

LEGAL PLURALISM IN BOLIVIA: PLURINATIONAL JUSTICE AND SLOW-BURN COLONIALISM.

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Agenda

- Introduction and methodology
- What is legal pluralism?
- Legal pluralism – Law in Bolivia
- Legal pluralism – Practice in Bolivia
- Worldviews - Indigenous v Global North
- Indigenous justice and local needs
- Slow-burn colonialism
- Conclusions



INTRODUCTION AND METHODOLOGY

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Introduction and Methodology

Bolivia

- Spanish colony 1532 – 1825
- Constitution of Bolivia in 2009
- Data collection – Qualitative
 - Semi-structured interviews with legal professionals
 - Ethnographic research in Indigenous Community



WHAT IS LEGAL PLURALISM?



Legal Pluralism

- Meaning
- Forsyth (2009): 7 models
- Swenson (2018): combative, competitive, collaborative, and complementary archetypes.
- Swenson (2022): bridging, harmonisation, incorporation, subsidisation, and repression



LEGAL PLURALISM — LAW IN BOLIVIA



Legal Pluralism – Law in Bolivia

- Two jurisdictions:
 - The Court of Ordinary Jurisdiction
 - The Rural Native Indigenous Jurisdiction
- Unbalanced pluralism:
 - Serious crimes
 - Human rights



LEGAL PLURALISM – PRACTICE IN BOLIVIA



Legal Pluralism – Practice in Bolivia

Legal pluralism varies:

- Some Indigenous communities are isolated: centralised law does not reach out to them.
- Some Indigenous communities have contacts with the cities. Here, sometimes Indigenous People choose to violate centralised law, for two reasons.



**WORLDVIEWS -
INDIGENOUS V GLOBAL
NORTH**

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Worldviews – Indigenous V Global North

The Indigenous worldview is communal:

- Rule breaking is a collective issue
- Communal disequilibrium
- “Mistake” V “crime”
- Group rights
- Rape:
 - Compensation
 - Marriage



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• ○ **INDIGENOUS JUSTICE**
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• ○ **AND LOCAL NEEDS**
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Indigenous justice and local needs

The Indigenous system of justice:

- It is quick, accessible, fair (just), and free of charge
- It aims to restore equilibrium, e.g. murder
- It better responds to the local needs
- Sometimes it is repressed by centralised justice





SLOW-BURN COLONIALISM

Slow-burn colonialism

1. Primacy of centralised law
2. Indigenous languages in the Constitution
3. The system of elections
4. State aid
5. Repression of Indigenous justice



CONCLUSION



Conclusion

- Repression of Indigenous justice
- The need to rebalance legal pluralism in Bolivia
- Slow-burn colonialism can be halted: alternative solutions can be found





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THANK YOU