating in favour of extractivism in order to accelerate economic development. Most importantly, these groups are asking that the country itself benefits most from natural resources, instead of foreign actors (Farthing 2009, 26; Kohl and Farthing 2012). This is a factor that was also included in the LRME. In the law, not only the protection of Mother Earth is incorporated, but also "integral development." This is defined as a means to strengthen community ties and alleviate poverty, but it also opens the way to more extractivism (Villavicencio Calzadilla and Kotzé 2018). This is why there are some that contend that president Morales mostly adopted the LRME in order to gain more control over the country's natural resources. For example, Villavicencio Calzadilla and Kotzé (2018) argue that the concepts of *buen vivir* as presented in the LRME is seen as a means to economic development, and not as a separate concept (413). According to the authors, the law's specific focus on development does nothing to protect Mother Earth, but rather opens new extractive frontiers (414).

Morales' attitude towards natural resource extraction was probably most visible in his actions regarding the exploitation of nature. Despite the adoption of the LRME, the country continued its strategy of extractivism and development, sometimes in ecologically vulnerable areas, or areas that have a special status for indigenous peoples. The most well-known instance of this is the TIPNIS-incident, beginning in 2011 (Villavicencio Calzadilla and Kotzé 2018; Thomson et al. 2018). The Isiboro Sécore National Park and Indigenous Territory

(TIPNIS) is an important area for indigenous peoples and has a vulnerable ecosystem. The Bolivian government made plans to construct a highway through the park in order to foster economic development in the region, a plan that was initially abandoned after widespread protest (Collins 2017; Wilton 2019). However, in 2015 Morales declared that the project would continue despite being potentially destructive for the ecosystem (Villavicencio Calzadilla and Kotzé 2018; Thomson et al. 2018; Wilton 2019).

Kohl and Farthing (2012) show how important control over natural resources is to Bolivians and how deeply rooted national distrust in foreign influence in the extractive industry is. After president Morales announced the nationalisation of Bolivia's hydrocarbons in 2006, his approval rating increased tremendously (230; Kennemore and Weeks 2011, 270). Although there were some who prioritized the environment (Kohl and Farthing 2012, 230), it is possible that many more favoured the highway through the TIPNIS national park (Villavicencio Calzadilla and Kotzé 2018, 422). Morales even called the international backlash against the highway a form of "colonial environmentalism," accusing developed countries of being indifferent to the development of underdeveloped regions (Collins 2017).

These actions by Morales, in addition to the fact that the LRME explicitly states the importance of human development ("integral development"), speak volumes about the reason behind the adoption of the LRME. Considering Bolivia's struggle with extractivism and foreign influence, more state control over natural resources is likely to be popular, and economically profitable. The fact that Evo Morales adopted policies that increased state revenues from mining (Kohl and Farthing 2012, 230) is a sign that the government considered the economic benefits of the LRME. In addition, the president's anti-imperialist rhetoric and actions –for example his dismissal of the DEA- was likely to receive the support from large parts of society.

International Reputation

The Morales government adopted the law because of the reputational benefits it would bring, especially in the international community.

As mentioned before, the LRME was drafted after the World People's Summit on Climate Change and the Rights of Mother Earth in Cochabamba (Bolivia) in 2010, and based on the proceedings of this conference (Villavicencio Calzadilla and Kotzé 2018; Kennemore and Weeks 2011). Thousands of people, both from within Latin America and from elsewhere, attended the summit. Among them were many leaders of grassroots movements and environmental and indigenous activist organisations from around the world (Villavicencio Calzadilla and Kotzé 2018; Aguirre and Cooper 2010; Kennemore and Weeks 2011). The summit was a reaction to the -what many deemed "failed"- climate summit in Copenhagen in 2009 (Democracy Now! 2010; Kennemore and Weeks 2011). The aim of the summit was to initiate a more inclusive debate on climate change in which developing countries have a voice. The LRME was based on the findings of the conference and presented at a UN summit later that year. There are some that argue that the LRME was made to make Bolivia appear the frontrunner of the inclusive environmental activism debate (Villavicencio Calzadilla and Kotzé 2018, 406). This was echoed in Morales' statement after the Copenhagen summit that the topics discussed there were not far-reaching enough to combat climate change, a move that gained a lot of attention in the media (Aguirre and Cooper 2010, 1; Kennemore and Weeks 2011, 272).

The World People's Summit, along with Morales' presentation of the LRME at the UN summit in Cancún in 2010 (La Razón 2010), illustrates Morales' desire to be regarded in a positive light by the international (activist) community, especially in the global south. This can also be seen in his increasing cooperation with other Latin American states and diverse

global south countries. Right after his election in 2006, the first foreign states Morales visited were Cuba and Venezuela, with whom he signed trade agreements. Likewise, when it came to coca and the eradication of the cocaine trade, the president abandoned the cooperation with the US in favour of working together with Brazil and other Latin America neighbours (Morales 2010). Morales strengthened ties with not only Latin American governments, but also with other global south and developing countries. For example, in 2006 the president travelled to China and South Africa to connect with their leaders and talk about economic interests (La Jornada 2006; Clarín 2006). In addition, Evo Morales consolidated Bolivia's relations with Libya, Iran and Russia, among others (Morales 2010).

On the other hand, Bolivia's relations with the US cooled significantly during Morales' presidency. This is shown in some of the actions he has undertaken against the US, particularly when it comes to the drug trade. As mentioned before, Morales prevented the DEA from conducting activities in the country. In addition, in 2008 he accused the US ambassador of conspiracy and evicted him (BBC 2019; Morales 2010, 262). He also suspended the US Agency for Internal Development (USAID) in 2013, claiming that the agency was "conspiring against the government" and that it was time to "nationalise the dignity of the Bolivian people." (BBC 2013). Since his election, the president's rhetoric has often been anti-US and anticapitalist, which at times alienated those in Washington (Morales 2010).

The adoption of the LRME was a means to set a precedent for environmental laws with a particular focus on developing nations, and to rally like-minded actors, especially countries from the global south, around the same cause (Aguirre and Cooper 2010; Kennemore and Weeks 2011, 273). At the same time, Villavicencio Calzadilla and Kotzé (2018) call it a "window-dressing exercise" to appear on the world's radar as a prominent

defender of Mother Earth's rights (415). This, along with his neighbourly attitudes towards global south countries, and his animosity towards the US makes it plausible that Evo Morales was in the very least considering the reputational benefits the adoption of the LRME would bring on the international stage.

Conclusion

This thesis has investigated the motivations behind the adoption of the Law of the Rights of Mother Earth in Bolivia. An exploration of the existing literature made clear that two explanations are prevalent in the literature. The first explanation states that the LRME was adopted because of pressure from social movements, whereas the second focuses on the economic benefits of the LRME, stating that it would give the state more control over the country's natural resources. In addition, I proposed a third explanation, namely that Evo Morales adopted the law in order to be regarded positively by the international community, especially in the global South.

The analysis in this thesis demonstrates that social movement activism did influence the adoption of the LRME, in the sense that the social movements protested neoliberalism and that the law can be seen as anti-neoliberal. However, as mentioned earlier, there seems to be a lack of academic literature on non-indigenous social movements and their influence on the adoption of the LRME, which limits the credibility of the hypothesis. On the other hand, the explanation that the LRME was adopted to gain more control over Bolivia's natural resources seems accurate, as evident by the government's intensification of extractivism and focus on "integral development." Together, these two hypotheses offer the explanation that Evo Morales adopted the LRME in order to appease two types of voting blocks. The first is the indigenous community, being strongly opposed to the neoliberal economic policies and feeling marginalised throughout history, whereas the second voting block is the bulk of the Bolivians opposed to foreign influence in the country's extractive industry, as well as the powerful *cocalero* unions.

This thesis shows that there is some validity to the third hypothesis that Evo Morales considered the reputational benefits of adopting the LRME. This becomes evident in the

presentation of the LRME at the UN summit the year it was adopted, among others.

However, this hypothesis calls for more investigation. For example, it would be useful to analyse more in-depth the statement at the UN after the law was adopted. This would greatly improve the validity of the international aspect. Additionally, it would be helpful to research Morales' exact relationship with other global South countries. The absence of discourse from international energy companies -who would be strongly affected by the law- somewhat weakens this third hypothesis.

With the adoption of the LRME, Bolivia opened a global conversation about rights for the Earth and living in harmony with nature. However, it did not stop the (harmful) extraction of natural resources in the country, nor will it move the country into a more environmentally friendly direction when it comes to state policy. The LRME is not grounded in indigenous ideas of *Buen Vivir*, but in western views on development. This highlights Bolivia's continuous struggle for economic development and its dependency on natural resources. Nevertheless, the Law of the Rights of Mother Earth holds the promise that there are some initiatives to incorporate alternative approaches to environmental preservation in state policy.

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