

**UNDOCUMENTED CITIZENS IN THE AGE OF LEGIBILITY: INDIFFERENCE,  
EXCLUSION AND THE LIMITS OF THE STATE'S WILL TO KNOW**

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**ABSTRACT**

Undocumented Citizens in the Age of Legibility: Indifference, Exclusion and the Limits of the  
State's Will to Know

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While the lack of identity documents has been widely discussed in the context of international migration, political scientists have generally ignored the millions of undocumented people who have never crossed an international border. They are undocumented citizens, legal citizens of the countries in which they reside who do not possess the official documents necessary to adequately establish their personal identities. At times, those lacking documents keenly feel their second class status. In other instances, the undocumented do not perceive particular deprivation and consider identity documents dispensable. Similarly, modern states, which have been presented in the academic literature as determined to enumerate, record, and document their populations, sometimes demonstrate indifference to the fact that many of their citizens remain undocumented. How can we explain this double ambivalence? Why do some states pursue remarkably erratic

policies that combine mandatory birth registration and identity cards with documentation systems that put them beyond the reach of many citizens? Why do citizens of the same country oftentimes differ in their desire to acquire documents? I argue in this dissertation that the academic literature tends to exaggerate the enthusiasm of the modern state for documenting individual identity. That in reality, many contemporary states show little interest in building comprehensive and reliable documentation systems. I argue, moreover, that when states decide to improve their documentation systems, it often has more to do with international trends, raising revenue, electoral considerations, or empowering historically marginalized groups, than with a drive to improve the ability to monitor and control the population. I also argue that, although issues of citizenship and rights inform the evolution of documentation policies, populations considered dangerous by the incumbent state are not necessarily the preferred target of its documentation efforts. Neither is the active resistance of these populations the main reason why their members sometimes display high undocumentation levels. Rather, confronted with states and citizenship regimes not built with them in mind, suspect populations frequently face high barriers to secure identity documents that offer them little in return in terms of access to rights and services. As a result, documentation can be for them a little-known obligation, an unintuitive choice, an unreasonable investment, and a hard to achieve goal. The empirical focus of my work will be on the South American nations of Peru and particularly Bolivia. However, the arguments I develop are likely to have theoretical purchase for the study of undocumentation in other countries as well.

## **DEDICATION**

For Amy, Joaquin, and our beloved Miss Poo, who is no longer with us and I will forever miss.

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## **CHAPTER 1: UNDOCUMENTED CITIZENS INTRODUCED**

"Ms. Estefanía Cu Caal, 76 years of age, from Escovial (Chiquimula) [Guatemala], has for many years longed to have a birth certificate. She had 10 children, none of which could be registered... Despite the fact that there are no witnesses of her birth left, and that her case is considered 'difficult', Ms. Estefanía keeps looking for a way to have her own legal existence recognized, and visits the civil registration office of Camotán once a month" (Ordóñez Bustamante and Bracamonte Bardález 2007, 20; my translation).

"What is the use of signing up [registering]? I have not signed up any [of my children in the Civil Registry]; I am not signed up either, and without going to school I have raised 8 children" (resident of Tipitapa, Nicaragua; in Ordóñez Bustamante and Bracamonte Bardález 2006, 85; my translation).

While the lack of identity documents has been widely discussed in the context of international migration, political scientists have generally ignored the millions of undocumented people who have never crossed an international border.<sup>1</sup> They are undocumented citizens, legal citizens of the countries in which they reside who do not possess the official documents necessary to adequately establish their personal identities. As a consequence, they cannot exercise many of the rights formally afforded to citizens. Lacking identity documents often results in restrictions in the ability to participate in formal politics, legally own property, access the formal financial system, work in the formal economy, access the justice system, travel freely, and enjoy public services and social programs.

At times, those lacking documents keenly feel their second class status, as in the case of Ms. Estefanía Cu Caal. In other instances, the undocumented do not perceive particular deprivation and consider identity documents dispensable, like the Nicaraguan man above. Similarly, modern states, which have been presented in the academic literature as determined to

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<sup>1</sup> A notable exception is the work of Kamal Sadiq (2009). Sadiq's discussion of undocumented natives has significant common ground with my analysis of undocumented citizens. However, the focus of his book is on how illegal migrants moving between developing nations fraudulently acquire citizenship in their new countries of residence. As a result, he is only interested in undocumented citizens insofar as they underscore the gaps that frequently exist in documentation-based definition of membership, and how such gaps facilitate the citizenship claims of illegal immigrants. My focus here is on the condition of being an undocumented citizen per se.

enumerate, record, and document their populations,<sup>2</sup> sometimes demonstrate indifference to the fact that many of their citizens remain undocumented. How can we explain this double ambivalence? Why do some states pursue remarkably erratic policies that combine mandatory birth registration and identity cards with documentation systems that put them beyond the reach of citizens like Ms. Cu Caal? Why do citizens of the same country oftentimes differ in their desire to acquire documents? These are the main questions I tackle in this dissertation. The empirical focus of my work will be on the South American nations of Peru and particularly Bolivia. However, the arguments I develop here are likely to have theoretical purchase for the study of undocumented in other countries as well.

The academic literature has mostly analyzed identity documents from the perspective of the state, emphasizing their value as instruments of legibility that allow the public bureaucracy to better know, demarcate, and regulate society.<sup>3</sup> This has had a double effect. On one hand, it has made the literature overstate the interest states have in documenting their populations and learning about them. On the other hand, it has obscured the value (or lack of thereof) that identity documents provide to citizens as elements of social recognition and tools for the exercise of rights.<sup>4</sup> Once we drop the assumption that legibility is the primary function that identity documents perform for states and their constituent parts, erratic documentation policies become less of a puzzle. Once we start looking at identity documents from the perspective of the population, it becomes apparent that different categories of citizens face different sets of incentives and barriers to secure identity documents.

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<sup>2</sup> See for example Bennett and Lyon (2008), Caplan and Torpey (2001b), Lyon (2009), Scott (1998, 71 and 83), Scott, Theranian, and Mathias (2002), or Torpey, (2000).

<sup>3</sup> For the concept of legibility see Scott (1998). Szezter and Breckenridge rightly point out that the notion of legibility has been one of the most influential in the study of the state in recent years. They also underline how it has permeated most analyses of population registration schemes (2012, 8-10). It has also permeated, I would add, the study of identity documents.

<sup>4</sup> Higgs (2011) and Szezter and Breckenridge (2012) have advanced similar claims.

States often build, maintain, or expand their documentation systems for reasons other than knowing the population and administering it, such as institutional isomorphism, collecting user fees, electoral transparency, or the recognition of previously disenfranchised groups. Moreover, different parts of the state can have different stakes in the documentation of the population and pull in different directions. The image of a monolithic, purposive state, while at times theoretically helpful, it does not correspond with reality (Migdal 2001, chap. 1). In the case of the study of undocumented citizens, it turns out to be a blinder more than a useful abstraction. As for the population, not all citizens of a country are equally likely to demand identity documents, nor do states provide an even playing field in which all citizens enjoy similar incentives and opportunities to acquire documents. Undocumentation is rarely randomly distributed. In much of the developing world, access to identity documents is segmented in a way that mirrors ethnic, gender, class, and/or geographical inequalities. The lack of identity documents particularly affects traditionally disadvantaged social sectors, such as the very poor, women, indigenous populations, ethnic minorities, rural populations, or lower castes (Harbitz and Tamargo 2009; Ordóñez Bustamante and Bracamonte Bardález 2006; Plan International and UNICEF 2010; UNICEF 2005; 2009; Vandenabeele and Lao 2007).

Insofar as identity documents have become key elements of social recognition and the exercise of rights, making sense of these skewed patterns of documentation requires analyzing the supply and demand of documents in the context of the historical processes of state-building and citizenship-building that mold each state and its relation to the various segments of its population. States are historically contingent formations whose particular characteristics are shaped, among other things, by evolving conceptions of who are the citizens they rule, serve, and represent. The feedback loops that exist between state-building and citizenship-building

contribute to give form to the organizational infrastructures states develop, the rights and services they offer, and the cultural logic their administrative apparatuses embody. Albeit imperfectly, states tend to reflect the legacies of historical social hierarchies present in their environments, and to facilitate in turn their reproduction. Recently incorporated groups normally confront a state that was not designed to serve them as citizens, and whose institutional architecture, operating procedures, and menu of services do not adequately reflect their life circumstances. The result is documentation policies that are better suited to reach some citizens rather than others. For members of traditionally disadvantaged groups acquiring identity documents tends to be a relatively more costly, less beneficial, and less obvious choice than for members of traditionally privileged ones. This is largely a consequence of a state that evolved to cater to the needs and perspectives of the latter, not the former. State structures are typically slow to change, and the extension of formal rights to previously excluded populations does not necessarily imply their general overhaul. Even aspiring reformers must contend with the fact that they are inheriting a state that grew out of the conditions they wish to change, and whose transformation can be arduous and politically costly.

In short, I maintain, undocumented citizens are not merely the byproduct of random administrative shortcomings. While lags in state capacity are unquestionably a contributing factor, a more complete account of the phenomenon of undocumentation requires that we acknowledge how evolving citizenship regimes shape the state and its insufficiencies. The configuration and practices of the state do not fit all sectors of the citizenry equally, and this has important ramifications for the supply and demand of documents. On the supply side, key components of the state's documentation systems, such as the spatial distribution of service points, the social and cultural propensities of the officials that staff them, the requirements that

the public has to fulfil to register a birth or obtain an ID, or the fees associated with it, tend to embody assumptions about the attributes and life circumstances of the typical citizen that are not congruent with the reality of many members of traditionally disadvantaged groups. For them, documentation becomes more burdensome as a result. Conversely, on the demand side, it is essential to consider the menu and geographical reach of public (and private) services that require identity documents, and the degree to which they conform to the needs of different sectors of the population. Once again, the deck is normally stacked against the documentation of historically marginalized populations. To the extent that the symbolic and material rewards that documentation can bring them are lower, they have less of an incentive to invest in identity documents. Moreover, for those who inhabit social and geographical spaces where documentation has little significance in terms of access to services and life opportunities, information about documents is more scarce and securing them less commonsensical.

In the rest of the chapter, I elaborate further on the concept of undocumented citizens, discuss the research methods employed in this dissertation, and lay down a detailed roadmap for the rest of it. In the chapters that follow, I expand on the theoretical claims introduced above and provide empirical support for them. Chapter 2 develops my theoretical framework, embedding it in the context of the existing literature on identity documents. Chapters 3, 4, 5 and 6 constitute the empirical core of the dissertation and focus on Bolivia as a case study. The Bolivian state was for decades markedly less interested in the documentation of the population than its mandatory birth registration and ID laws indicated. Undocumentation was high and affected the indigenous majority of the country disproportionately. Compared to the white and ‘mestizo’ urban males that traditionally constituted the membership core of the local state, the indigenous populations of Bolivia, and rural indigenous women in particular, made up the bulk of the undocumented. As

conceptions of the national community evolved and became more inclusive, the rights and services available to these historically subordinate social sectors expanded and their demand for identity documents grew. Yet, the documentation structures of the state were ill-equipped to meet the new demand for documents of these particular segments of the population. It would take time, significant political will, and pressure from citizens, civil society, and international actors for the supply of identity documents to adjust to them. For the most, making individual identity legible in the eyes of state administrators played a marginal role in the functioning and evolution of Bolivia's documentation systems. Chapter 7 closes the dissertation. Using Peru as an example, it shows that the Bolivian case is not unique and that my theoretical insights can be useful for the study of undocumented citizens in other countries as well. It also summarizes the findings of previous chapters and suggests possible avenues for future research on undocumented.

### **1. Some general notes about undocumented citizens**

The concept of citizenship is generally understood as the formal status that characterizes full members of a political community and the legal rights and obligations attached to that status.<sup>5</sup> T. H. Marshall, for example, famously defined citizenship as “a status bestowed upon those who are full members of a community,” and who are consequently “equal with respect to the rights and duties with which the status is endowed” (1964, 84). The community that Marshall had in mind was the nation-state. Although by no means the only type of community that structures social membership in the world today, the nation-state has certainly become the

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<sup>5</sup> Linda Bosniak identifies four analytically distinct conceptualizations of the idea of citizenship: citizenship as legal status, citizenship as rights, citizenship as political activity, and citizenship as collective identity (2000a). Citizenship as status refers to formal membership in a political community, most commonly a nation-state (456). Citizenship as rights emphasizes the enjoyment of certain legal rights as the “defining feature of social membership” (464). Citizenship as political activity refers to active political participation in the life of a particular community (470). Finally, citizenship as collective identity makes reference to the “affective ties of identification and solidarity” that psychologically bind the members of a political community together (479). For now, I am focusing on the first two conceptualizations, but the fourth one is critical for the arguments I make in this dissertation.

dominant form of political organization globally, and one of the most important sources of membership for people worldwide.

Conceptions of citizenship as formal status and rights, however, have been at times criticized for paying insufficient attention to the social practices that inform whether and how the content of citizenship becomes actualized (Isin and Wood 1999; Wiener 1997). For the critics, the significance of formal membership cannot be properly comprehended unless seen in relation to the concrete practices that facilitate or hinder the exercise of the rights that stem from it, as formal citizenship does not necessarily imply effective and equal incorporation into the political community. In this view, it is necessary to adopt a broader perspective that focuses on the dynamic character of citizenship as social practice, and its unstable relation to the legal provisions that inform but do not determine its actual content. This way, we can begin to grasp the gap that often develops between the formal content of citizenship and the actual ability different groups of citizens have to take advantage of their membership rights (Basok 2004; Isin and Wood 1999; Wiener 1997). Formal status and rights, important as they are, only tell us part of the story about the actual capacity of people to exercise their citizenship. Unless those bearing rights have the information and resources to effectively claim them, the formal recognition of rights has limited effects (Basok 2004).<sup>6</sup>

The evolving regulations, procedures, and understandings that emanate from the state and its agents are a fundamental component of the social practices that frame the exercise of citizenship rights in the nation-state. In most countries around the world, prominent among these procedures is the demand that citizens secure state-issued (or state-approved) identity documents.

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<sup>6</sup> Discussing the experiences of Mexican legal agricultural workers in Canada, for example, Tanya Basok emphasizes how fragile formal rights attached to a given status (that of legal seasonal migrants, in this case) can be for outsiders with little material, social, and cultural resources. Reflectively, she concludes: “the ability to claim rights requires knowledge of the appropriate laws, agreements, policy statements, and other legal documents, communication skills, and/or support from others” (2004, 48).

As a result, these documents have become an integral element of the practice of citizenship, and so have the rules and conventions that govern their acquisition. To various degrees, citizens who lack the required identity documents find themselves excluded from spheres of social, political, and economic life formalized by the demand that those who participate in them produce adequate proof of identity. Undocumented citizens represent, from this perspective, a disconnection between the legal status and rights of the citizen and the actual ability to exercise some of those rights. They share with their documented counterparts a privileged formal status and are afforded equivalent legal rights as a result. Nevertheless, being effectively excluded by their lack of documents from access to some of the entitlements abstractly recognized to them, undocumented citizens can see the scope of their citizenship limited in practice.

Undocumentation can come in a variety of forms and levels of severity. In its most acute manifestation, it implies a complete lack of personal documents, including that of a birth certificate. Since birth certificates are in most cases a prerequisite for acquiring other identity documents, its absence represents the most severe form of undocumentation. The lack of identity documents, therefore, normally begins with unregistered births. UNICEF estimates that “on average over half -55 percent- of births in the developing world (excluding China) each year go unregistered” (2006, 37). Registration later in life is a possibility, but administrative hurdles usually increase with age and many unregistered children become undocumented adults. 66% of children in Sub-Saharan Africa are still not registered by the age of five. In Latin America and the Caribbean, the best performing developing region, the figure is 11% (UNICEF 2009, 6).

Less severe forms of undocumentation, however, can be equally common. Some citizens may have a birth certificate, but lack other mandatory types of documents, such as a national identity card. Others may hold identity cards that have expired or that include incorrect personal

information, circumscribing their functionality. Beyond the differences in the details of their condition, all undocumented citizens share the common handicap of not having the necessary identity documents in order. The intensity of the handicap depends on the extent of the mismatch between their specific documental situations and the legal requirements and social practices that define how rights are exercised in a particular time and place. To one degree or another, the exercise of citizenship rights is in most countries linked to the possession of documents officially certifying a person's identity. Identity papers have turned, in a sense, into gatekeeping devices that mediate between citizens and their full access to civil, political, and social rights.

Any analysis of the significance identity documents (and the lack of thereof) have for the experience of citizenship must consider both the legal provisions that stipulate what documents will be requested when, and the social practices that reenact, modify, or challenge those provisions. The same way that citizenship should not be reduced to its legal expression as formal status and rights, existing legal provisions cannot fully capture the ultimate relevance of identity documents for the exercise of the rights of citizens. Once again, it is crucial to take social practice into account, and practices about the use of identity documents can be expected to show an important degree of variation not only across countries, but also within countries depending on time, place, and social context. *Ceteris paribus*, the greater the degree of bureaucratization of life in a particular social sphere or geographical space, the more social practice will incorporate identity documents as a common requirement. As we move away from spheres/spaces where personal face-to-face interactions are the norm, and closer to those in which impersonal ruled-based interactions dominate, identity documents become increasingly important. While the lack of documents does not normally affect participation in personalized social exchanges, it tends to

limit the degree to which citizens can successfully navigate social and physical spaces where official proof of identity is typically required.

The implications of different levels of undocumentation, therefore, can vary from country to country and within countries. One of the arguments of this dissertation, obvious at it may sound, is that undocumentation is generally greatest among the populations that have the least to gain from acquiring identity documents in terms of access to rights, services, and social recognition. In that sense, there is a vicious cycle in the relationship between identity documents and citizenship rights. The knowledge and demand for documents tends to be lowest among those sectors of society for whom the symbolic and material rewards of citizenship are more exiguous. In turn, the lack of documents makes the enjoyment of the privileges associated with citizenship more difficult. The supply-side barriers that inhibit documentation are not randomly distributed either, and normally affect traditionally marginalized social sectors the most. Accordingly, it would be appropriate to say that citizenship regimes structure access to documents, even as identity documents structure access to citizenship rights.

## **2. Undocumented citizens, stateless persons, and irregular immigrants**

Conceptually, I contend, it is important to distinguish undocumented citizens from stateless persons and irregular immigrants. According to article 1 of the 1954 Convention Relating to the Status of Stateless Persons, statelessness applies to any individual “who is not considered as a national by any State under the operation of its law” (UNHCR 2014).<sup>7</sup> Irregular immigrants are

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<sup>7</sup> In international law, nationality refers to the legal relationship between a state and the individual members of its population. Nationality is sometimes used to denote ethnicity, but that is not the application of the term I am following here. There is a lot of conceptual common ground between citizenship as a legal status and nationality, and they are often used interchangeably. However, when citizenship is used to imply full membership in the political community that the state represents, with all the attending rights and privileges, some differences arise. For example, children are nationals who only enjoy partial political membership rights. Citizenship restrictions based on gender, class, race, or other can also prevent nationals from becoming full citizens.

generally nationals of a state, but the state in question is not the one in which they reside, and their presence there violates local immigration laws. Undocumented citizens, on the other hand, are nationals of their states of residence, and their legal status as such is not contested. It is only the lack of identity documents and the associated limitations in the effective exercise of rights that make undocumented citizens different from citizens who have their documents in order. Empirically, distinctions between undocumented citizens, stateless persons, and irregular immigrants can get blurry. There are cases in which state agents deny identity documents to people who according to domestic law qualify as nationals, under the pretense that they are not. In this way, the state (or different actors within it) can simultaneously recognize and deny the nationality of certain individuals. This exposes them to the possibility of statelessness, or if they can claim the nationality of another country, it may turn them into irregular immigrants.

People of Haitian origin in the Dominican Republic are a good example of the fluidity these categories can acquire on the ground. Until recently, the Dominican Constitution enshrined a strong version of the principle of *jus soli*, and individuals born in the Dominican Republic had a right to Dominican nationality. As a result, the Dominican-born children of irregular Haitian immigrants were legally Dominican by birth. Civil registrars, however, would frequently refuse to register the children of suspected irregular immigrants from Haiti, leaving them without a local birth certificate and a claim to Dominican nationality. In a 2005 ruling, the Inter-American Court of Human Rights found the Dominican state in violation of international obligations and its own constitution, and directed it to stop discrimination in birth registration against Haitian-Dominican children (Kosinski 2009; Wooding 2009). By 2010, the Dominican Republic had approved a new Constitution that explicitly excluded children of irregular immigrants from

acquiring Dominican nationality at birth.<sup>8</sup> Going one step further, the Constitutional Court of the Dominican Republic ruled in 2013 that all people born in the country to irregular immigrants since 1929 were not Dominican by birth.<sup>9</sup>

Invariably, the construction of additional conceptual categories produces new borderline cases that challenge the classificatory boundaries just redrawn. New distinctions bring about new forms of liminality, and many children of Haitian or Haitian-Dominican parents were growing up to combine aspects of undocumented citizens, irregular immigrants, and, in the case of those who could not gain access to Haitian nationality either, stateless persons. Haitian-Dominicans were getting mixed signals from the Dominican state, at once nationalized at the level of formal law and made foreign by the actions of civil registrars. The 2010 Dominican Constitution clarified the status of the newborn children of irregular immigrants going forward: they are not nationals. The status of people born in the country to irregular immigrants before 2010 might not be settled yet, as the 2013 ruling of the Dominican Constitutional Court will likely be challenged in international courts. The existence of an empirical gray area notwithstanding, differences in legal status between undocumented citizens, stateless persons, and irregular migrants have practical and theoretical implications that are relevant enough to justify treating them as separate analytical categories. Most noticeably, undocumented citizens usually have a stronger claim of belonging to their states of residence, and consequently face less of a risk of deportation and lower legal barriers to regularize their situation. Statelessness and alienage imply legal

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<sup>8</sup> The 1994 and the 2002 Dominican constitutions recognized as nationals “all persons born in the territory of the Republic, with the exception of the legitimate children of aliens who reside in the country as diplomatic representatives, or who are in transit within it” (art. 11, my translation). The 2010 Constitution adopted a more restrictive version of the principle of *jus soli*, tailoring it to exclude the children of irregular Haitian immigrants. Article 18 declares that are Dominicans “the persons born in the national territory, with the exception of sons and daughters of foreign members of diplomatic and consular representations, and aliens in transit or residing illegally in Dominican territory” (my translation).

<sup>9</sup> *Sentencia* TC/0168/13 of September 23, 2013.

difficulties that undocumented citizens do not have to confront, insofar as the state of reference does not contest their status as local citizens (Arendt 2004 [1951]; Bosniak 2000b).

I will not dwell on the differences between these three categories. In this dissertation, I will focus only on undocumented individuals whose nationality is not questioned by the respective states. In this sense, I will avoid cases such as that of Haitian-Dominicans. In the two empirical cases that I discuss in later chapters, those of Bolivia and Peru, the state recognizes the undocumented local populations as citizens. As recently as 2011, for example, the Supreme Electoral Court of Bolivia, which oversees civil registration in the country, acknowledged that lacking a birth certificate or having one with errors was still a common problem among Bolivian citizens (Velasco Aguilar presentation 2011).<sup>10</sup> Similarly, RENIEC, the state agency in charge of issuing identity cards in Peru, estimated that, as of 2010, close to 129,000 Peruvian adults lacked the legally required national identity card (RENIEC 2012a, 37).

### **3. Research methods**

The empirical core of this dissertation consists of a detailed case study of the evolution of documentation in Bolivia over approximately the past forty years. A more succinct examination of documentation in Peru over a similar period serves to provide initial support for the relevance of my theoretical insights beyond the particularities of the Bolivian case. These empirics are the product of both primary and secondary research. I visited Bolivia in two different occasions, in 2011 and 2013, to collect primary data. Between the two trips, I spent roughly five months in the country interviewing state officials, indigenous leaders, politicians, and NGO personnel. I supplemented the elite interviews with some participant observation and archival research. In 2011, I joined a NGO-led, United Nations-funded civil registration team that travelled to a

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<sup>10</sup> A birth certificate with errors can create a variety of complications for its holder, including the inability to secure the mandatory national identity card necessary for full documentation.

distant Guarani community. The experience allowed me to better understand the relations between the Civil Registry and rural indigenous communities, as well as between the Civil Registry and international donors and NGOs. I also had access to extensive amounts of unpublished materials produced by the *Consortio Por la Participación Ciudadana*, a consortium of over a dozen local NGOs and grassroots organizations that, with international donor funding, implemented three countrywide, large-scale documentation projects between 2002 and 2010. The organization that coordinated the consortium, the *Centro de Estudios de la Realidad Económica y Social*, granted me full access to their archives for the three projects, which contained a wealth of valuable qualitative and quantitative information, including project reports, life stories of project beneficiaries, databases of the documentation status of different populations, legal investigations, and interviews with project team members and beneficiaries.

The review of legislation and numerous secondary sources was key to complement the information I obtained through the qualitative data-gathering techniques mentioned above. A detailed examination of relevant laws and regulations, national censuses, newspapers, and publications produced by state agencies, international organizations, NGOs, academics, and others allowed me to fill the gaps and contextualize my primary data for the Bolivian case more precisely. Triangulating from a large variety of primary and secondary sources with different positionalities, I was able to put together a coherent picture of the demand and supply of identity documents in Bolivia, and the processes driving their transformation over time.

My primary research in Peru was somewhat more limited. I spent two and half months in Lima in 2012 conducting elite interviews of former and present state officials, politicians, NGO members, and personnel from international organizations and bilateral donor agencies. Unlike in Bolivia, where the interviews took me to different locations around the country, all my field work

in Peru happened in the capital city of Lima. I complemented the interviews I conducted in Lima with the review of relevant legislation, and of the congressional debates that preceded the passing of one key law in 1993. I also made extensive use of secondary sources, including newspapers, national censuses, and academic and non-academic publications produced by national and international organizations and scholars. Again, the goal was to rely on numerous and varied sources to triangulate a more or less complete story of the evolution in the demand and supply of identity documents in Peru over a period of several decades. Although some of the primary and secondary sources I use incorporate the perspective of actors beyond the capital city of Lima, I have to acknowledge that the predominance of Lima-based sources represents a limitation for my Peru case study.

With regard to my case selection, the decision to focus on Bolivia was based on the allure of the case itself, not on any assumptions about its ultimate representativeness at some broader level. My regional interest is in Latin America, and Bolivia combined one of the highest levels of birth underregistration in the region (Duryea, Olgiati and Stone 2006; UNICEF 2007) with recent political events of highly transformative potential in terms of the place within the nation of the historically marginalized indigenous population. All of this made Bolivia a particularly appealing case to study the interplay between politics, citizenship, and identity documents. Peru, on the other hand, offered a potentially useful contrasting case to compare to Bolivia. It displayed comparatively low underregistration levels (Duryea, Olgiati, and Stone 2006; UNICEF 2007), and although it shared many historical commonalities with Bolivia, it had a divergent recent political history, with a much weaker indigenous movements and an authoritarian process of state reconstruction in the 1990s. Still, even though I did not select my cases based on assumptions about their representativeness, they do not seem to be unique in terms of the questions they pose

about the connection between identity documents, population legibility, citizenship regimes, and state-building processes.

#### **4. A map for the road**

The rest of the dissertation proceeds as follows. In Chapter 2, I develop the theoretical framework that guides my analysis of identity documents, the documentation systems that structure access to them, and their interaction with the citizenship regimes that define who enjoys what rights and under what conditions in the political community of the nation-state. Additionally, I contrast my approach with the propositions that dominate the academic literature on identity documents. The academic literature has generally linked identity documents to the information-gathering proclivities of the modern state, a tool that allows the public bureaucracy to improve its knowledge and control of the population (Lyon 2009; Scott, Theranian, and Mathias 2002; Szreter and Breckenridge 2012; Torpey 2000). Within this logic of information collection and surveillance, the population groups that the state considers dangerous or suspect naturally appear in the literature as a preferred target for the documentation efforts of the state apparatus (Lyon 2009; Stalder and Lyon 2003; Rosental 2012, 137-138; Torpey 2000, 6-7). Conversely, the literature often emphasizes the negative reactions that the documentation policies of the state elicit from the affected populations, which frequently resent and sometimes resist the attempts of the state to more closely monitor and govern them (Loveman 2007; Lyon and Bennett 2008; Scott 1998; Scott, Theranian, and Mathias 2002).

Questioning this general line of thinking, I argue in Chapter 2 that the interest of the modern state to know and document its population has been exaggerated. The empirical record indicates that in much of the world states have been far from eager to build comprehensive and dependable personal identification systems. Moreover, increasing the ability to monitor the

population and collect information about it is only one of the possible reasons why states establish, maintain, or build up administrative schemes for the certification and documentation of individual identity. In many cases, institutional isomorphism, raising revenue, the recognition of disenfranchised groups, or reassuring competing political elites of the fairness of elections provide a better explanation. In fact, a variety of motivations can coexist, as different parts of the same state may see documentation differently. But identity documents are not only about the state and its needs. For the holders, identity documents frequently become key elements of social recognition that facilitate access to important rights (Harbitz and Boekle-Giuffrida 2009; Higgs 2011; Szreter and Breckenridge 2012). From this perspective, I argue, it is often the case that traditionally suspect populations face higher barriers to secure identity documents than the historical core constituencies of the state in question, contradicting the notion of “dangerous populations” as a preferred documentation target. This has more to do with the relatively higher costs and lower relevance that acquiring documents has for them than with any principled resistance on their part. The state of reference was not built to cater to their perspectives and needs, and neither were its documentation structures or the rights and services to which identity documents give access. In this sense, identity documents can be for them a little-known and expensive investment that does not add much to their everyday survival strategies.<sup>11</sup>

Chapters 3, 4, 5, and 6 present a detailed case study of the evolution of documentation in Bolivia over the past four decades, considering changes in both the demand and the supply of documents. Throughout, I pay special attention to the connection these changes had to transformations in the Bolivian state and the citizenship regime it embodied. Chapter 3 introduces the Bolivian case, delineating the origins and basic contours of its civil registration and national ID systems, and offering some general numbers about undocumented citizens in the

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<sup>11</sup> I borrow the concept of “survival strategies” from Migdal (1988).

country. Most remarkably, after about half a century of mandatory birth registration and identity cards, Bolivia entered the 1990s with a third of its population unregistered (Informe R 1992, 3), and over 30% of adults lacking an identity card (INE 1993, 2.6). Women, indigenous peoples, and rural residents were overrepresented among the undocumented. Over the 20 years that followed, undocumentation greatly decreased, and ethnic, gender, and rural-urban differences in access to identity documents largely disappeared. Chapter 3 concludes with a brief summary of Bolivia's post-independence history, which serves to ground the next three chapters and their examination of documentation, nation-building, and state-building in this Andean country.

Chapter 4 focuses on the situation that in terms of documentation prevailed in Bolivia circa 1990. The gap in the demand for identity documents was large. For many citizens, confined to social and geographical spaces where the state carried little weight in terms of everyday survival strategies, the relevance of identity documents was minimal. The Bolivian state, mostly catering to the white and *mestizo* dwellers of towns and cities, did not have much to offer to the indigenous majority of the country. The availability of document-dependent rights and services was limited for large segments of the indigenous population, which tended to occupy the bottom of the socioeconomic ladder. In rural areas in particular, and especially for indigenous women, opportunities to access document-dependent services were too few and far between to normalize birth registration and the acquisition of identity cards.

As for the supply of identity documents, the severe operational deficiencies and relative inaccessibility of the civil registration system and the identity card system reveal a state with limited interest in making individual identity legible. Complex regulations and the direct and indirect costs of documentation contributed to keep a large proportion of the Bolivian population undocumented. Moreover, the national ID card system run by the Police and the Civil Registry

were highly unreliable, open to manipulation, and of little use as a source of policy-making information. At the same time, the very vulnerabilities these documentation systems displayed also created opportunities to informally work around the rigid regulations that governed them. Still, not all citizens were equally equipped to successfully deal with the documentation structures of the Bolivian state, formally or informally. Even in its deficiencies the state was not neutral, and its documentation systems put a premium on the type of social, cultural, and economic resource that indigenous peoples, the poor, rural residents, or women were less likely to command. These populations, which had the least to gain from acquiring identity documents, also faced the highest barriers to do so.

In many ways, this reflected the contradictions implicit in the national project and citizenship regime that emerged from the 1952 Revolution. At a formal level, the removal of voting restrictions based on wealth, literacy, and gender symbolized the inclusion of indigenous peoples and women as equal members of the Bolivian Republic. Beneath the layer of legal equality, however, remained a society and a political system marked by profound ethnic and gender inequalities. The elimination of the most egregious forms of legalized discrimination opened new possibilities for the incorporation of individual women and/or indigenous persons into social spaces dominated by white and *mestizo* men, but the patriarchal and anti-indigenous bias of the sociopolitical structures continued deeply entrenched. In consonance with a political system that dressed deep social inequalities in the language of equal citizenship, official policies of universal documentation existed in a context in which the opportunities for acquiring documents and the benefits of doing so were very unevenly distributed.

In the early 1990s, the attitude towards identity documentation began to change in certain quarters of the Bolivian state. Far from the issues of population management and control the

academic literature normally emphasizes, it was questions of electoral credibility and political legitimacy that were at the center of the process. Following the controversial 1989 presidential election, Bolivian authorities tightened identification requirements for voter registration and took important steps to improve the reliability and reach of the documentation systems of the country. Congress put the Civil Registry under the supervision of the politically independent *Corte Nacional Electoral* (CNE hereafter), which tried to bring order to it. In parallel, the government launched the *Registro Único Nacional* Project (RUN hereafter), which took to the countryside to provide easy access to birth registration and identity cards to hundreds of thousands of mostly rural Bolivians. The CNE and the RUN often worked at cross-purposes. Concerned with increasing the credibility of elections, the CNE's priority was to make the Civil Registry more rigorous, limiting opportunities for the fraudulent manipulation of identity, even if it was at the cost of lower flexibility and accessibility. The trademark of the RUN, on the other hand, was easy and flexible access to identity documents. Yet, the work of the CNE and the RUN was at the same time complementary. Without the documentation campaigns of the RUN, stricter voter identification requirements would have resulted in the politically explosive electoral exclusion of large numbers of mostly indigenous undocumented and underdocumented citizens.

Chapter 5 covers the period between the early 1990s and December of 2005, when Evo Morales was elected as the first indigenous president of Bolivia. Once again, the focus are the changes in the demand and supply of identity documents, as well as the social and political developments driving them. Throughout the 1990s and 2000s, interest in acquiring identity documents increased markedly in Bolivia. In part, this was the product of social changes that brought a greater share of the population in contact with spaces where documents were already important (rural-urban migration, greater incorporation of women to the public sphere, better

transportation and communication infrastructure). More interestingly for this dissertation, it was also the result of reforms that made identity documents relevant to social and geographical spaces where they had not been relevant before. The state and its institutionality became more directly present in the lives of social sectors for which it had previously been a distant echo.

The 1990s were for Bolivia a decade of considerable institutional changes that included political and administrative decentralization, education reform, a new agrarian law, social policy innovations, pensions reform, the privatization of state companies, and constitutional reform. Quite aptly, Nancy Postero uses the term “Neoliberal Multiculturalism” to refer to these changes (2007).<sup>12</sup> Next to typical Neoliberal concerns such as expanding the role of the market and promoting a leaner and more efficient state, the institutional reforms of the 1990s incorporated significant indigenous rights and women rights considerations. In many ways, these reforms contributed to reduce the distance between the state and sectors of the population that had traditionally remained in the margins of its institutionality, particularly indigenous rural residents, and especially indigenous women. In the process, the relevance identity documents had for the lives of these populations increased. Identity documents became an important mechanism to benefit from expanded opportunities for political participation, secure land ownership, and access to new social programs.

The 1994 Decentralization Law transferred substantial powers and resources to municipal governments, opening up new and quite consequential arenas of decision-making at the local level. Rural areas that had long been neglected in public budgets suddenly became recipients of decentralization funds, making the state a closer and more tangible presence. The Law also provided for the legal recognition of local indigenous communities and their authorities, and established channels for their participation in municipal affairs. The opportunities and relevance

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<sup>12</sup> The concept was first developed by Hale (2002), who applied it to the case of Guatemala.

of local political participation increased notably, and the importance of identity documents grew as a result. Candidates for municipal office and community representatives alike had to have their documents in order if they wanted to be officially recognized as such. Other reforms were similarly consequential for the demand of identity documents. Changes in electoral rules tightened up identification requirements for joining the electoral roll. The Education Reform Law of 1994 proclaimed the intercultural and bilingual character of Bolivian education and took steps to make rural schooling more relevant and accessible. Educational attainment increased in rural areas, and with longer years of schooling came a greater likelihood that identity documents would be needed to advance to the next level. The Agrarian Reform Law of 1996, which allowed for the collective titling of indigenous territories, also made security in land ownership more dependent on legal registration processes that involved the use of identity documents. Two novel social programs for people over 65 (a universal cash transfer scheme and a free health care insurance program) provided incentives for the documentation of the undocumented elderly.

In the women's rights front, the reforms of the 1990s affirmed a commitment to promote gender equality in access to land, education, and political representation. Specific legislation was also passed in the areas of domestic violence and gender quotas for national and local elections. At a more practical level, new free health care insurance programs for pregnant women and young children contributed to expose many poor women to bureaucratic spaces where identity documents were a common demand. The gender and ethnic inequalities that characterized Bolivian society did not disappear overnight, but the reforms signaled a change in the discourse and policies that officially guided how the state approached its relation with indigenous peoples and women. The constitutional reform of 1994 declared Bolivia a multiethnic and pluricultural republic. The assimilationist stance of the past was giving way to an official position of respect

and protection for indigenous cultures and rights (Lucero 2013, 19). Similarly, there was a reevaluation of the responsibilities of the Bolivian state with regards to gender discrimination. Issues such as domestic violence, or practices that gave preference to men in access to land and education were now recognized as social problems that demanded a public attention.

The reforms of the 1990s provided an important boost to the demand for identity documents. Nevertheless, the state's ability to satisfy the growing demand did not keep pace. While in some ways the state was becoming closer, in many others, it remained a distant and aloof entity. The institutional changes of the 1990s did not leave documentation systems untouched, but reform efforts in this area were hampered by contradictory goals and a lack of continuity. The RUN Project represented the most ambitious attempt to document rural populations in an affordable and flexible manner. Relying on itinerant teams, it brought the state's documentation machinery down to rural residents, instead of leaving them to their own devices to approach the state bureaucracy for documents. In 1997, however, the RUN came to a stop. By 2003, all RUN cards had in theory expired, leaving the holders in an uncertain documentary situation (Leon et al. 2003, 1; Miranda M. 1999b).

The Civil Registry was also the subject of reforms. After 1993, the CNE and the civil registration authorities it supervised began to take steps to bring order to it. The strategy they chose put the burden of a broken system largely on the shoulders of the citizenry, irrespective of whether the affected people had the capacity to bear it. Before, citizens could have a new birth certificate issued upon payment without having the information they provided necessarily checked against the existing birth record. Under the new rules, requests for birth certificate copies would be systematically checked against the respective records. If the record in question was incomplete or in other ways substandard, the request for a birth certificate copy could be

denied until the record was corrected (Paravicini 1997). The formal modification of civil records had always been an expensive and complicated legal process requiring a court order. With informal avenues to work around registration errors closing, more and more Bolivians became trapped in birth records with incomplete or erroneous personal information (CAMN-CERES-CPC, 2009). The adoption of computer technologies further contributed to this. As the computer transcription of civil records proceeded, millions of birth records were flagged and blocked for a variety of reasons, with no birth certificates being issued until the affected person took action to fix the records in question (Hidalgo interview 2013; Hinojosa Zambrana 2009a, 41-43).

By the early 2000s significantly more people had some kind of state-issued identity document. At the same time, full documentation, defined by the possession of an error-free birth certificate and a current ID, was further away for many. While registration errors could affect people from all stations of life, civil registrars in rural areas usually had lower education levels and were more prone to mistakes (Foley et al. 2007; García interview 2011). Moreover, language barriers increased the likelihood of registration errors for non-Spanish speakers (Fundación Tierra-Regional Valles 2009, 85-86; Hidalgo interview 2013).<sup>13</sup> With respect to identity cards, the suspension of the RUN Project left an important void in the countryside. Once again, the identification offices of the Police became the only alternative to obtain an ID, and they were few in number and concentrated in urban areas. For the rural poor, acquiring an identity card was an expensive and difficult process.

The inability of the existing documentation systems to appropriately meet the growing demand for documents was a source of popular frustration that manifested itself in frequent

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<sup>13</sup> With Spanish as the official language of the Civil Registry, the language barrier appeared in at least two different ways. In some cases, indigenous speakers had to deal with civil registrars that did not speak their language. In others, local registrars spoke the indigenous language of the area they served, but did not have a good command of Spanish, the language in which they had to conduct their paperwork.

citizen complaints. After the turn of the millennium, the pressure from the citizenry, civil society organizations, and international actors started bearing some fruit in the form of incremental change, particularly with regard to the functioning of the civil registration system. If the first wave of documentation reforms had been a product of the electoral concerns of political elites, the impetus for this second wave of reforms came from outside the Bolivian state. Most of the time, state actors followed, rather than led. Quite often, the greatest resistance to change came from within the state itself. In a reversal of what the academic literature would expect, the population wanted documents, but state actors were not always willing to ease the barriers that made full documentation difficult for many citizens. The National Police, for example, bitterly fought all proposals to overhaul the identity card system and put in civilian hands. The potential gains in legibility that a better run identity system would bring did not mean much for a police force that risked losing control of a critical source of legal and illegal revenue.

Chapter 6 examines documentation in the period between the election of Evo Morales and my last field visit to Bolivia in 2013. In many ways, the institutional reforms of the 1990s fell short of the expectations they had generated. Although there were elements of real progress, the multicultural aspects of the reforms proved insufficient to make much of a dent in the deep structural inequalities that plagued the country, especially in a context of governments committed to a small role for the state in socioeconomic matters. Ultimately, the shortcomings of the Neoliberal-Multicultural project set the stage for a new cycle of popular mobilization and protest in the early 2000s. At the core of the protest movement was a challenge to the Neoliberal political economy that had dominated Bolivia since 1985. Indigenous activists were leading the charge with demands that paired cultural recognition and socioeconomic rights (Postero 2007; Madrid 2012, chap. 2). Running on a leftist-indigenous platform, Evo Morales and the MAS

party won a resounding electoral victory in December of 2005. Mr. Morales became the first indigenous president in the history of the country. Once in government, Morales and the MAS set out to make good on their commitment to carve out a more active role for the state in the economy, and improve the social and economic standing of the indigenous majority of Bolivia. One of the most popular expressions of this new social orientation were the cash-transfer programs for vulnerable sectors of the population. Commonly known as *bonos*, these programs benefitted the elderly, school-age children, and pregnant and nursing women. The *bonos* provided a very tangible incentive for the documentation of the target groups. The value of identity documents continued to increase, and the demand for them kept rising as a result.

As for the supply of identity documents, the incremental civil registration changes that had started earlier in the 2000s continued during the Presidency of Morales, and birth registration became progressively more accessible. Comprehensive overhaul of the Civil Registry proved nonetheless elusive, and despite clear improvement in its functioning, the piecemeal approach to reform had its limitations. Key features of the funding structure, human resource policy, and standard operating procedures of the civil registration system remained unchanged, even if they were detrimental to its reliability and reach. It was, however, in the identity card system that the new administration would clearly make its mark. Shortly after taking office, the Morales government launched the *Programa Cédula de Identidad Gratuita* (PCIG), which following in the footsteps of the RUN sent documentation teams to rural areas to distribute free identity cards applying flexible procedures. The PCIG allowed Morales and the MAS to give back to their rural indigenous base, while also solidifying their electoral position by facilitating voter registration among a favorable demographic. Still, the PCIG represented another stop-gap measure that did

not tackle the underlying problems of the identity card system, mainly the deficient and unaccountable way in which the Police ran it. This would finally change in 2011.

With the prestige of the National Police at an all-time low, the Morales government took advantage of its strong political position to end eight decades of Police control over the issuance of identity cards. Under the direction of the newly created *Servicio General de Identificación Personal* (SEGIP), the accessibility and solidity of the ID system improved markedly. Yet, the unexpected decision of the government and its legislative backers to keep SEGIP and the Civil Registry under different institutional umbrellas hampered coordination between the two key cogs of Bolivia's documentation structure (Rojo interview 2013). Additionally, while SEGIP became something of a favored pet-project for the Morales administration, the Civil Registry continued to be underfunded (Pérez interview 2013). The documentation policies of Morales and the MAS have not been immune to political considerations. When it suited its immediate political interests, as with the PCIG, the government of Morales moved swiftly. At the same time, it was not shy to postpone necessary reforms when they were at odds with short-term political considerations. Until 2011, the Morales administration did not muster the political courage to wrestle the identity card system out of the hands of the Police, despite the fact that the corrupt and inefficient service it ran was detrimental to the citizenry in general, and to rural indigenous populations in particular. Moreover, when it finally took action and put SEGIP in charge of issuing identity cards, it decided to keep the newly created agency under the authority of the Executive, instead of putting it under the authority of the politically independent Supreme Electoral Court, which supervised the Civil Registry. In this decision, like in many others, there is little evidence that legibility was a primary consideration for Bolivian decision-makers.

Access to identity documents has greatly improved in Bolivia over time. Still, undocumentation and underdocumentation have not fully gone away. Important pockets of undocumented citizens continue to exist, particularly in the more remote lowland indigenous areas. For the most isolated indigenous communities, the Bolivian state remains a distant presence. Cash-transfer programs and other public services have a hard time reaching these remote locations, and birth registration generally depends on the occasional visits of mobile registration teams, which are often contingent on the availability of international financing. Even the comparatively well-funded and culturally sensitive SEGIP acknowledges the difficulties it faces to provide adequate service to the more geographically and culturally distant lowland indigenous groups (Carrasco interview 2013).

Chapter 7, the final one of this dissertation, starts by providing a brief summary of my theoretical claims. Inevitably, my empirical focus on Bolivia raises questions about the value of these claims beyond the particularities of the Bolivian case. In chapter 2, I reference numerous non-academic works on birth registration and identity documents, and some academic ones, which indicate that my insights can help us better understand undocumented citizens in other countries as well. In chapter 7, I introduce a short, complementary case study that shows they have purchase in the case of Peru. Despite the differences of detail, the supply and demand of identity documents in Peru reveals many of the same underlying issues and trends that we see in Bolivia. Questions of population management and legibility had a limited impact in the evolution of documentation policies, while electoral concerns and matters of recognition and social inclusion played a much bigger role. The traditionally suspect indigenous populations of the country faced higher barriers and lower incentives to secure identity documents (especially those living in rural areas and in particular women), and displayed higher undocumentation levels as a

result. The lack of documents was rarely a product of social resistance to the idea of being known to the state, and mostly had to do with the relative difficulty and limited relevance of acquiring them. To the extent that the everyday relevance of identity documents grew for these populations, their demand for them increased. This demand went sometimes unsatisfied because of the inadequacies of the documentation structures of the Peruvian state. Pressure from civil society organizations and international actors was critical to bring about reform in the supply of documents, and make the local documentation systems more inclusive.

I conclude Chapter 7 and the dissertation exploring possible avenues for future research on undocumented citizens. Perhaps the most obvious one is the need to study the evolution of the supply and demand for documents in additional countries. Relatedly, there is abundant evidence in the academic literature that shows that states do sometimes promote the use of identity documents to improve their knowledge and control of the population in general, or of groups considered dangerous or untrustworthy. The target populations in some cases resent and resist the documentation policies of the state. This dissertation emphasizes the other side of the coin: states for which population legibility is secondary, suspect populations that face comparatively higher barriers for documentation, and citizens that want to have documents. The contrast automatically brings about questions with regard to how to reconcile these two realities. Why do some states care about population legibility and others do not? Why do documentation policies target dangerous populations in some cases, but make it difficult for them to acquire documents in others? I suspect the literature on state-building and nation-building has many valuable comparative clues to offer. The role of international actors in the spread of identity documents also deserves further research.

## CHAPTER 2: LEGIBILITY WITH AN EYEPATCH

“Just as industrialized nations are extending long-standing projects of legibility to the far reaches of their periphery, new states, with modernizing agendas, have been inventing permanent patronyms for the first time. Other techniques of identification, as we shall see, are now available. Most of them are more discriminating, legible, and efficient than the proper name” (Scott, Theranian, and Mathias 2002, 29).

Scott, Theranian, and Mathias see standardized population registries and identity cards as part of the continuum of identification practices that, starting with permanent patronyms, modern states have promoted to make their populations legible for the purpose of administration (2002). The case of Estefanía Cu Caal, which opened this dissertation, represents in this view an anomaly. The Guatemalan state does not want to register and document her with a birth certificate. It has no interest in making her personal identity and that of her children legible. The Guatemalan state is not alone. Many states in the developing world, and some developed ones (e.g. United States), renounce building comprehensive and reliable personal identification systems. In this sense, it is empirically problematic to assume that modern states will always seek to maximize their ability to register and document the identity of individuals in order to make the population legible. Whether states will do so or not, I contend, is the contingent product of political choices. There is no necessary natural relation between the modern state as a historical formation and a strong desire to document individual identity.

With the ambition of the modern state to know and control dominating academic works on population registries and identity documents (Szreter and Breckenridge 2012),<sup>14</sup> two associated tropes that figure prominently in the literature on these topics are “dangerous populations” and social resistance. In this logic of surveillance, population groups considered for one reason or another suspect generally become a preferred target for the registration and documentation

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<sup>14</sup> See, for example, Bennett and Lyon (2008), Caplan and Torpey (2001a), Lyon (2009), Salter (2003), Scott, Theranian, and Mathias (2002), Stalder and Lyon (2003), Torpey (2000), Watner and McElroy (2004), Zureik, Lyon, and Abu-Laban (2011).

efforts of the state (Lyon 2009; Stalder and Lyon 2003; Rosental 2012, 137-138; Torpey 2000, 6-7). Relatedly, the literature tells us, the population does not always take kindly the attempts of the state to expand its ability to monitor and regulate, and it often pushes back and resists the policies of the intrusive state (Loveman 2007; Lyon and Bennett 2008; Scott 1998; Scott, Theranian, and Mathias 2002). This dissertation, however, will go in a different direction. It is not only the desire of the modern state to document individual identity that is politically contingent, I claim, but also the motivations for undertaking documentation efforts when they do happen, the preferred target of those efforts, and the reaction of the population to them.

In this sense, I will make several claims in this dissertation. First, that the elective affinity between the modern state and the registration and documentation of individual identity has been exaggerated.<sup>15</sup> The reality is that many contemporary states have renounced building comprehensive and dependable systems for the documentation of individual identity. Second, that increasing the administrative ability to know and control the population is only one of the possible reasons why states establish, maintain, and/or reinforce their bureaucratic schemes for the certification and documentation of individual identity. States sometimes do so for other reasons, such as institutional isomorphism, raising revenue in the form of user fees, or the social and political recognition of previously disenfranchised groups. Third, that even when states strengthen their documentation systems for administrative purposes, it often has to do more with trying to reassure competing political elites of the fairness of elections than with questions of social control. Fourth, dangerous populations are not necessarily the preferred target of the documentation efforts of states around the world. In fact, in many countries, suspect population groups face greater barriers to acquire state-issued identity documents than the traditional core

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<sup>15</sup> As I will later discuss in more detail, this is a claim that has been already advanced by Higgs (2011), in the case of Britain, and by Szreter and Breckenridge (2012), in more general terms.

constituencies of the state in question. Fifth and final, indifference, lack of information, and the high costs of securing documents provide a better explanation for the existence of undocumented citizens than social resistance to an encroaching state.

The rest of the chapter will proceed as follows. I will start by providing a brief history of identity documents, through the lens of a literature that puts emphasis on the connections between the expansion of their use and the rise of the modern state. Next, I will analyze in more detail some of the key themes that the literature on identity documents generally highlights: the characterization of identity documents as an instrument of state rule designed to facilitate the legibility of the population and therefore public administration, their use to keep tabs on population groups considered “dangerous” by the state, and the social resistance that the legibility projects of the state, including identity documents, often generate. After that, I will introduce the objections that some authors have levied against the literature on identity documents and population registries for putting an excessive emphasis on the modern state and its ambitions for legibility and control. Finally, I will discuss in detail each of the five claims advanced in the previous paragraph, which constitute the analytical core of this dissertation and guide its empirical contributions.

## **1. The modern state and the documentation of individual identity**

John Torpey characterizes identity documents as part of “modern states' efforts to generate and sustain their ‘embrace’ of individuals” (2000, 158). The idea of “embracing” encompasses for him the notions of knowing, keeping within grasp, and regulating. In his view, identity documents and the associated identity registers are a key element of state infrastructural power.<sup>16</sup>

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<sup>16</sup> Mann defines infrastructural power as “the capacity of the state to actually penetrate civil society, and to implement logistically political decisions throughout the realm” (1984, 189). Torpey advocates for the metaphor of “embracing” as an alternative to that of “penetrating”. Similar to Scott’s “legibility” (1998),

They represent an important component of the administrative toolkit that modern states have developed for gathering information about and ruling over the territories and populations under their control. If the census was good for the occasional recounting and categorization of a country's residents, identity documents can support their semi-permanent monitoring.

According to Torpey, identity documents allow states to regulate the movement of people. This is the explicit function of certain types of documents, such as internal passes or passports, but identity cards and other documents not designed for this primary purpose can similarly offer a sort of latent pass system for activation when needed (Torpey 2000, 165). Identity documents also contribute to the construction of enduring individual identities, making public administration easier (Torpey 2000, 166).<sup>17</sup> Relatedly, they leave in their use traces of the lives and behavior of the holders, facilitating the collection of data for policy planning and implementation (Torpey 2000, 16). Identity documents are mobile data-storing devices as well, and contain information about the bearers that can be read by state agents on the spot, further simplifying the execution of public policy (Torpey 2000, 12). In sum, documents make it easier for states to differentiate among citizens, and between citizens and non-citizens, so that rights, services, and burdens can be more efficiently allocated to specific publics (Torpey 2000).

The ideas of Torpey are a good illustration of the general picture that emerges from the academic literature on identity documents. By and large, the view that dominates social science research on the subject is one of identity documents as an instrument of state rule, and one that is most characteristically identified with the modern state. Undocumented citizens rarely figure into a literature that is mostly interested in the history of personal identification techniques, the

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Torpey claims, "embracing" has the advantage of emphasizing the importance for the nation-state of both knowing society and delimiting it (demarcating the boundaries of membership) (2000, 10-12).

<sup>17</sup> At the same time, effective identification systems presuppose stable personal identities (Caplan 2001, 50). See also Scott (1998, 64-71) and Scott et al. (2002).

character of modern state rule, and the dangers associated with increasing state surveillance capabilities. Indebted to Foucault's insights about the power-knowledge connection, this is a literature that draws inspiration more from his work on the bureaucratic techniques of information collection of the modern state than from his observations about the decentered aspects of governmentality (Szepter and Breckenridge 2012).<sup>18</sup> The focus on state surveillance, administration, and control is clear in most of the chapters that comprise the volumes edited by Bennett and Lyon (2008), Caplan and Torpey (2001a), Watner and McElroy (2004), and Zureik, Lyon, and Abu-Laban (2011), as well as in the works of Lyon (2009),<sup>19</sup> Salter (2003), Stalder and Lyon (2003), and Torpey (2000). Groebner, in his book about identification and deception between the 13<sup>th</sup> and the 17<sup>th</sup> centuries, presents identity papers as a tool of administration and population control used by city governments, religious authorities, and absolutist monarchs alike (2007). Covering a period normally regarded as the prehistory of the modern state, the book is largely consistent with the conceptualization of identity documents as an instrument of rule, even if one with serious limitations in its ability to certify individual identity with certainty.

It is likely that, in one guise or another, primitive forms of identity documents existed to some extent in all literate societies to facilitate the work of government emissaries, merchants, and other qualified mobile professionals. Even without recourse to the written word, badges,

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<sup>18</sup> An interesting exception is Rose's discussion of the "securitization of identity". Taking a decentered view of "governing" as his point of departure, he sees the spread of identification technologies as a dispersed and disorganized process, rather than one merely radiating outwards from the state (1999, 240-246). Identity documents, however, are not the main focus of Rose's book, and he leaves his intriguing argument on the topic underexplored.

<sup>19</sup> Trying to move beyond an exclusive focus on the state, Lyon theorizes about the existence of a "card cartel" (2009), a concept first advanced in Lyon and Bennett (2008). According to Lyon, in the age of smart ID cards and networked databases, states do not hold a monopoly over the legitimate means of identification, but instead share control of them with technology corporations and software protocols in an "oligopoly" of the means of identification (2009, chap. 3). At the same time, throughout his book, the state still appears as the leading historical force behind identification efforts, and the linchpin around which new documentation projects continue to coalesce.

anagrams, seals, coats of arms, and other types of insignias have been used throughout history to convey information about people's identities.<sup>20</sup> However, as Higgs reminds us, it is not the same to identify someone as a member of a broader category of people, as to identify someone as a unique individual (2011, 10).<sup>21</sup> Insignias, even individualized ones, do more of the former than of the latter (Groebner 2007, chap. 2). Similarly, for an illiterate local official evaluating a safe-conduct pass or a passport, the name of the holder is indecipherable and thus irrelevant. The key for him is whether the document in question bears a seal or other marks indicating that the relevant authorities have issued it, and that therefore the holder belongs to the category of approved travelers (Groebner 2001, 21). Contemporary identity documents are often examined in this way as well (Groebner 2007, 238-241; Salter 2003),<sup>22</sup> but they also represent an attempt at reliably certifying the unique identity of individuals that is quite modern (and utopian) in its scale. In the words of Caplan and Torpey, "Universal systems of individual identification are unthinkable without mass literacy and an official culture of written records" (2001b, 1-2).

The standard political science narrative on the rise of the modern state in Europe is one of progressive centralization of authority, with one center of power consolidating control over a territory to the exclusion of rival claimants. It is also a story about the development of the bureaucratic structures and political loyalties necessary for that center of power to secure its reproduction, reaching deeper into society and ultimately moving from indirect to direct forms of rule at the local level (Mann 1986; Tilly 1990). This was a slow, protracted journey. Despite

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<sup>20</sup> See for instance the work of Valentin Groebner for a discussion of their use in late medieval and early modern Europe (2007, chap. 2).

<sup>21</sup> In virtually all systems of identification, individuals are categorically identified as members of a class (Caplan 2001, 51). Historically, it has been less frequently the case that identification systems could also identify individuals as singular, unique persons (Higgs 2011).

<sup>22</sup> Groebner puts it quite nicely when he argues that, at the passport control desk, "it is not we who are checked, but the reproduced marks of authority [in our documents], the stamps, and the watermarked, counterfeit-proof paper whose security features gleam so promisingly in ultraviolet light" (2007, 238).

advances in the reach of central authorities between the 15<sup>th</sup> and 18<sup>th</sup> centuries, states continued to rely heavily on indirect forms of rule until the 1800s.<sup>23</sup> Only in the second half of 19<sup>th</sup> century and first half of the 20<sup>th</sup> century did European countries start to resemble the politically centralized and nationally integrated societies that we now associate with modern nation-states (Mann 1986; Tilly 1990). Within this broad context of state-building, the academic literature generally treats the expansion of mechanisms for the registration and documentation of individual identity as part of the overall process of bureaucratic development associated with the construction of more effective (and intrusive) instruments of rule (Caplan and Torpey 2001b; Lyon 2009; Torpey 2000). In accordance with this interpretation, historical accounts of the growing use and changing nature of identity documents tend to sketch a long-term trajectory that, in its broad strokes, flows parallel to the emergence and evolution of the modern state.

Although documents attesting to the identity and status of the holders and requesting their safe passage proliferated in Europe in the High Middle Ages,<sup>24</sup> they were a privilege available only to official dignitaries, prosperous merchants, and other wealthy travelers (Groebner 2007, chap. 6; Salter 2003, 11-16). From the mid-1400s onwards, however, travel passes became an obligation for steadily expanding categories of people (Groebner 2001; 2007, chap. 7). Part and parcel to these developments, the absolutist monarchies of early modern Europe took an increasingly active role in the regulation of mobility. The growth of central power in the leading European nations of the day set in motion a process of gradual expropriation of the legitimate “means of movement”. Over the following centuries, central rulers would progressively appropriate for themselves the exclusive right to regulate mobility, and determine what authorizations and documents made it lawful (Torpey 2000). The use of written registers also

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<sup>23</sup> According to Tilly, “Before 1789, the French state, like almost all other states, ruled indirectly at the local level, relying especially on priests and nobles for mediation” (1990, 108).

<sup>24</sup> The literature on the history of identity documents mostly focuses on Europe.

expanded in the 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> centuries (Groebner 2007, chap. 3). Yet, while the centralizing monarchies of Europe promoted the registration of their populations and their vital events, they generally relied on religious institutions to handle the process locally (Rosental 2012; Steinwedel 2001). Despite obvious limitations, the combination of local registration and movement controls facilitated tax collection and military recruitment at the local level, the local enforcement of property rights, and the management of poor relief systems that were essentially local in scope (Higgs 2011; Looijesteijn and van Leeuwen 2012; Steinwedel 2001; Szreter 2007).

With time, identity documents evolved into more than travel papers and became all-purpose forms of identity verification. According to Caplan and Torpey, the conception of identity documents as instruments of personal identification for all residents of a territory had its intellectual roots in the 1700s, but would gain political impetus with the growth of national states and national citizenship in the long 19<sup>th</sup> century (2001b).<sup>25</sup> From this vantage point, the association that eventually developed between nationality, citizenship, and identity papers has to be seen in the context of nation-states that are both territorial and membership organizations, and that need to track who is a member and who is not (Groebner 2007, 237; Lyon 2009, 5; Torpey 2000, 1). Throughout the 1800s, in Europe and beyond, states assumed direct control of the task of registering their populations, and created civil registration systems.<sup>26</sup> Reliance on birth certificates and other civil registry documents for identification purposes spread as a result (Higgs 2011, 99-104; Rosental 2012; Steinwedel 2001). At an ideological level, parish or church

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<sup>25</sup> See Giddens (1985), Mann (1986), and Tilly (1990) for a detailed overview of the processes of political centralization and nation-state formation in Europe in the 150 years following the French Revolution.

<sup>26</sup> See, for instance, Fahrmeir for the case of Germany (2012), Higgs for the case of Britain (2011, 99-104), and Noiriel for the case of France (2001). In Latin America, Mexico, Peru, Argentina, or Costa Rica, to name a few countries, also adopted civil registration systems during the 1800s. Japan introduced national registration in 1871, superseding pre-existing local registration systems under the control of feudal lords or Buddhist temples. Registration in Japan continued to rely on family records rather than individual ones (Ogasawara, 2008).

registration stopped being a good fit for states that promoted nationality as a form of membership that should take precedence over religion or status (Noiriel 2001; Steinwedel 2001). At an administrative level, the locus of political and economic life was slowly shifting from the local to the national level, creating the need for more uniform and coordinated forms of registration and identification (Higgs 2011).<sup>27</sup>

Between 1850 and 1914, with state controls over the movement of people loosening in Europe, the use of identity papers and population registries as an instrument of government received an additional push. Domestically, the elimination of feudal barriers and the nationalization of political space gave citizens in most countries greater freedom of movement and residence (Torpey 2000, chap. 3). Internationally, there was a liberalization of labor migration and travel, even if it did not reach all states and categories of people equally (Torpey 2000, chaps. 3-4; Lucassen 2001). With migration to urban centers booming, the tightening of registration and documentation requirements was to compensate for the looser mobility regime. In an era of broadening voting privileges and incipient social policies, identity documents offered a promising tool for preventing ineligible individuals from gaining access to rights for which they did not qualify. Alien immigrants were of particular concern, lest they become a burden on host societies that were increasingly understood in national terms (Lucassen 2001; Noiriel 1996, chap. 2; Torpey 2000, chap. 4). Bureaucratic capacities increased significantly during the period, and state-sponsored documentation schemes benefited from and contributed to this growth (Noiriel 1996, xix; Torpey 2000, 121). European colonies deserve a mention apart. This was the heyday of imperial expansion, and European powers implemented abroad the movement controls

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<sup>27</sup> Needs do not automatically come with the capacity to address them, and even in France, where civil registration was first decreed in 1792, compliance would lag for a good part of the 19th century (Noiriel 2001; Rosental 2012).

they were lifting at home. Colonial subjects were not free to move around their own land,<sup>28</sup> and pass systems designed to tie residents to local authorities and laborers to white employers were established in much of Africa (Longman 2001, 347-350; Lyon 2009, 27-30; Salter 2003, 20-24).

Through the World Wars and the Depression, the use of population registries and identity documents continued to increase.<sup>29</sup> State bureaucracies grew amid the demands of war and an expanding role for the state in social and economic matters, and the need and capacities to build stronger identification systems grew with them (Higgs 2011, chap. 8; Lyon 2009, chap. 1).<sup>30</sup> The end of World War II did not reverse the trend. Instead, it contributed to spread it. Decolonization brought statehood and its trappings to almost every corner of the planet, including reliance on passports and other identity documents to express and regulate the juridical ties between states and citizens. While the period after 1980 saw an important retrenchment of the state in the areas of social services and economic policy, state responsibilities in the realms of law and order and immigration control remained strong, or even expanded in many countries. With states striving to maintain public security and provide an appropriate institutional framework for the smooth operation of the market, certifying individual identity and preventing identity fraud remain key

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<sup>28</sup> Or between colonial territories, for that matter. In another example of the use of identity documents to limit the mobility of colonial subjects, Canada adopted in the early 1900s passport requirements for Indians entering the country, despite the fact that they were also British subjects. The measure was intended to help control the immigration of members of this racially suspect population (Mongia 1999).

<sup>29</sup> World War I and its aftermath brought back restrictions to the movement of people across international borders, and the inter-war period is normally considered the birth of the modern international mobility regime and the associated passport regime (Salter 2003; Torpey 2000).

<sup>30</sup> Britain paired nationwide registration with the issuance of identity cards during each of the World Wars, although twice abandoned the schemes after the return of peace (Agar 2001; Thompson 2008). Countries such as Belgium (Longman 2001) or Portugal (André and Galha 2013) began to experiment with national ID systems in the interwar period. In France, regional authorities started an ID system for the Paris region in 1921, foreshadowing the national identity cards that would appear during the Vichy regime, and then again after 1955 (Piazza and Laniel 2008, 199-203). Japan adopted ID cards for the residents of occupied Manchuria in 1938, and for foreign residents in mainland Japan in 1940 (Ogasawara 2008, 98-100). Argentina and Chile introduced national identity cards for the male population in 1911 and in 1924, respectively (Lorenzo 1999, 50; Paz Núñez 2011). In the U.S., official identification mechanisms expanded in the first half of the 20<sup>th</sup> century with the creation of the social security number at the federal level (Smith 2004), and the adoption of driver licensing laws at the state level (Watner 2004).

governmental functions, and over the past three decades documentation systems have grown in reach and technical sophistication (Bennett and Lyon 2008; Lyon 2011).

For the most, the academic literature has approached the history of identity documents from the vantage point of the modern state and its growth. With few exceptions, such as the roll-back of registration and documentation requirements in Britain after each of the World Wars (Agar, 2001; Thompson, 2008), the narrative is one of progressive expansion in the use of identity documents to serve the functional needs of states that grew in administrative sophistication and reach. The demands of direct rule in a context of competing states with discreet populations and territories required that government bureaucracies increase their ability to “embrace” people, making them legible as both individuals and members of the national collective. Identity documents contributed to this goal. Legibility schemes, however, do not come without drawbacks, as the next section will show shortly.

## **2. Legibility and its blind spots**

Keeping with the main themes and general spirit of the literature on the subject, the brief (and Eurocentric) historical summary I have sketched treats identity documents as an element of the “legibility” project that according to James Scott characterizes the modern state in its efforts to centrally administer large territories and populations (1998). In an influential formulation that has informed much of the research on identity documents,<sup>31</sup> Scott argues that modern public administration is based on processes of administrative standardization that summarize reality and subsume its diversity into general categories susceptible to regularized bureaucratic treatment. The efficient collection of taxes and mobilization of manpower requires that state administrators learn about the wealth and men present in their territory, but also that they put in place policies

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<sup>31</sup> See Caplan and Torpey (2001a), Gordillo (2006), Lyon, (2009), Torpey (2000), among others.

that promote economic prosperity and the maintenance of a healthy and productive population. It is only after reality's complexity has been reduced and contained into abstract categories susceptible of measurement and homogeneous treatment, that it becomes possible to really “know” the world and manipulate it through “rational” policies designed to advance the goals of the state (Scott 1998). In this sense, in its ambitions to domesticate and transform society and nature, the modern state demands that the infinite complexity of the world be rephrased in a synoptic form more amenable to treatment with the tools of “scientific” administration (Scott 1998). From this perspective, identity papers help make people “legible”, turning unique persons into document holders that can be treated as individual yet generic subjects of administration.

An idea that often appears in conjunction with the conceptualization of identity documents as an instrument of legibility and public administration is that the functional need for state mechanisms of identity verification grew with the mobility and anonymity of modern industrial society (Higgs 2011, 4-6). In this view, since the late 18<sup>th</sup> century, industrialization and urbanization have progressively undermined more immediate forms of identification based on direct personal familiarity and networks of acquaintances. This is a notion that comes up in the works of Caplan and Torpey (2001b, 7-8), Cole (2001, 8), and Lyon (2009, 21-22). It also surfaces in Higgs (2011), although in a modified form. In his book on the history of identification in England, Higgs challenges the assumption of a relative lack of mobility among the English population in pre-industrial times, and downplays the supposed hypermobility of contemporary daily life. For him, what is novel about the industrial era in terms of our identification needs is the rise of distant centralized bureaucracies in business and government. A good part of modern identification, he argues, “takes place when individuals have to interact with national, or even international, institutions, whether commercial or state” (2011, 47). Everyday

personal interactions, he contends, are not radically more anonymous now that they were 400 years ago, but the decentralized structures that characterized government and commerce in earlier times gave way in the 19<sup>th</sup> and 20<sup>th</sup> centuries to large bureaucracies operating at the level of the nation-state and beyond (Higgs 2011, 47-48).

As a policy of legibility, identity documents do not exist in a vacuum. They are interconnected with a series of other identification technologies and practices. Scott, Theranian, and Mathias sketch a continuum of personal identification practices, arranging them according to how legible they make individual identity in the eyes of the state (2002, 35). At one end of the continuum are local identification practices that only insiders find meaningful, and that do not allow outsiders, including state agents, to differentiate among the individual members of a particular community. The spread and standardization of permanent patronymic surnames represents for Scott, Theranian, and Mathias a first step towards increasing the legibility and reducing the ambiguity of personal identity in the eyes of community outsiders. Historically, they argue, it was a development largely promoted by the state.<sup>32</sup> One step further along the continuum is the adoption of unique personal identification numbers to administratively identify the individuals within a population. The use of biomarkers, like fingerprints or DNA profiles (or the now antiquated marking of the body), constitutes for Scott, Theranian, and Mathias the most legible end of the continuum of identification practices (2002, 35-36).

The operation of these identification practices facilitates and is facilitated by the adoption of related identification technologies, identity documents among them. The result is a greater potential for legibility gains for the state. With stable and more or less exclusive individual names, it becomes easier to compile population registers of a progressively larger scale and more

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<sup>32</sup> Caplan, on the other hand, argues that the stabilization of patronymics has roots that preceded significant state action. At the same time, she also recognizes the important role that states played at later stages of the stabilization process (2001, 56).

centralized. Fixed names also lend greater significance the use of ID cards, registration certificates, and other identity documents (Caplan 2001; Scott 1998, 71; Scott, Theranian, and Mathias 2002). Unique identification numbers and biomarkers simplify the process of connecting with precision a person to an entry in a registry, or to a record in a manual or electronic database (Scott, Theranian, and Mathias 2002, 34-36). Identity papers allow state officials to conveniently check the identity of individuals as they move through public spaces or state offices, and to link them to the right records (Torpey, 2000, Conclusion). Photographs and biomarkers increase the accuracy of the inspections (Scott, Theranian, and Mathias 2002, 34-36).<sup>33</sup> In turn, the use of population registers, databases, and identity documents for the purpose of public administration, reinforces the relevance of officially-sanctioned personal names and ID numbers.

The documentation of individual identity, however, like any other legibility project sponsored by the modern state, is fraught with contradictions. Scott emphasizes how the very process of administratively simplifying reality by recasting it in a synoptic form creates its own blind spots (1998). Abstracting from specific objects and into more general categories of knowledge, by definition implies discarding the pieces of information that particularize those objects and make them different from other of the same genus (Sartori 1970; Scott 1998). The loss of contextual information that comes with the synoptic logic of state legibility also permeates the documentation of individual identity. Even as identity documents individualize people as unique persons, they simultaneously summarize their rich biographies by means of a series of standardized markers (ID number, fingerprints, nationality, gender). To a large extent, they turn into interchangeable members of bureaucratically defined categories and subcategories. But more consequential than the loss of information associated with the state's emphasis on

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<sup>33</sup> The automated collection and inspection of data through machine-readable identity cards that connect to networked databases combines these technologies in a particularly powerful way (Bennett and Lyon 2008; Lyon 2009; Stalder and Lyon 2003).

administrative legibility, is the bureaucratic inability to grapple with it. The typological mode of reasoning and acting that characterizes modern bureaucracy blinds the state apparatus to the cases that defy the general categories of its own creation (Scott 1998). Administrative categories become bureaucratic expectations, and what does not fit the expectations does not exist.

In the case of state-issued identity documents and their role as mechanisms of identity verification, there are two broad sets of complications. One has to do with the administrative invisibility of those who fail (or refuse) to secure the documents that the state requires. For both public and private bureaucracies, administrative existence becomes the marker of real existence, turning undocumented citizens into anomalous individuals frequently locked out of key rights and services. Since undocumented citizens are the main focus of the dissertation, this is an issue to which I will often come back. The other complication arises from the use of fraudulent documents to create fake identities or adopt someone else's (Groebner 2007; Higgs 2011; Sadiq 2009). As Agar well explains, impostors have always existed, but state-sponsored identification systems give them "an extra, and powerful resource: appropriating the authority of the state to support their claims" (2001, 113). For when documents appear authentic, even if they are not, the identities they certify become imbued with the a priori legal credibility of state acts, and therefore turn real in the eyes of state and non-state agents alike.

The matter with fraudulent identities extends beyond the forgery of identity documents. Through bribery, fake "breeder" documents, or other means, it is also possible to secure legitimate documents that fraudulently certify false identities (Sadiq 2009; Salter 2003, 35-36 and 132; Stalder and Lyon 2003, 83-84). Typically, documents up the bureaucratic chain of identification do not attest that a person is who she says she is, they only certify that she is who other "breeder" documents say she is, ultimately tracing identity back to the birth certificate

(Salter 2003, 35-36 and 132; Stalder and Lyon 2003, 83-84). Even registering a birth to acquire the primary “breeder” document that is the birth certificate sometimes requires other documents, such as a certificate of live birth, a baptismal certificate, or the ID of the parents. Paradoxically, civil registration systems and the key “breeder” documents they issue are often the most vulnerable link in the chain of identity certification. A not uncommon consequence is that fraudulent “breeder” documents can be used to secure legitimate identity papers (Salter 2003, 35-36 and 132; Stalder and Lyon 2003, 83-84).

By and large, the academic literature sees identity documents as an expression of the administrative project of “legibility” that characterizes the modern state. Effective central rule over large territories and populations requires gathering and processing considerable amounts of information, and acting upon it. In this view, states have promoted the registration and documentation of individual identity because it facilitates doing all of that. At the same time, it is not possible to deal with great amounts of information without simplifying it through the use of categories that group together disparate elements based on their commonalities. In the process, the information about what makes those elements unique gets lost. Similarly, the exceptions that do not fit the molds of the pre-established categories, such as undocumented citizens in a world of documented ones, defy bureaucratic expectations and fall through the cracks. Next I turn to the documentation of populations considered suspect by the state. If identity documents are mainly about making people legible, it should be natural for authorities to make the population groups that they perceived as a threat a favorite target for documentation.

### **3. Making dangerous populations more legible**

Another common trope in the literature on identity documents is that of “dangerous populations” (Rosental 2012, 137-138). As the preferred target of state surveillance, populations

considered for one reason or another suspect have been frequently singled out for stricter monitoring through the use of identity documents (Lyon 2009; Stalder and Lyon 2003; Torpey 2000, 6-7).<sup>34</sup> The regulation of movement in late medieval and modern Europe often involved passes and passports. At a time in which tying peasants to the land was an important concern, travelling was a privilege that required written authorization, generally by local authorities. From the royal safe-conduct granted to the wealthy merchant, to the lowly parish certificate issued for the seasonal laborer, documents designed to certify the traveler and facilitate his journey represented a concession that was not available to everyone. Even the noblemen who did not face movement restrictions could appreciate the relative added-safety that travel documents offered (Groebner 2007, chaps. 6 and 7; Salter 2003, 11-16; Torpey 2000, 18-19). By the second-half of the 19<sup>th</sup> century the situation in Europe had turned, with restrictions to travel domestically and even internationally becoming weaker and weaker (Torpey, 2000: Ch. 3).<sup>35</sup> For the European well-to-do, the decades preceding World War I became the era of international passport-free travel in the continent, but this document-less freedom did not necessarily extend to people from all social classes (Groebner 2007, 235). If anything, the loosening of movement controls in Europe made identity documents more necessary to control economic migrants and other suspect populations (Lucassen 2001; Noriel 1996, chap. 2; Torpey 2000, chap. 4).

In the late 16<sup>th</sup> century the Imperial Diet of Prussia prohibited issuing travel passes to “gypsies and vagabonds” (Torpey 2000, 18). In 1912, the French Parliament passed a law that imposed special documentation demands on gypsies and other itinerant populations defined as

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<sup>34</sup> The control of suspect populations has also been at the core of the development of other identification techniques, such as fingerprinting or Bertillonage (Breckenridge 2008; Cole 2001; Kaluszynski 2001; Ruggiero 2001).

<sup>35</sup> One exception was the Russian Empire, where important limitations to the freedom of movement and residence remained, and internal passports continued to be required for domestic travel (Steinwedel, 2001). The Soviet regime implemented its own movement and residence restrictions, and internal passport system (Garcelon, 2001).

foreign, mandating that they secure and carry the newly created “anthropometric nomad passbook” (Kaluszynski 2001). The contrast between these two cases illustrate quite well the general picture that in the literature emerges about the evolution of identity and travel documents in Europe. Once a symbol of privilege, they over time became a burden imposed on sectors of the population singled out for state surveillance and control.

As Torpey explains, in the late 19<sup>th</sup> century and early 20<sup>th</sup> century, the use of identity documents grew in Europe and North America. The focus was initially on “undesirable outsiders” (2000, 93). Good examples are the particularly rigorous documentation requirements Chinese people faced in the United States (Robertson 2010, 171-177; Torpey 2000, 98-101), Indian immigrants in Canada and South Africa (MacDonald 2012; Mongia 1999), or Polish laborers in Germany (Torpey 2000, 108-110). But with countries coming to see themselves increasingly in national terms, some states began to extend registration and/or documentation requirements to all foreign-born residents (Lucassen 2001; Noiriel 1996, chap. 2; Torpey 2000: chap. 4). World War I accelerated this process, prompting governments to mandate the registration and/or documentation of all aliens (Higgs 2011, 140-141; Noiriel 1996, 61-62; Torpey 2000, 111-116), or at the very least of aliens from enemy nations (Robertson 2010, 199-201; Sankar 2004). Today, aliens continue to face more stringent documentation requirements than local citizens in many countries. Even countries that do not have a national identity card system for their own citizens, often require that foreign residents secure an identity card from the state. Japan and Canada<sup>36</sup> are two good examples (Browne 2006; Ogasawara 2008).

The relaxation of movement controls Europe saw towards the end of the 19<sup>th</sup> century did not extend to the habitants of the colonies European powers had carved out in other parts of the

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<sup>36</sup> Although the Canadian Permanent Resident Card is not strictly mandatory for foreign residents that arrived in the country before 2002, long-standing resident aliens that wish to travel abroad and later reenter the country also need to secure it (Browne 2006).

world. Colonial administrators resorted to passports, passes, and other identity papers to restrict travel within and between the colonies. In Africa and other places, identity documents and movement controls facilitated the regulation of labor and the oversight of local populations that the Europeans deemed dangerous (Longman 2001, 347-350; Lyon 2009, 27-30; Mongia 1999; Salter 2003, 20-24). Japanese colonialism in the 20<sup>th</sup> century also resorted to identity cards as a means to improve the administration and surveillance of colonial populations considered unsafe. In occupied Manchuria and mainland Japan, colonial subjects faced registration and documentation requirements that far exceeded those imposed on Japanese families. After World War II, Japan reintroduced special documentation requirements for aliens, with an eye towards the colonial populations that had remained in the country (Ogasawara 2008, 98-102).

The two World Wars and the interwar period were a time when many countries began to experiment with national identity systems that compelled the documentation of large numbers of their own citizens.<sup>37</sup> The trend continued after the end of World War II and into current day (Bennett and Lyon 2008). National identity systems cast a wide net and do not exclusively focus on sectors of the population perceived as potentially dangerous. Still, several authors have forcefully argued that, in practice, their application commonly spells negative consequences for the population groups that the state and dominant society consider threatening or deviant. Insofar as national identity cards facilitate surveillance and social sorting, they facilitate the scrutiny and discrimination of suspect populations (Lyon 2009; Lyon and Bennett 2008; Stalder and Lyon 2003).<sup>38</sup> The Tutsi of Rwanda (Fussell 2004; Longman 2001), the Palestinians of Israel and the Occupied Territories (Lyon 2011; Tawil-Souri 2011), or the black population of Apartheid South Africa (Lyon 2009: 58; Breckenridge 2008), all share the experience of having countrywide

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<sup>37</sup> See footnote 15 for examples.

<sup>38</sup> See also many of the chapters in Bennett and Lyon (2008) and Watner and McElroy (2004).

documentation systems used to distinctly target them for supervision, special treatment, and in the case of the Tutsis, genocide. Nazi Germany was also known for its thick network of registration and documentation systems that reached most in the country, but singled out certain groups for vicious treatment (Fussell 2004; Torpey 2000, 131-143). More generally, national identity systems incorporate and advance the distinction between the citizen and the alien resident, to the privilege of the former and the detriment of the latter (Fussell 2004; Greenleaf 2008; Lyon 2009; Torpey 2001, 165-166; Stalder and Lyon 2003; Thompson 2008).<sup>39</sup>

For much of the academic literature on identity documents, the emphasis on legibility goes hand in hand with a focus on “dangerous populations”. One is a logical extension of the other. Since the state promotes registration and documentation schemes in order to advance its knowledge and control of the population, its surveillance and information gathering interests should be greatest for those population groups that it deems most recalcitrant to its project of social and political rule. Conversely, if identity documents are part of the state’s project to penetrate, mold, and exact resources from society, it would only be reasonable to expect many in society to resist the documentation efforts of the state to the best of their ability. Particularly, those who stand to lose the most as a result of the expanded state capabilities to monitor and extract. Social resistance is the focal point of the next section.

#### **4. Identity documents and its malcontents**

For James Scott, the high modernist schemes that states sponsor to make nature and society more administratively legible, inevitably generate resistance (1998). On one hand, the schematic categories and generalizing plans that modern states develop and apply, tend to dismiss context-

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<sup>39</sup> The process of setting up a national identity card system also opens up opportunities to question the boundaries of national membership, subjecting citizens who defy traditional ethnic or racial expectations to greater scrutiny and a higher burden of proof when applying for a national ID (Mehmood, 2008: 124-125; Piazza and Laniel, 2008: 203).

specific knowledge of great value to the lives of local populations. As a result, the affected populations frequently prefer to preserve their time-tested ways of doing things, and push back against the new models of behavior states attempt to impose from above. On the other hand, increased legibility is often the precursor of greater control and extraction on the part of the state, something local populations do not usually welcome (Scott 1998). As part of the legibility projects that states around the world have pursued, the fixing of individual identity in ways that made it legible to state administrators did not escape such patterns of contention (Scott 1998, 64-73). In discussing the spread of permanent patronymic surnames, Scott, Theranian, and Mathias 2002 argue that the more distant or inaccessible a particular territory (or social group) was from the centers of state power,<sup>40</sup> the longer it took for patronymics to take hold, due to, among other things, active resistance on the part of the population (2002, 14-15).

Along these lines, in many occasions, the demand that some or all of the residents of a country register with the state and/or secure state-recognized identity documents has also faced social resistance. Mandatory civil registration of births and deaths, for instance, spurred a popular revolt in Northeast Brazil in the 1850s and was ultimately cancelled (Loveman 2007). But more commonly than open revolt, the introduction of civil registration has brought about everyday forms of resistance, such as noncompliance or the manipulation of the system (Loveman 2007, 8). In early 19<sup>th</sup> century France, civil registration was resisted by Catholic priests, who continued to record vital events in their parish registers, and advised parishioners against registering with state officials (Noiriel 2001, 35). Manipulation of birth registration information was also common, as local officials colluded with the population to help young males avoid conscription by altering their age or recording simulated marriages (Noiriel 2001,

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<sup>40</sup> Caplan (2001) has a more nuanced view about the role of state policy in the stabilization of patronymics, and does not share the state-centric account that Scott, Theranian, and Mathias 2002 put forward (2002).

38-41). Similarly, when the Vichy regime introduced compulsory identity cards in non-occupied France in the 1940s, implementation lagged due to bureaucratic shortcomings and the mistrust of the population (Piazza 2004, cited in Rosental 2012: 154).

Britain instituted national registration and documentation systems during both World Wars, but ultimately abandoned them during peacetime. The registration system developed during World War I fell into disuse after the end of hostilities because of its administrative shortcomings (Agar 2001, 103-106). In the case of the one developed during World War II, however, it was social opposition that brought it down. Despite the government's intention to maintain mandatory registration and identity cards beyond 1945, criticism of the peacetime continuation of a wartime measure mounted. In 1952, following the much publicized case of a citizen who had refused show his ID to a police officer, national registration was discontinued (Agar 2001, 106-111; Thompson 2008, 157). In recent years, public opposition against government plans to institute or strengthen national identity card systems (or their local functional equivalents) has surfaced in Australia (Davies 2004; Wilson 2008), Britain (Stalder and Lyon 2003, 82; Wills 2008), France (Piazza and Laniel 2008), Germany (Stalder and Lyon 2003, 80), Japan (Ogasawara 2008), South Korea (Stalder and Lyon 2003, 81), Taiwan (Stalder and Lyon 2003, 81), and the United States (Gates 2008; Stalder and Lyon 2003, 81).

Populations singled out for special documentation requirements have also fought back against the obligations imposed upon them. In the late 19<sup>th</sup> and early 20<sup>th</sup> century, the restriction of Chinese immigration into the United States required that the authorities distinguish between new arrivals and returnees who had traveled abroad and had the right to reenter the country. Initially, it was only Chinese residents going abroad who needed a certificate of identification if they had plans to return. Eventually, the documentation provisions were extended to all Chinese

residents. Those who failed to register and secure an identification certificate proving they were in the country legally, could face deportation if arrested. The discriminatory documentation requirements were met with both legal challenges in the courts and everyday forms of resistance (Robertson 2010, 171-177; Torpey 2000, 98-101). Certificates, for example, could change hands and be used to surreptitiously facilitate the arrival of new Chinese immigrants. Even after the certificates incorporated pictures, US officials had a hard time distinguishing one Chinese person from another, and therefore ascertaining whether the certificate belonged to the individual holding it (Robertson 2010, 172-173). This is just one example of how suspect populations, rather than seeking to avoid documentation entirely, have sometimes tried to make it work to their advantage. Longman, in the case of Rwandan Tutsis (2001), and Tawal-Souri, in the case of Palestinians in the West Bank and Gaza (2011, 234), also discuss similar games of deception.

Populations that do not want to make themselves legible to the state, many academic works tell us, will often try to fight (or manipulate) registration and documentation policies. This is a common theoretical and empirical claim that in certain cases takes on normative connotations as well. For some authors, the risks of state abuse that sophisticated documentation systems represent are too high, and therefore their implementation should be resisted or at least severely constrained (Watner and McEnroy 2004; Lyon 2011). But the legibility paradigm can only carry us so far in the study of identity documents, and it has also been the subject of criticisms. It is to these criticisms that the next section turns, especially insofar as they can help bring light to the phenomenon of undocumented citizens. If documentation is driven by the determination of the modern state to make people legible, why is it that the Guatemalan state does not want to document Stefanía Cu Caal? Authors such Higgs (2011) and Szreter and Breckenridge (2012) think that the desire of the modern state to know has been overestimated.

## 5. The limits of the legibility paradigm

In the introduction to their 2012 edited volume on population registration, Szreter and Breckenridge criticize the literature on the documentation of identity and the recording of people on several counts. At the core of their objections is what they consider the misleading emphasis of this literature on the modern state and its will to know and control. First, they argue, considering that the modern state originated in Europe, emphasizing it introduces a Eurocentric bias. Yet, the registration of people is neither exclusively modern nor particularly European. The use of population registries in China, for instance, dates back to the 6<sup>th</sup> century B.C.<sup>41</sup> (Szreter and Breckenridge 2012, 6 and 24-25). Second, they contend, the focus on the state obscures the fact that in early modern Europe established churches, dissenting denominations, civic associations, parishes, towns, or cities were more likely to try to maintain comprehensive registration systems than the incipient nation-states of the day (Szreter and Breckenridge 2012, 18). Third, treating the modern state as if it had an inherent appetite for knowledge is, for Szreter and Breckenridge, a problematic theoretical move that has driven scholars to “overstate the bureaucratic enthusiasm for information gathering”, and overlook how frequently states have “sought to restrict, abandon or devolve registration” (2012, 7). Fourth and final, making the state and its governing needs the center of attention, Szreter and Breckenridge claim, conveys a one-sided picture of population registration as a fundamentally coercive process, downplaying its role as a source of recognition and rights for individuals as members of a collectivity. Often, the desire to be registered and counted has come from the population, not the state (2012, 15-23).

Higgs similarly problematizes the idea that the expansion of personal identification mechanisms has been largely driven by some inherent tendency of the modern state to further its understanding and control of the population (2011: chap. 11). At least in the case of England, he

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<sup>41</sup> See von Glahn for an overview of the history of the household registration system in China (2012).

argues, this is a misplaced assumption that “ignores the periods of retreat in the development and deployment of forms of identification... on the part of the State” (2011, 208). In this policy area like in any other, Higgs reminds us, the state is more an arena of contestation than a monolithic organization, and it would be incorrect to assume a single-minded drive to identify, register, and enumerate (2011, 209).<sup>42</sup> Much like Szreter and Breckenridge, Higgs also acknowledges the link between identification and of social recognition, highlighting throughout his book the critical role that access to certain rights and services such as welfare, voting, credit, and security in property ownership has played in the evolution of identification systems in England (2011).

Higgs (2011) and Szreter and Breckenridge (2012) offer a necessary corrective to the emphasis on the modern state and its project of population management that dominates the literature on identity documents. At the same time, some of their criticisms have to be put in perspective. The fact that administrative mechanisms of population registration and identity certification historically predate the modern state, for example, is not in conflict with the idea that the modern state has relied on them to an unprecedented degree. Along the same lines, recognizing the use of registration and identification technologies by non-state actors, whether in early-modern Europe or in the 21<sup>st</sup> century,<sup>43</sup> does not necessarily contradict the notion that the modern state has played a crucial role in the spread of identity documents. It certainly does not negate the position of preeminence that state-sponsored identification systems hold in most countries today, or that states throughout the world eventually appropriated the registration

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<sup>42</sup> Along similar lines, in his contribution to Breckenridge and Szreter’s edited volume, Rosental contends that “The desire for surveillance attributed to the state as a whole by some historians was in reality confined to only some of its services” (2012, 148). Much like Szreter and Breckenridge in the introductory section of the book, Rosental also maintains in his chapter that “The importance of identification in the construction of civil society has been largely ignored by a historiography quick to reduce the state to its police functions” (2012, 157).

<sup>43</sup> Higgs (2011) and Lyon (2009) talk about the growth in recent decades of customer databases, credit scores, loyalty cards, and other forms of commercial registration and identification.

functions of parishes, temples, and others. The monopoly of legitimate authority that states claim in their territories, imperfect as it may be, provides a promising foundation upon which to build large-scale multipurpose identification systems. Sharing in its authority, the identification mechanisms that the state underwrites enjoy a unique built-in source of legal validity. In this regard, it is not surprising that the identity registries and databases that non-state actors develop for their own goals often incorporate state-sponsored identity numbers (e.g. social security number, national identity number, or similar), and require the examination of state-issued or approved identity documents (e.g. national identity card, driver license, passport, or similar).

More interesting for the purpose of this dissertation is the insistence of both Higgs (2011) and Szreter and Breckenridge (2012) that we should not take for granted the desire of the state to register and identify, or discount the role registration and identification systems play as elements of social recognition, and in the exercise of rights. Incorporating these considerations more firmly into the analysis of identity documents offers a promising theoretical avenue for studying the paradox that undocumented citizens represent. On one hand, problematizing when, how, and how far the state will pursue documentation to make the population legible can provide valuable clues about why the identification policies that states around the world implement are often inadequate, incomplete, or even in some ways self-defeating. On the other hand, understanding the degree to which identity documents govern access to meaningful rights and services, the material and symbolic tokens of social inclusion, can help clarify how desirable, intuitive, or useful is for citizens in a particular context to acquire them. In other words, obvious as it may sound, any attempt to shed light on the phenomenon of undocumented citizens has to account for the gaps that exist in both the supply and the demand of documents.

The academic literature on identity documents, with its emphasis on the appetite for information-gathering of the modern state, is largely silent about the conditions under which states might neglect their capacities to register and document individual identity, and settle for suboptimal identification policies. Given how precarious the civil registration and identity documentation systems of many countries continue to be,<sup>44</sup> particularly in the developing world, it is a significant omission. The focus of this literature on European states and a handful of other early developers, combined with its relative lack of attention to the experience of post-colonial countries,<sup>45</sup> helps explain the silence. However, as Higgs (2011) shows, not even in a case like England does the historical record support the idea of a linear and constant effort on the part of the state to improve its capacity to make individual identity legible. The literature on identity documents never claims that states will pursue documentation relentlessly and above all considerations. Nevertheless, in making the nature of modern state rule its center of attention, it does turn the possibility that states could refrain from building comprehensive identification systems, let them wither in neglect, or even dismantle them into a mere afterthought (Higgs 2011, chaps. 1 and 11; Szreter and Breckenridge 2012).

The connections that exist among documentation, social recognition, and access to rights and services are key to understand what identity documents imply for citizens. The literature on identity documents readily acknowledges the importance of these linkages. Unfortunately, it leaves them largely unexplored. With the value and uses that identity documents have for the state taking center stage, detailed examination of the value and uses they have for the population takes the backseat (Szreter and Breckenridge 2012). Lyon, for instance, talks about how

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<sup>44</sup> See, for instance, Ordoñez Bustamante and Bracamonte Bardalez (2006), Sadiq, (2009), Szreter and Breckenridge (2012), UNICEF (2009), or Vandenabeele and Lao (2007).

<sup>45</sup> Sadiq (2009), and some of the contributions to Bennett and Lyon (2008) and Szreter and Breckenridge (2012) represent important exceptions.

intertwined “eligibility and legibility” become under national ID systems, as eligibility for rights and services requires that citizens make themselves legible through the use of identity cards (Lyon 2009, 46). Yet, while his book extensively examines the dangers of legibility in the age of smart cards and searchable databases, the issue of eligibility fades into the background. In a similar vein, Torpey (2000) is interested in the role the passport has played in the institutionalization of the nation-state. Helping states control mobility and demarcate the boundaries between nationals and aliens, he claims, passports contributed to the nationalization of political membership, and facilitated the extraction of resources from societies increasingly defined in national terms. As for how citizens drew on their passports to articulate their claims of entitlement to the rights and privileges that national membership conferred, Torpey has little to say. The literature on identity documents rarely goes beyond paying lip service to the idea that “...individual identification, even in its most official forms, has been enabling as well as subordinating, and has created rights as well as police powers” (Caplan and Torpey 2001, 5).

These limitations in the literature point directly to the heart of my research questions. Why do some states pursue contradictory documentation policies that combine mandatory birth registration and ID cards with documentation systems that put them beyond the reach of large swaths of the population? Why do the citizens of a country vary profoundly in their desire to secure identity documents? In order to understand how it is that states can simultaneously promote and undermine documentation, we need to abandon the image of the state as an integrated, purposeful entity, and acknowledge that most states harbor a multiplicity of interests, identities and logics of action within (Migdal 2001). In order to understand why citizens might refuse, neglect, or remain ignorant of state demands that they acquire identity documents, we

need to keep in mind that the state and its recognition of the individual remains marginal to the everyday survival strategies of many people in many countries (Migdal 1988; 2001).

Higgs (2011) and Szreter and Breckenridge (2012) bring attention to key weaknesses in the academic literature on identity documents and population registration. Some of their insights appear particularly useful for the study of undocumented citizen. Mainly, that the literature has overestimate the desire of the modern state to know and therefore make the population legible, and that it has underestimated the role registration and documentation play as a source of social recognition and rights. Building from these insights, the following section presents in more detail the main theoretical and empirical claims this dissertation will make.

## **6. Beyond legibility: the politics of documentation**

Empirically, it is not accurate to assume that modern states will necessarily seek to strengthen their ability to register and document their populations, and make individual identity more legible. In fact, in many countries, state policies contribute to keep large sections of the population undocumented. It is my contention that whether states will seek to improve the reach and accuracy of their personal identification systems is the contingent product of political choices. Accordingly, in order to better understand the documentation of individual identity and its gaps, we need to bring politics back into the analysis. We also need to open the black box of the state, since it is not only the political choices of top government officials that matter, but also those of the intermediate state managers and field officials who implement everyday policy. At the same time, choices do not take place in a vacuum. They are informed by historical configurations that shape the administrative structures of the state, the interests and identities of those who staff them, and the categories and modalities of membership in the nation that the state is claimed to represent. While these configurations have significant staying power, they are not

frozen in time, and both local political developments and international trends can affect them and influence how different elements within the state approach the documentation of identity.

In this sense, this dissertation puts forward several connected claims that I will develop in the remainder of the chapter. First, that the desire of the modern state to register and document individual identity has been exaggerated. In many countries of the world, states have showed reluctance to build comprehensive and reliable personal identification systems. Second, making individual identity legible is not the only possible reason why states build up their personal identification systems. Institutional isomorphism, the recognition of previously marginalized groups, or raising revenue through user fees sometimes provide a better explanation. Third, even when states strengthen their identification systems for administrative reasons, it often has more to do with reassuring competing political elites of the integrity of elections than with improving the legibility of the population for purposes of extraction and social control. Fourth, contrary to expectations, it is frequently the case that state policies, rather than promote the documentation of “dangerous populations”, make it comparatively harder for them to secure identity documents. Fifth, the gaps that often exist in the demand for documents have more to do with the high costs of securing them, and the little value they bring to many citizens, than with any premeditated resistance on the part of the population to the documentation mandates of the state.

a) *The limits of the modern state’s will to know*<sup>46</sup>

In this dissertation, I concur with Higgs (2011) and Szreter and Breckenridge (2012) that the will to know of the modern state has been exaggerated by scholars such as Scott (1998), Torpey (2000), or Lyon (2009), at least when it comes to the desire to register and document individual identity. The empirical record lends credence to this claim. The chapters on Uganda

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<sup>46</sup> Inspiration for this sub-section’s title comes from Breckenridge’s chapter “No Will to Know: The Rise and Fall of African Civil Registration in 20<sup>th</sup> century South Africa” (2012).

and South Africa in the 2012 volume edited by Breckenridge and Szreter, for example, show states that had limited interest in registering the identity of the population. In the 1910s and 1920s, colonial Uganda developed one of the most comprehensive civil registration systems in Africa. Yet, civil registration began to decline soon after, and the trend continued following independence. Rather than trying to stem the decline of the civil registration system it inherited, the independent state of Uganda allowed it to collapse. Only in the 1990s did the Ugandan government begin to show some interest in civil registration again (Doyle 2012). Colonial South Africa never managed to build a civil registration system approaching that of early 20<sup>th</sup> century Uganda. There were some initial attempts to promote generalized civil registration, but in 1923, in a context of budget cuts, the government abandoned mandatory birth registration for the black rural population. For the next three decades, the South African state renounced making the identity of rural blacks legible. Only in the 1950s would rural registration resume, although this time under the very different form of universal adult fingerprinting (Breckenridge 2012).

The work of Kamal Sadiq on Malaysia, India, and Pakistan provides another reminder of the limits of the modern state's will to know (2009). Political leaders and state officials in these three countries, Sadiq shows, frequently undermine local documentation systems in order to advance their own goals. In the process, they allow illegal immigrants to become "paper citizens". That is, to irregularly acquire identity papers that fraudulently substantiate their claims to citizenship (Sadiq 2009). In this sense, parts of the Malaysian, Indian and Pakistani states are eroding what Torpey (2000) considers to be one of the main functions of identity documents: to allow the state to distinguish between citizens and aliens. In the much different context of the United States, where in the absence of a national ID system the driver licenses of individual states have become the main form of identification, most states used to issue driver licenses to

undocumented immigrants until the 9/11 attacks (Varsanyi 2006, 243). Some, such as Washington State, still do. While driver licenses in the US do not turn undocumented aliens into citizens, certain sections of the state, in this case some subnational governments, voluntarily blind themselves and give up the ability to differentiate between citizens and non-citizens.

In the non-academic literature we find even more examples of this relative lack of interest on the part of the modern state to document the population and “embrace” it. A 2007 study by the Asian Development Bank found that in Bangladesh, Cambodia, and Nepal some of the most critical barriers preventing people from registering their births and securing a legal identity came from the state itself. Administrative fees, late registration fines, and bribes contributed to put birth registration and the acquisition of identity documents beyond the reach of many citizens, as did the complex regulations and cumbersome registration procedures (Vandenabeele and Lao 2007). The study also pointed at the limited administrative infrastructure of the local states as an important barrier. For the authors, limited state capacity certainly appeared as one of the key factor driving undocumented. Yet, they also underlined that the impact of low state capacity on birth registration is mediated by the priorities and choices of policymakers. In Bangladesh, Cambodia, and Nepal, “Competing demands over scarce resources often result in the civil registration system being given low priority” (Vandenabeele and Lao 2007, 53).

Several studies by the Inter-American Development Bank reach similar conclusions. A 2006 research paper spanning six Latin American countries discusses both supply-side and demand-side barriers to birth registration. In terms of supply-side barriers, the authors highlight the costs, gaps in geographical coverage, burdensome procedures, and inadequate functioning of the civil registration services (Ordoñez Bustamante and Bracamonte Bardález 2006). The issues of cost, geographical coverage, procedural difficulties, and administrative deficiencies also figure

prominently in a series of case studies that deal with both birth registration and access to identity cards in Argentina (Ordoñez Bustamante 2007a), Bolivia (Tamargo 2009), the Dominican Republic (Tamargo 2008), Ecuador (Tamargo 2007b), Guatemala (Ordoñez Bustamante and Bracamonte Bardález 2007), Panama (Tamargo 2007a), and Paraguay (Ordoñez Bustamante 2007b).<sup>47</sup> A 2011 econometric analysis of how different variables affect the probability that a child will be registered in Bolivia, the Dominican Republic and Peru, underscores that distance to the nearest civil registration office and family income are two of the most consequential factors in the first two countries (Brito, Corbacho, and Osorio, 2013). These results seem to confirm the importance of costs and gaps in coverage that previous studies underlined.<sup>48</sup>

In a 2002 issue dedicated to birth registration, UNICEF's journal *Innocenti Digest* also discusses some of the same institutional barriers to birth registration reported by researchers at other international development organizations. Quite tellingly, the discussion starts with what the journal calls "political barriers", that is, the lack of political will on the part of state actors to promote and facilitate the registration of births. The issue next discusses the administrative, legislative, and economic barriers to birth registration. All of them zero in on the state and how little priority it often gives to the construction of effective civil registration systems. The list continues with other barriers that similarly involve the state to one degree or another, such as neglect of cultural realities, gender discrimination, geographic barriers, and war (UNICEF 2002). Other UNICEF publications, both country case studies (Plan International and UNICEF 2009) and more general reports (UNICEF 2007), are quick to point out the shortcomings of the state when it comes to birth registration. For UNICEF, it is quite clear that the registration of individual identity takes a backseat for many states around the world.

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<sup>47</sup> For Bolivia, Ecuador, and Guatemala see also Harbitz and Tamargo (2009).

<sup>48</sup> See also the reports coordinated by the Argentinean organization *Poder Ciudadano*, which map the documentation systems of 18 Latin American countries: <http://www.identidadyderechos.org.ar/>

My research on Bolivia and Peru confirms that, very frequently, the state has been its own worst enemy when it comes to building comprehensive and reliable civil registration and identity card systems. It might be tempting to dismiss these examples as cases of not-so-modern states. After all, most of them come from the developing world. However, questioning the modernity of the many contemporary states that show a shaky interest in recording and documenting their populations, we risk transforming the drive to register people into one of the definitional characteristics of the modern state. This would be a problematic theoretical move that would turn the presumed desire for population knowledge of the modern state into an unfalsifiable tautology. It is more productive to recognize that an empirical anomaly exists, and explore how the different logics that coexist within the modern state can help us account for it. The logic of social control and its correlate of legibility often appear simultaneously with other logics that push the state in the opposite direction. Short-term political gain, for example, can trump for government leaders the goal of strengthening the state and furthering its reach. Lower level state operatives can also follow various logics of action. It is not guaranteed that they will exercise their institutionally prescribed roles to the best of their abilities. Sometimes, they might instead opt to advance their narrow self-interest, the collective interest of the groups to which they belong, or some alternative vision of the country different from the one promoted by the state leadership. Undocumentation can follow as result.

*b) Beyond legibility: other reasons for states to register and document the population*

The administrative requirements of better population knowledge and control are only one of the possible reasons for states to build up their capabilities for the registration and certification of individual identity. A different way to think about identity documents can be derived from the work of John W. Meyer and his colleagues, who emphasize how domestic policies and

institutional structures are often more the result of international cultural influences than of domestic needs and calculations. For them, processes of international diffusion are key to explain the structural isomorphism that we see in states around the world, despite differences in local conditions and traditions. As a result of the spread of global cultural scripts, individual states sometimes borrow institutional practices and designs that are ill-suited for their particular circumstances (Meyer 2009; Meyer et al. 1997). From this perspective, in order to understand documentation systems around the world, we should temper our focus on the functional needs of isolated states, and look closely at global trends in state-building, and the agents that contribute to their dissemination. In this way, we can begin to understand why weak states would want to adopt documentation policies that they do not have the ability or political will to pursue.

Along these lines, it would be difficult to account for the adoption of civil registration by so many European and Latin America states in the 19<sup>th</sup> century without reference to processes of international diffusion.<sup>49</sup> Even Bolivia adopted a civil registration law in 1898, despite the fact that the local state would not be in a position to start implementing it until 1940. Similarly, the Argentinean Juan Vucetich, inventor of an innovative dactyloscopy system, had been promoting in South American police circles the use of identity papers with fingerprints since the early 1900s (Ruggiero 2001). It can be hardly a coincidence that neighboring countries such as Chile<sup>50</sup> or Bolivia<sup>51</sup> adopted identity papers with fingerprints in the 1920s. My research on Bolivia and Peru also indicates that the diffusion of international standards and practices has played an important role in the evolution of documentation policies in these countries in recent decades. For example, international organizations such as UNICEF, and international regimes such as the one

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<sup>49</sup> England and Wales, Germany, Spain, Brazil, Mexico, Peru, Argentina, or Costa Rica, to name a few countries, all adopted civil registration systems during the 19<sup>th</sup> century.

<sup>50</sup> See María Paz Nuñez (2010).

<sup>51</sup> See Law of December 10, 1927.

surrounding the 1989 U.N. Convention on the Rights of the Child, played a crucial role in the evolution of birth registration policies in Bolivia and Peru during the 1990s and 2000s.<sup>52</sup>

Two clarifications are necessary with regard to the importance of international diffusion processes. First, international trends and their cultural carriers do not operate in a vacuum. Their influence is always filtered through local conditions, and how domestic actors and coalitions line up for and against global cultural forces is key. Second, in principle, the legibility and diffusion perspectives are not mutually exclusive. International trends in state modernization can persuade government administrators and state-builders of the need to make local populations more legible, and offer blueprints to guide them in the task. On the other hand, historically, there is good evidence that many post-colonial states have copied more the appearance than the substance of the registration and documentation systems that sprouted out in Europe and elsewhere. In this sense, while authors such as Lyon (2009) or Lyon and Bennett (2008) combine a legibility qua social control perspective with the recognition of international diffusion as a crucial factor in the spread of documentation efforts, their predominant focus on relatively strong states makes them miss an important part of the picture. In many developing countries where documentation systems have operated more as empty shells than as effective mechanisms of social control, legibility cannot do much of the theoretical lifting.

Beyond international diffusion and making the population more legible, there are other potential reasons why states might want to strengthen their documentation systems, including raising revenue and the recognition of traditionally disenfranchised groups. I will come back later to the link between documentation and the enfranchisement of marginalized groups. For

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<sup>52</sup> See Szepter and Breckenridge (2012, 1-2), Doyle (2012), and Marshall (2012) for examples of the importance of international influences on birth registration policies in other contexts. In the case of modern computer-based national ID systems, Lyon and Bennett (2008) and Lyon (2009, chap.3) underline the role international technology firms and their technical standards and protocols play as agents of international diffusion.

now, I will just focus on the use of documentation systems as revenue generating mechanisms. In her article about identity cards in Bolivia in the late 1920s and 1930s, Carolina Loureiro (1999) directly ties the introduction of mandatory cards for males to the goal of raising revenue. While the focus of the article is on how the 1927 identity card law reflected dominant views on ethnic stratification, Loureiro's analysis of the legislation and associated congressional debates leads her to conclude that the law was primarily conceived as a fiscal measure, at a time in which fears of a possible war with Paraguay ran high (1999, 146). The letter of the December 10, 1927 law seems explicit enough to back the interpretation: it requires identity card-holders to pay a yearly tax stamp, earmarks the revenue for national defense and road construction in frontier areas, and exempts common soldiers and the extremely poor from the obligation to secure an ID.

If the Bolivian Congress had originally created identity cards to raise revenue for the state coffers, they eventually became a money-making machine for the National Police as a corporate body, and for police officers as private individuals. By the 1990s and 2000s, after decades of Police control over the issuance of identity cards, it had become institutionalized in Bolivia that the earnings of the identity card system would feed the pension fund of the Police (BoliviaPress 2000b; Rojo interview 2011). In parallel, it was common practice for police officers working at identification offices to rely on irregular surcharges and bribes to complement their meager salaries (del Toro interview 2011; Quintana Taborga 2005, 207; Tellería Escobar 2003, 104).

The practice of using documentation systems to raise revenue for the state, its agencies, or the public officials who staff them is not an exclusively Bolivian phenomenon. In Peru, for instance, where municipalities handled civil registration, it was common for local authorities to impose fees for registration services that national laws had declared free of charge (Defensoría del Pueblo-Peru 2005). Similarly, it is a widespread practice in many parts of the world that mid

and low-level officials operating the documentation structures of the state complement their low salaries with surcharges and bribes (Ordoñez Bustamante 2007b, 18-19; Sadiq 2009, 94; Vandenameele and Lao 2007, 49-50). To the extent that there is toleration for this practice, it becomes in effect a covert way for the state to finance part of its human resources costs. Quite frequently, using documentation systems as a way to fund the state works in opposition to the goal of legibility, as it makes documentation more expensive and thus less likely. Moreover, it facilitates identity fraud.<sup>53</sup> In many countries, identity documents function more as a tax that citizens pay to access certain types of rights and services, than as an administrative device to make people legible. This could be the result of design, atrophy, or a combination of both, as different parts of the state may hold divergent views of what identity documents can do for them.

c) *Identity documents, legibility, and electoral credibility*

In general, the literature on identity documents associates the idea of legibility with disciplinarian efforts on the part of the state to control and mold the behavior of the population, or certain sections of it. The “anthropometric nomad passbook” for gypsies in early 20<sup>th</sup> century France (Kaluszynski 2001), or the *propiska* for Soviet citizens (Garcelon 2001) are good examples of this. Sometimes, the focus is on the ominous goals that can hide behind those state efforts. The use of population registries and identity documents for genocidal purposes in Nazi Germany or Rwanda are the most extreme cases of how badly legibility programs can play out (Fussell 2004; Longman 2001; Torpey 2000, 131-143). Other times, the focal point is on how identity documents allow states to prevent foreigners from accessing rights and services reserved for their own citizens (Torpey 2000). Either way, the exclusionary aspects of social control

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<sup>53</sup> See for example the work of Sadiq (2009).

commonly remain the center of attention. The more benign purposes for which states can use the legibility possibilities that identity documents open, rarely make it beyond a passing mention.

In many countries, the desire to improve the credibility of elections has been one of the most important driving forces behind efforts to strengthen the local documentation systems. Yet, the ordinary has caught the eye of academic researcher less frequently than extreme cases such as those above. The empirical record shows that in Colombia, Costa Rica or Peru, to name a few countries, identity cards were first introduced as voter ID cards for mainly electoral purposes.<sup>54</sup> Along these lines, Argentina, Colombia, or Peru only began extending identity cards to women after they gained the right to vote.<sup>55</sup> The relation between the documentation of identity and electoral participation was so strong in Peru that until the 1990s the *libreta electoral* continued to be the primary identity document.

At least in Latin America, the connection between identity cards and elections has been historically quite solid. While demarcating who has the right to vote and who does not certainly has an important exclusionary dimension, particularly in contexts without universal suffrage, it also points to a less dark reason for making individual identity legible: to increase the reliability and transparency of elections. In Latin America, and probably beyond,<sup>56</sup> successfully or unsuccessfully, the expansion of identity documents has often been tied to attempts to reassure competing political elites of the fairness of elections. In the case of Bolivia, the next chapters will show how concerns about voter fraud brought about reforms that radically transformed the reach and contours of the documentation systems of the country.

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<sup>54</sup> For Colombia, see Mayorga García (2010) and Registraduría Nacional del Estado Civil (2017). For Costa Rica, see Obregon Quesada (2000, 286) and Tribunal Supremo de Elecciones (2001, 2). For Peru, see RENIEC (2014) and *Decreto Ley* 7177/1931.

<sup>55</sup> For Argentina, see Navarro et al. (2008, 97). For Colombia, see Silva (2007). For Peru, see RENIEC (2014), Law 10733/1946, and Law 12391/1955.

<sup>56</sup> In the U.S., for example, concerns about voter fraud have been one of the key components in debates about the creation of a national ID system, or the strengthening of state-based documentation schemes.

d) *Documenting core citizens first and foremost*

Identity documents are as much about the rights of the citizen, as they are about the control of dangerous populations, and voting is just one example. The idea that locally suspect populations are primed targets for the documentation efforts of the state is, in many parts of the world, simply inaccurate. Multivariate analysis conducted for a 2005 UNICEF report covering 63 countries concluded that, of the 15 countries for which there was data on “religion and ethnicity” available, in only three were minority children significantly more likely to have their births registered than their non-minority peers. Belonging to a minority group actually made children less likely to be registered in eight countries. In the remaining four, “religion and ethnicity” was not a significant variable (UNICEF 2005). Most of the qualitative studies that development organizations have produced about birth registration and documentation in specific countries paint a very similar picture. In Nepal, lower castes and ethnic minorities have the lowest registration rates (Vandenabeele and Lao 2007, 52). The situation is similar throughout Latin America, where indigenous populations, Afro-descendant communities, and other traditionally disadvantaged groups are particularly prone to undocumented (Duryea, Olgiati, and Stone 2006; Harbitz and Tamargo 2009; Ordoñez Bustamante and Bracamonte Bardález 2006; Tamargo 2007a; 2008). There is little evidence that this is the result of any potential interest in hiding from the state, something to which I will return in the next subsection.

The relation between the modern state and the people under its rule is one of mutual obligations, in which the duty to serve runs in both directions. The state has the authority to demand that the people contribute with life and property to its support, offering in exchange rights and services (Marx 2003, chap. 1). While this exchange is predicated on the exclusion of both foreign and domestic “others” (Brubaker 1992; Marx 2003; Wimmer 2002), the state is a

primary source of rights for those considered members of the political community it represents (Arendt 2004 [1951]). The duality of the state as an organization of social control and a guarantor of rights makes identity documents a valuable resource not only for the state but also for its citizens. Harbitz and Boekle-Giuffrida nicely summarize this idea: “questions of identification and identity are issues not only relevant for a state’s policy planning, vital statistics, and tax revenue but also for the political, social, and economic inclusion of individual citizens into society” (2009, 20). For a country’s residents, identity documents can be both constraining elements of governmentality and visas to a privileged relation with the state (Caplan and Torpey 2001; Lyon 2009; Torpey 2000; Szreter 2007; Szreter and Breckenridge 2012). My research in Bolivia and Peru shows that, for understanding the phenomenon of undocumented citizens, the latter is more important than the former.

The issue of membership is a critical one. Any explanation of the variable interest and knowledge citizens of a country may have about identity documents, and of the contradictions that the documentation policies of the state may display, has to start with a discussion of citizenship regimes and their changing nature. According to Deborah Yashar, “citizenship regimes define *who* has political membership, *which* rights they possess, and *how* interest intermediation with the state is structured” (2005, 6). These are all issues that speak directly to the centrality of identity documents for both state actors and the population. Who enjoys which rights, and what are the channels of intermediation for accessing them defines the value and intuitiveness of securing documents for the various parts of the citizenry. Whose interests and identities the state was designed to serve also contributes to structure the costs and barriers different types of citizens face to acquire them. Whether access to the state predominantly occurs by means of direct, impersonal interactions between citizens and state agents, or through other

mechanisms of interest representation, such as networks of personal loyalty or channels of group representation, affects the importance of identity documents as both a tool of government and an instrument in the exercise of rights.

Contrary to standard assumptions in the academic literature on identity documents, my research indicates that documentation policies in Bolivia and Peru did not particularly target “dangerous populations”. Rather, they tended to neglect the indigenous populations traditionally feared by state elites. In fact, these populations have generally faced greater barriers to obtain identity documents. Conversely, the relatively high levels of undocumentation the indigenous populations of these two countries historically displayed were not the result of open or covert resistance against an encroaching state, but of the little value and high costs that acquiring documents had for them. While surprising if we focus exclusively on the state and its legibility needs, these findings appear quite intuitive once we expand our analysis to look at what identity documents did and did not for different categories of citizens. Questions of membership prove critical to understand the characteristics of both the supply of documents on the part of the local states, and the demand for documents on the part of their populations. On the supply side, citizenship regimes left their imprint in the structure of the respective state bureaucracies, and in the interests and identities that officially or unofficially held sway within them. On the demand side, they affected the mix of rights and services these states offered, who had access to them, and to what degree. Information flows about identity documents and how to acquire them, the resources and skills necessary to do so, and the benefits of succeeding, all stacked the deck in favor of the documentation of the traditional core constituencies of the Bolivian and Peruvian states, and against the documentation of the historically suspect indigenous populations.

Identity documents are important elements of social recognition and the membership rights that come with it. Although it is true that documentation policies can help delineate different degrees of belonging, in general, it is not because they predominantly target suspect populations, but because suspect populations are more likely to find themselves undocumented. In the most extreme cases, the purposeful denial of documents can be an effective way to withhold membership in the national community of reference. The refusal of civil registrars in the Dominican Republic to register the births of Dominican-born children of possible irregular immigrants from Haiti is a good example. In a country that until 2010 had a strong version of the principle of *jus soli*, the denial of birth registration and a birth certificate was tantamount to the denial of citizenship. The Dominican government and courts supported the practice (Kosinski 2009; Wooding 2009). The government of Myanmar has also at times resorted to the strategy of withholding birth certificates and other identity documents from Rohingya Muslims, as part of its policy of refusing to recognize their citizenship (Lewa 2009). Similarly, while they should qualify as citizens under the country's constitution, the Nubians of Kenya suffer discrimination in access to identity documents, as their belonging is constantly interrogated (Adam 2009).<sup>57</sup>

Outright exclusion and discrimination on ethnic grounds is not internationally acceptable, and cases such as the ones just mentioned above are rare. Much more common is for citizenship regimes that define different degrees of belonging to the national community to structure the barriers, resources, costs and benefits, and information flows that arbitrate what populations can more easily acquire identity documents. To be more precise, the citizenship regimes of the present and past have consequences for the type of public services that the state offers and their geographical distribution. They have consequences for the language, filial systems, and naming

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<sup>57</sup> See Commission on Legal Empowerment of the Poor for other cases where similar dynamics are at play (2008, 9).

practices that its bureaucracy privileges, and for the attitudes that its public officials display towards different kinds of citizens. They affect the direct and indirect expenses people have to incur to secure documents and the unequal possibilities they have to afford them. They influence, among others, the circulation of knowledge about the need to acquire documents and the steps to do so. Finally, and the list is by no means exhaustive, citizenship regimes also affect the type of cultural skills necessary to navigate the complexities of the bureaucratic process and how those skills are distributed across society.

All states are the product of particular processes of historical development. So are the citizenship regimes that tie modern states as representatives of national political communities to their citizenry, via particular bundles of rights and duties, and the formal and informal procedures to exercise them. Even though democratic universalistic ideals have made open discrimination difficult to justify, the specific rights and practices that give content to contemporary citizenship regimes are historical products shaped by past and present conceptions of the presumed identity of the citizens. In this sense, they are never fully neutral in their assumptions (Young 1990). Kymlicka and Norman succinctly summarize this argument by saying that citizenship rights were “originally defined by and for the white man” (1994, 370). The impartiality of the state, therefore, cannot be assumed. Not even when it is backed by the promise of formal equality for all. Past conceptions of the political community and of the position of different groups within it loom large in the development of the state. Historical exclusion from the political community (or subjection within it) also implies having had little input into how the state’s administrative apparatus evolved, whose understandings were institutionalized in its rules and procedures, or what would be the breadth of its geographical reach. Thus, documentation policies and the public

bureaucracy in charge of implementing them will often be ill-adapted to the needs and perspectives of previously marginalized social groups.

The historicism of citizenship regimes and state structures, however, also implies their fluidity. Nation-building and state-building are perpetually incomplete projects. Who, in what degree, and through what channels of intermediation secures access to the state and the rights it guarantees can change over time (Yashar 2005). The contours of the nation, the degree to which different groups belong to it, and what the different levels of membership imply are subject to renegotiation as part of ongoing political struggles. The renegotiation of the terms of membership can in turn affect the architecture of the state bureaucracy, and the practices that guide its work. New rounds of political development add additional layers of state-building on top of earlier ones, and documentation structures and procedures may evolve and become more efficient at reaching citizens from previously marginalized groups. Political struggles inform not only whether reform will take place, but also the extent to which it can effectively encourage and/or facilitate the documentation of historically excluded sectors of the population.

At the same time, the implications of citizenship regime changes for the development of the state are mediated by the legacies of earlier rounds of state-building. Citizenship regimes find expression in specific assemblages of institutions, which can have significant staying power (Pierson 2000). The formal state structures and informal social arrangements associated with a particular citizenship regime do not change overnight by decree. That is why, even after states officially move away from membership arrangements that openly discriminate against certain groups, the playing field remains far from leveled. States and the societies they represent are path-dependent formations, and traces of the effects of different citizenship regimes generally coexist in different layers. The construction of the state is, in a sense, a sedimentary process in

which new layers are added on top of earlier ones that provide the substratum that limits, or at least conditions, the options available at any point in time. More than a coherent whole, the state is a patchwork of contradictory pieces in which several alternative conceptions of the political community can find expression (Migdal 2001). Accordingly, the understandings and practices that inform the work of the various parts of the state bureaucracy can pull in different directions, sometimes acquiring in their domains of application a taken for granted quality that is difficult to overcome. These routines can also bring about the formation of particular sets of interests invested in their maintenance.

Ultimately, the formal incorporation as full members of the political community of previously excluded groups does not mean that all the factors that conspired against their documentation will disappear. The rules and procedures that guide the work of the state will rarely be automatically adapted to better fit the life circumstances of marginalized sectors of the population. Over time, reforms in the state may take place to close the gap. Yet, in the short term, the possibilities of reform are usually constrained by the less easily manipulable features of the public administration, such as its spatial reach or the training of those who staff it. Moreover, reform efforts will often clash with established interests and worldviews that have taken hold in parts of the state and society and that can condition their design and implementation. In other words, they will have to contend with the lingering elements of previous citizenship regimes. The degree to which reforms succeed will depend on the content and outcomes of the political struggles and international influences driving change. But with adequate remedial policies, the state can become more adept at documenting previously disenfranchised groups. Conversely, for members of these groups, the proclivity to acquire documents can increase with changes that make it easier, more beneficial and, with time, more natural and commonsensical. The more

central identity documents become to their survival strategies, the more invested they will be in trying to overcome their own undocumented status.

e) *Demanding identity documents*

As the previous subsection advanced, there is little evidence tying undocumented status problems in the developing world to open or covert resistance on the part of the population to the idea of being known to the state. In most cases, the reasons why citizens in general and members of traditionally disadvantaged groups in particular go undocumented are much more prosaic than any desire to hide from the state. A thorough review of the non-academic literature on identity documents does not turn up much evidence of the existence of a significant resistance phenomenon. There are some partial exceptions. One is the work of Dwight Ordoñez Bustamante and Patricia Bracamonte Bardález, who report instances of members of indigenous groups in Colombia and Peru refusing identity documents because of their mistrust of the state (2006).<sup>58</sup> Another is a publication from Plan International, which also claims that mistrust of the state and fear of discrimination can sometimes push minorities to forgo birth registration (2005).<sup>59</sup> However, only for the case of Uganda does this report muster any specific empirical information that can help substantiate the claim. Even for Uganda, Plan International appears to consider that, when it comes to the birth registration gap, lack of awareness among parents plays a much bigger role than calculated non-compliance (2005, 28).

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<sup>58</sup> In the case of Peru, they also mention the burden that mandatory voting imposes on citizens living in distant communities as a possible factor. People that live very far from polling stations, Ordoñez Bustamante and Bracamonte Bardález explain, might in some cases prefer to go undocumented rather than having to choose between voting and risking a possible penalty (2006, 100).

<sup>59</sup> Similarly, the Commission on Legal Empowerment of the Poor hypothesizes that, for poor people in developing countries, “avoidance of state authority, and formal registration in particular, may be entirely rational”, since “registration may also make one more vulnerable to taxation, conscription, or various forms of undesirable state monitoring” (2008: 6). On the other hand, it provides zero empirical evidence that this may be in fact happening.

My research in Bolivia and Peru did not uncover much evidence of resistance to identity documents either. To the extent that mistrust of the state and its agents seemed to prevent the documentation of indigenous peoples in these countries, it had less to do with a desire to hide from the state than with fears of suffering personal humiliations at the hands of public officials, or experiencing cultural impositions with regards to naming practices and the like. The situation of indigenous groups in voluntary isolation deserves a note apart. Local legislation in both countries protects their choice, and the decision to live separate from main-stream society transcends their relation with the state, or any qualms they may have about identity documents.

Indifference or lack of interest is not the same as conscious opposition, even if the latter is not open and finds expression in everyday forms of resistance. My primary and secondary research indicates that lack of knowledge and disinterest are a much more prevalent reason for undocumentation than any form of principled resistance to identity documents, overt or covert. For citizens who live in a context saturated with signs of the presence of the state, where frequent encounters with its institutionality act as a constant reminder of the need to be documented, birth registration and the acquisition of an identity card become naturalized, an intuitive part of the processes of parenting and growing up. On the other hand, for those who only come across the carriers of the state's institutionality sporadically, documentation can hardly earn a taken-for-granted quality. In the absence of rights and services, public or private, whose enjoyment requires holding a birth certificate or an ID, ignorance about identity documents will be common. As will be the careful evaluation of whether securing documents is worth the investment of scarce resources. This should not be confused with resistance. According to survey data covering 48 nations, the cost of birth registration was the most frequently cited reason for not registering a

child in 20 countries, distance to the nearest birth registration office was the most cited one in another 14, and unawareness that births should be registered in eight (UNICEF 2005, 4-5).

Along these lines, in Peru, and even more so in Bolivia, traditionally subordinate groups were not only inclined to acquire identity documents, but also willing to put pressure on the state to demand that it lower the barriers that made documentation difficult for them. Far from the academic literature's picture of dangerous populations resisting the documentation policies of an encroaching state, in these countries, once demographic and political changes made the value and knowledge about identity documents grow, indigenous peoples actively demanded them and resented the supply-side hurdles they had to face in their acquisition. Rural-urban migration, a more inclusive conception of the nation, and the expansion of relevant rights and services progressively made identity documents more prominent for a greater share of the population. Changes in citizenship regimes increased the practical and symbolic value of identity documents for elements of society for which they had had limited significance before. Ultimately, the deficiencies in the supply of documents on the part of the state became more of a hindrance for the documentation of the population than any gaps in demand.

In his article about ID-paper fetishism among the Toba and Wichi people of Northern Argentina, Gastón Gordillo (2006) puts in full display the symbolic power identity documents can have as markers of (very basic) social inclusion for members of traditionally marginalized ethnic groups. In this particular case, their symbolic power was rooted in the practical value documents had in a not so distant past as protective devices that distinguished "civilized" Indians from "savages" who were legitimate targets for elimination (Gordillo, 2006). The expansion of the state and its institutionality, identity documents included, can contribute to either solidify or disrupt local hierarchies and power asymmetries. Sometimes, it represents a boon for historically

excluded groups, bringing rights, services, and critical protections. The thumb of locally dominant interests is often more suffocating than the power of an encroaching central state. Any evaluation of what identity documents mean to “dangerous” populations, therefore, has to be sensitive to the particularities of the political context. The fear that identity documents will facilitate extraction and control might seem less plausible to affected citizens than the gains they expect from documentation in terms of rights, services, and recognition. After all, relatively weak states with large informal economies and dysfunctional documentation systems tend to rely less on individualized taxes, and more on blunt, indirect mechanisms of taxation. The deepening of democracy, imperfect as it may be, can also contribute to assuage fears that documents will bring undue and discriminatory burdens, more than social recognition and rights.

The next four chapters will illustrate the claims I have made by means of a detailed description of the evolution of documentation in Bolivia. The concluding chapter of the dissertation will do the same for Peru, although in a more superficial fashion. In both cases, the local states have shown less interests in registering and documenting individual identity than the assumptions of the academic literature on identity documents would lead us to believe. In both cases, legibility and social control have played less of a role in the evolution of documentation policies than the collection of user fees, the inclusion of disenfranchised groups, international diffusion processes, or electoral concerns. In both cases, documentation policies have imposed higher barriers for the documentation of historically suspect indigenous populations than for the documentation of the traditional core constituencies of the local states. Finally, I have found little evidence in either case of systematic resistance on the part of the population to the idea of

securing identity documents. Quite the opposite, the population has demanded that the state provides easier access to them.

For the most, my empirical findings confirm the general picture that emerges from the reports of international organizations on undocumented in the developing world and its proximate causes. Compared to the snapshots these publications provide about the limitations of documentation policies in particular countries, I offer a longitudinal and theoretically informed analysis of the supply and demand of identity documents in Bolivia and Peru for much of the last four decades. As a result, I can gauge not only the proximate factors that drive undocumented, but also their evolution across time in connection to changing local citizenship regimes and broader international trends. All in all, it is a very different sketch from the one normally painted in academic works about identity documents.

### CHAPTER 3: INTRODUCING THE BOLIVIAN CASE

“The mandatory identity card for all of the dwellers and inhabitants of the Republic [of Bolivia] is created” (Art. 1, Law of 10 December of 1927; my translation)

“The 1992 Census allowed to obtain revealing data of a very important share of the population 10 years and older who lacks the basic document of identification. In the country as a whole these people are almost 2 million, representing 46% of the population in this age ranges. The percentage of men who lack an identity card is 42%, while the percentage of women reaches 49%. In the rural areas of the country, the percentage of undocumented [people] 10 years and older reaches 59%...” (INE 1993, 2.6; my translation).

A handwritten poster outside a family restaurant in Cochabamba reads: “Seeking young ladies for waitressing. Seeking resident or non-resident [housemaid] *cholitas* with documents”.<sup>60</sup> It is assumed that urban young ladies who want to waitress will have their identity documents in order. On the other hand, the *cholitas*<sup>61</sup> applying for the housekeeping job might be recent rural migrants, and the employer questions whether all candidates will have identity cards. In the city, signs of the need for identity documents are ubiquitous. Entering government buildings in La Paz requires handing an ID at the front counter. A job announcement at the lobby of a modest hotel in downtown Santa Cruz advertises a janitor position opened for candidates with documents. Bank offices in La Paz are full of signs making clear that all bank transactions require a national identity card. The main office of the phone company Entel in Cochabamba is dotted with similar warnings reminding customers that they must present a “current identity card.”

In August of 2011, the central offices of the *Servicio General de Identificación Personal* (SEGIP, hereafter) in La Paz were a bustle of people making hurried phone calls and frenetically working in computers set on top of barebones plastic tables. SEGIP was just getting off the

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<sup>60</sup> All the observations in this paragraph come from fieldwork I conducted in Bolivia in 2011 and 2013.

<sup>61</sup> In Bolivia, the term *cholita* generally refers to an Andean woman dressed in a way that identifies her with the Aymara or Quechua indigenous groups. While there are plenty of *cholitas* in the cities of Western Bolivia, there is a tendency to identify women dressed in this manner with the rural world, or with recent rural-urban migration.

ground. Created less than two months before,<sup>62</sup> the new state agency had been established to take over the identity card system of the country, replacing the National Police in the task. The Police had been in charge of issuing identity cards since they were first introduced in Bolivia in 1927, and the activity was an important source of legal (proceeds flowed to the Police pension fund) and illegal revenue for its members. The *Direcciones de Identificación Personal* of the Police were notorious for illicit exactions, unfriendly staff, and discriminatory practices (PNUD Bolivia 2007, chap. 5). Their work was not particularly efficient either. Identification offices concentrated in the departmental capitals and a few intermediate cities,<sup>63</sup> leaving rural areas largely unattended. Requirements to obtain an identity card could vary from one office to the next. Mistakes with the personal information in the cards were common, and sometimes the same ID number would be assigned to more than one person. Databases were not centralized, and if verifications were needed, citizens had to wait (and pay) for communications between offices that took days (Hinojosa Zambrana 2009a, 81; León 2005a; Urzáiz interview 2011).

Despite the deficiencies, the Police retained control of the identity card system until 2011. Fierce Police opposition blocked plans for transferring it to a civilian agency in the 1990s, and following a police mutiny in 2000, politicians lost interest in pushing the idea (Romero Ballivián 2009, 89). By 2011, after a series of resounding electoral victories, the government of Evo Morales was feeling strong enough to resurrect the issue. Many policemen were unhappy with the creation of SEGIP, and there were isolated cases of sabotage, but no organized corporate reaction (Rojo interview 2011). It helped that, by law, SEGIP would compensate the Police every year for the lost (legal) revenues. Against all expectations, SEGIP was not placed under the

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<sup>62</sup> SEGIP was created by Law 0145 of 27 June 2011.

<sup>63</sup> Administratively, Bolivia is divided in nine departments.

authority of the *Tribunal Supremo Electoral* (TSE hereafter),<sup>64</sup> which oversaw civil registration. Instead, it was put under the jurisdiction of the Interior Ministry. SEGIP maintains a positive institutional image. There have been complaints about long lines and some instances of corruption, but the general perception is that it provides a good service, and in a relatively friendly, efficient, and honest manner.<sup>65</sup> Also, SEGIP has simplified the requirements to secure an ID card, created a national networked database, and expanded the geographical coverage of the identification services, particularly outside of the main urban areas. Nevertheless, with the identity card system and the civil registration system under different institutional umbrellas, the coordination of documentation policies remains a challenge (Rojo interview 2013).

When asked if he felt the current government was giving civil registration the support it needed, Luis Pérez, a high ranking official at the *Dirección Nacional del Servicio de Registro Cívico*, answered with an emphatic “no”. It was the summer of 2013. He went on to clarify that the government supported his institution with words, but not with deeds, and complained about the Civil Registry having to subsidize the *Órgano Electoral Plurinacional* (OEP, hereafter)<sup>66</sup> and its electoral undertakings. Next, Mr. Pérez volunteered a comparison with SEGIP: “If you ask SEGIP they will surely tell you they feel the support of the government” (Pérez interview, 2013). His remarks cannot be discounted as mere institutional jealousy. While SEGIP receives yearly funds from the Bolivian Treasury to finance its activities, the Civil Registry not only has to self-finance its work, but also contributes with its revenues to fund the functioning of the OEP.

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<sup>64</sup> According to the 2009 Bolivian Constitution, the *Tribunal Supremo Electoral* (previously known as *Corte Nacional Electoral*) is the highest electoral authority of the country. It is part of the electoral branch of the state, which is constitutionally independent from the other three branches of government.

<sup>65</sup> I base this claim on my conversations with a variety of people in Bolivia, and the reading of numerous newspaper articles dealing with SEGIP and its work.

<sup>66</sup> *Órgano Electoral Plurinacional* is the collective name that the 2009 Bolivian Constitution gave the electoral branch of the state. It encompasses the TSE and the regional level *Tribunales Electorales Departamentales*.

Since 1992, the Bolivian Civil Registry has been under the jurisdiction of the electoral authorities of the country. In many ways, the Civil Registry has thrived under this arrangement, with services improving markedly. At the same time, it has also been financially burdened by it. According to Romero Ballivián, in 2007, more than 90% of the budget of the electoral bodies was coming from the activities of the Civil Registry. In his interpretation, control over the civil registration system has helped reinforce the political independence of the electoral authorities by giving them a great deal of budgetary autonomy (Romero Ballivián 2009, 89). Luis Pérez represents a view from inside the Civil Registry that is more critical of the arrangement. The Civil Registry, he explained, only gets to keep about 65% of the revenues it generates, and could use more resources to improve its operations. It lacks, for example, the financial muscle to turn civil registrars into salaried public servants, despite the fact that their status as independent fee-for-service professionals creates a dangerous incentives structure and complicates oversight.<sup>67</sup> For all the frustration he conveyed, Mr. Pérez had a positive view of the documentation efforts of the Morales government, and claimed his administration had shown greater interest in improving access to birth registration and identity cards than previous ones (Pérez interview 2013).

Ipatia is a small Guarani community in the Department of Santa Cruz,<sup>68</sup> just a handful of humble dwellings by a river and a rural school. There is no electricity, running water, or phone service. Regular public transportation does not reach Ipatia. During the dry season, it takes a bumpy three-hour ride to get to the nearest paved road, and then another half hour to make it to

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<sup>67</sup> As of August 2013, the Bolivian Civil Registry had about 585 career public servants, and 2,175 fee-for-service civil registrar positions. Of those 2,175 positions, about 30% were vacant at the time and in the process of being filled (Pérez 2013). The national, departmental, and regional offices of the *Servicio Nacional de Registro Civil* (SERECI) are staffed by career civil servants, some of them civil registrars themselves. Outside of the offices directly administered by SERECI, civil registration officials are not career civil servants, and are paid on a fee-for-service basis. Only a small minority of registrars, therefore, are career public officials.

<sup>68</sup> I have altered the real name of the community to protect the privacy of the participants in the events.

the first town. During the rainy season, the river is not passable by car. Ipaitia has no banks or government offices. There are no signs reminding customers that all transactions require an ID. Still, when a civil registration team set shop at the local school for three days in 2011, people from Ipaitia and neighboring hamlets patiently waited for their turn to be attended. Some wanted to register their children. Others had errors in their birth certificates that they hoped to fix. There were some adults who were registering for the first time. Few had identity cards, but getting one would have to wait for the visit of a different state agency.

In recent years, the area surrounding Ipaitia has seen a flurry of state activity. In 2010, the government expropriated the holdings of several large landowners who, through debts and fear, had been keeping some local Guarani communities in servitude (CIDOB 2011; Gustafson 2010). The lack of identity documents was a prominent issue among the Guarani of the area, and in 2011, the United Nations Population Fund (UNFPA) sponsored a documentation project that sent civil registration teams to Ipaitia and nearby communities. The project received the official support of the Ministry of Justice, the *Tribunal Supremo Electoral*, and the regional *Capitanía*,<sup>69</sup> but the UNFPA had to provide the bulk of the funding. Despite the involvement of the TSE, the project was run by an international NGO, rather than by Civil Registry personnel directly. The NGO coordinated with civil registration authorities the commissioning of registration teams, and reimbursed them for the expenses of the teams. Coordination proved problematic. The three days of work that had been planned in Ipaitia, eventually became two, due to a long delay in the arrival of the registration team. Problems with the composition of the team ended up causing further delays in the registration activities.<sup>70</sup> For all the efforts the Bolivian state undertook to liberate

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<sup>69</sup> At the local level, each Guarani community is headed by a *Capitán* or *Mburuvisa*. Local communities come together at the regional level in *Capitanías* headed by a *Capitán Grande* or *Mburisa Guasu*.

<sup>70</sup> There were not civil registrars with the team, and in Bolivia, only registrars have the legal authority to record vital events. A registrar was eventually brought in from a neighboring town to work on new

and support the Guaraní communities of the area, it left the funding and implementation of documentation activities to the good will of foreign organizations. The ensuing coordination problems were the natural result of that choice.

### **1. Some general notes on the documentation of individual identity in Bolivia**

The official certification of individual identity in Bolivia, like in many other countries, is based on two main documents: the birth certificate and the national identity card. The Civil Registry of Bolivia and the birth certificates it issues have their antecedents in the parish registries of colonial Latin America and the copies of baptismal records they dispensed. The Bolivian state was slow to introduce civil registration. For a long time after independence, the registration and certification of vital events remained in the hands of the Catholic Church. The Civil Registration Law of 1898 provided the legal foundation for the creation of the *Registro de Estado Civil de las Personas*, charging it with registering births, marriages, and deaths, and issuing the corresponding certificates. However, 42 years would pass between the publication of this law and its implementation. Civil registration would only start functioning in Bolivia in 1940,<sup>71</sup> after a 1939 decree complemented the 1898 law with provisions for the organization and funding of the *Dirección Nacional del Registro Civil* and the registration offices under its supervision.<sup>72</sup> Until 1992, when jurisdiction over it was transferred to the *Corte Nacional*

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registrations. The members of the original team had the authority to work on existing records only, and helped local residents correct registration errors, a common problem in Bolivia. Missing or erroneous information often limits the validity of birth and marriage records and the certificates associated with them. Despite the delays and roadblocks, the team managed to attend all the people that ventured to the school in Ipatia, but it could have just as easily turned out otherwise.

<sup>71</sup> Before 1940, in the absence of civil registration, baptismal certificates continued to carry full legal weight. Similarly, the certification of deaths remained in the hands of doctors and local cemeteries. Civil registration of marriages began with the Marriage Law of 1911, which charged public notaries with their celebration and certification, until civil registrars could take over the task (Roca Serrano 2006, chap. 1).

<sup>72</sup> Although the 1939 decree set the system in motion, it was *Decreto Supremo* 196/1943 that gave civil registration in Bolivia the framework under which it would operate with little changes until the 1990s.

*Electoral* (CNE), the civil registration system operated under the authority of the Ministry of the Interior (Roca Serrano 2006, chap. 2).

Mandatory identity cards for adult males (originally “identity booklets”) were first introduced in Bolivia in 1927. According to Loureiro, in the context of growing border problems with Paraguay and the possibility of an impending war,<sup>73</sup> the decision was mostly conceived as a fiscal measure designed to raise revenue (1999, 146). The Law of 10 December 1927 came after an incident in the disputed Chaco region earlier that year increased tensions between the two countries,<sup>74</sup> and it is quite explicit about its fiscal intentions. It makes the validity of identity cards contingent on the yearly payment of a tax stamp, and earmarks the revenue for “national defense and road construction towards the frontiers of the Republic” (art. 8). Women, troop soldiers, and the extremely poor were exempt from the obligation to obtain an identity card. In 1934, new legislation eliminated the yearly tax stamp and made identity cards valid for life.<sup>75</sup>

*Decreto Ley* 0033/1945 gave women the option to acquire identity cards, considering their growing participation in civil life. In the case of female professionals, cards became mandatory. The decree seemed to be more concerned with the value of identity cards as mechanisms of identification than previous legislation, and established that cards had to be renewed every five years to guarantee that they appropriately identified the holder. The emphasis on identification is even more clear in *Decreto Supremo* 4280/1955, which made identity cards mandatory for all residents of the country between the ages of 21 and 60, turned the presentation of an identity card into a legal requirement for all acts of civil life, and granted public officials

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<sup>73</sup> Bolivia and Paraguay would eventually fight the bloody Chaco War between 1932 and 1935.

<sup>74</sup> See Farcau (1996) for an extended discussion of the Chaco War and its antecedents, including the incident of February 1927 and the diplomatic reactions to it (1996, chap. 2).

<sup>75</sup> Law of 13 January 1934.

the authority to request that someone produced her/his identity card.<sup>76</sup> From the start, responsibility for issuing identity cards fell on the Police, and that continued to be the case until very recently. It was not until 2011 that SEGIP, a non-Police state agency, was established with the sole institutional mission of managing the identity card system of the country.

In addition to birth certificates and national identity cards, there are other state-issued documents that have been used, at different points in time and with different degrees of legal and practical validity, to prove individual identity in Bolivia. With mandatory registration for conscription in effect for Bolivian males since the 1800s,<sup>77</sup> military IDs have been a key component of the documentation landscape for a long time. The Bolivian military started issuing “military service booklets” to recruits in 1906. The booklets included the basic personal information of the holder and his military status, and since 1907, a picture (Quintana Taborga, 1998, 44). “Military service booklets” have traditionally been an important identification mechanism for men, but while the military continues to issue them as evidence of having complied with the military service law, their relevance as general-purpose identity documents has waned in recent years, and they are not widely accepted as official proof of identity anymore.<sup>78</sup> Still, until 2008, it was legally required to have a working “military service booklet” in order to obtain a passport, secure a higher education diploma, assume elected office, or hold any public sector job and some private sector ones. To this day, “military service booklets” are required for men that want to run for office or gain employment in the public sector.

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<sup>76</sup> According to art. 14, refusal to comply would result in arrest, so that the Police could proceed to establish the identity of the person in question.

<sup>77</sup> Bolivia has had a military draft system for its male population since 1829, but indigenous peoples were excluded from it until the end of the 19<sup>th</sup> century. The Military Conscription Law of 1892 first extended military obligations to indigenous males. However, generalized resistance pushed the government to officially cancel indigenous conscription until the first decade of the 20<sup>th</sup> century, when it was reinstated. Still, the draft continued to have a limited reach until the Chaco War (Quintana Taborga 1998, chap. 2).

<sup>78</sup> One important exception is voting. In the 2014 elections, “military service booklets” were still accepted, under certain circumstances, as a valid ID for casting a vote (Pagina Siete 2014).

During the 1990s, Bolivian authorities instituted a new identification program called *Registro Único Nacional* (RUN, hereafter),<sup>79</sup> and issued an alternative type of identity cards called RUN cards. Originally, the RUN was launched with the intention of developing a more modern national identification system that would supersede the one managed by the National Police. Pending the adoption of more ambitious documentation reforms, the RUN focused on providing identity cards to undocumented populations in rural areas. Itinerant documentation teams supplied RUN cards to hundreds of thousands of people in the countryside. In the end, the RUN would never expand beyond that. I will leave a more detailed discussion of the RUN and its successor the RIN<sup>80</sup> for later chapters. For now, it is sufficient to say that for a good part of the 1990s the Bolivian state issued two types of identity cards: regular IDs and RUN cards. The RUN issued its last batch of cards in 1997 (Miranda M. 1999b).<sup>81</sup> Since RUN cards were valid for six years (Leon et al. 2003, 1), by 2003 all RUN cards had in theory expired. Yet, even today, RUN cards continue to be an acceptable proof of identity for certain transactions with the state, such as benefitting from the non-contributory old-age pension *Renta Dignidad*. Nevertheless, the legal and practical validity of expired RUN cards has become increasingly narrow.

Five other kinds of personal documents issued by the Bolivian state deserve a short mention: the passport, the driver license, the “family booklet”, the electoral card, and the suffrage certificate.<sup>82</sup> Within their specific areas of authority, all of these documents were

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<sup>79</sup> The RUN was created by *Decreto Supremo* 22601/1990.

<sup>80</sup> Law 1864/1998 created the *Registro de Identidad Nacional* (RIN), assigning it the responsibilities and resources of the RUN. The RIN never really got off the ground, and ultimately close down in 2003.

<sup>81</sup> Leon et al., on the other hand, claim that the RUN stopped issuing cards in 1996 (2003, 1).

<sup>82</sup> Consideration of the taxpayer card would bring the count to six. Insofar as the Bolivian state issues taxpayer cards to both natural and legal persons involved in formal economic activities, it is not strictly speaking a personal document. Still, in the case of natural persons, taxpayer cards have the potential to serve as informal identity documents. The taxpayer number (NIT number) for natural persons is now based on the national identity card number, making physical taxpayer cards less important for fiscal matters, and more useful as an informal identity document. Before 2005, taxpayer numbers (RUC

designed with the purpose of certifying the qualifications and, at least indirectly, the identity of the holders. To one degree or another, formally or informally, their use as instruments of identification spilled into other spheres of social activity. However, compared to the documents mentioned in the preceding paragraphs, their reach and value as identity documents has always remained limited, and I will largely ignore them in my analysis. Nevertheless, for the sake of clarity, I will briefly go over the three of them that are less common internationally.

The “family booklet” is a document that civil registration officials issue to newlyweds after the registration of their marriage. The main difference with a marriage certificate is that the “family booklet” is supposed to be updated with the registration of every vital event relevant to the life of the couple, such as the birth (or death) of a child, the death of the husband or wife, or the divorce of the couple. In this sense, it is a document that offers a Civil Registry-validated summary of the history and situation of the respective nuclear family. In what refers to the electoral card, before 1991, Bolivia did not have a permanent electoral roll, and the electoral authorities would put together a new roll for each particular election cycle (Peñaranda and Candía 2009, chap. 1). Citizens could register to vote with a wide variety of identity documents, and upon registration, they would receive an electoral card with their personal information. On election day, this card served as their electoral ID for the purpose of voting. Electoral cards became superfluous after 1991, when a series of electoral reforms resulted in the creation of a permanent electoral roll and the reduction in the number of documents valid for voter registration. “Suffrage certificates” are the documentary proof of having voted in the last election. Since voting is mandatory in Bolivia, and citizens who fail to vote are temporarily

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number) and ID numbers were not connected, and the taxpayer number of a person could change as she moved between different types of economic activities. This made taxpayer cards a more important fiscal document, but reduced their value as informal identity documents.

banned from certain activities unless they pay a fine,<sup>83</sup> voters receive proof of having fulfilled their electoral duties after casting their ballots. “Suffrage certificates” include the personal information of the holder and, since at least 2010, also the picture.

There is one last type of personal document that I should mention, and that is the baptismal certificate. This is not, of course, a state-issued document, but has played an important role in the certification of individual identity in Bolivia. Until the creation of the Civil Registry in 1940, the Bolivian state endorsed the religious registration of vital events in the local parishes of the Catholic Church, and the certificates that parish registers issued carried full legal force (Roca Serrano 2006, 69).<sup>84</sup> After 1940, baptismal certificates remained an important “breeder” document for the civil registration of births and, initially, for securing an identity card.<sup>85</sup> Even today, civil registration regulations consider the baptismal certificate as one of the primary “breeder” documents that unregistered adults can use to substantiate their identity when registering their births for the first time.<sup>86</sup> As a stand-alone document, the baptismal certificate was valid for electoral registration until the 1985 elections, and for citizens born before 1940, until the 1989 elections.<sup>87</sup>

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<sup>83</sup> According to the current electoral law, for example, for 90 days after an election, it is not possible to carry out bank transactions, obtain a passport, or assume public office or public jobs, without showing a “suffrage certificate”. If citizens chose to pay the official fine for having failed to vote, they can show their receipt of payment instead. There are some exemptions from the obligation to vote based on age, absence from the country, or *force majeure* (art. 154, Law 026/2010).

<sup>84</sup> In the case of marriages, civil registration began after 1911 (Roca Serrano 2006, 104).

<sup>85</sup> *Decreto Supremo* 4280/1955 mentions the birth certificate, the “family booklet”, and the baptismal certificate as possible “breeder” documents with which to apply for a national identity card. Nowadays, a birth certificate is absolutely necessary to secure an identity card. This has been the case for a long time, and no other personal documents can be used to bypass the requirement of a birth certificate.

<sup>86</sup> According to *Resolución* 094/2009 of the *Corte Nacional Electoral*, unregistered adults can prove their identity for the purpose of birth registration with any of the following documents: identity card, RUN card, “military service booklet”, passport, marriage certificate (civil or religious), or baptismal certificate. Alternatively, they can do so with any other document that includes their name, plus the sworn statement of two witnesses (art. 25).

<sup>87</sup> See *Decreto Ley* 19083/1982 and *Decreto Ley* 16095/1979 for the 1985 elections, and Law 1037/1988 for the 1989 elections.

## 2. Documented and undocumented citizens in Bolivia: some basic numbers

In spite of long standing policies mandating universal birth registration and the acquisition of identity cards by all adults, undocumentation was still widespread in Bolivia in the 1990s. The 1992 Census was the first one to ask respondents whether they had the required identity card or not. Only 67.3% of the population 20 years and older answered positively.<sup>88</sup> Documentation levels were much higher in urban areas (79.08%) than in rural areas, where barely half of the adult population had identity cards (50.67%).<sup>89</sup> Gender differences were quite noticeable. While 73.5% of men over 20 had an identity card, only 61.5% of women in the same age group did. The gender gap in rural areas was even greater, with 62.2% of men and 41.2% of women over 20 reporting to have an ID. Even though the 1992 Census does not disaggregate documentation data by ethnicity, the higher levels of rural residence of the indigenous population point towards comparatively lower documentation rates for citizens of indigenous backgrounds. In 1992, indigenous peoples represented 45.96% of the urban population of Bolivia, but 82.37% of rural residents (INE 2003, 88).<sup>90</sup> Regionally, the departments of Beni, Chuquisaca, and Pando, displayed the lowest levels of documentation in 1992 (INE 1993, 2.6). Beni and Pando are lowland departments, while Chuquisaca covers both lowland and Andean territories. According

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<sup>88</sup> Unless otherwise indicated, the calculations are my own, based on 1992 Census data from INE (1993). I decided to use 20 years of age as my cutting point because the census data is reported grouped in five-year age groups, and before 1994, when it was lowered to 18, the legal age in Bolivia was 21. Looking at the population 25 years and older does not change the picture much, as only 69.4% of respondents in this age group reported having an identity card. Moreover, *Decreto Supremo* 22744/1991 had made identity cards mandatory for all Bolivians over the age of 16. Of the population 15 years and older, 59.57% declared they had an identity card.

<sup>89</sup> Overall undocumentation rates were probably higher than the 1992 Census captured. The peak federation of peasant unions, CSUTCB, called for a boycott of the 1992 Census. As a result, that year's Census had relatively high omission rates for the rural areas of some departments with strong CSUTCB presence, such as Cochabamba (13.70%), Oruro (11.44%) or La Paz (8.04%) (INE 1993). Since the lack of identity cards was more prevalent in the countryside, it is likely that the high omission rates of key rural areas might have contributed to the underestimation of undocumentation, but this is just speculation.

<sup>90</sup> Respondents who report speaking an indigenous language or having learned an indigenous language at childhood are classified as indigenous (INE 2003).

to the 1994 Rural Indigenous Census of the Lowlands, among adults 18 and older, only 41% of rural residents belonging to lowland indigenous groups had an identity card. Access to identity cards varied between a high of about 75% for the Weenhayek and a low of less than 10% for the Machineri. Only in 12 out of the 25 lowland indigenous groups covered, did the percentage of adults holding an ID card exceeded the 50% mark (Díez Astete and Murillo 1998, 282-283).

In 1992, the periodical Informe R reported that about a third of Bolivians did not have their births registered with the Civil Registry (1992, 3). In the particular case of members of lowland indigenous groups residing in rural areas, 39% reported in the 1994 Rural Indigenous Census of the Lowlands that they did not have a birth certificate (Díez Astete and Murillo 1998, 280). The first comprehensive official data on birth registration, however, comes from the 2001 Census. That year's census did not include questions about identity cards, but it asked Bolivians whether their births had been registered. Of more than eight million respondents, 90.41% affirmed that they had, while 7.32% (over 600,000 people) declared they had not (INE 2002). Based on the same 2001 Census data, some authors report an overall under-registration rate of 9.58% (see, for instance, Roca Serrano 2006, 21 or Tamargo 2009, 5). The higher rate is in all likelihood the result of combining the negative responses to the birth registration question of the Census (7.32%), with the non-responses (2.25%). There are good reasons for doing this, as non-responses could indicate a lack of awareness about the existence of a birth registration requirement. Nevertheless, this is just speculation, and in calculating the figures that follow, I include only the negative responses to the birth registration question.<sup>91</sup>

According to the 2001 Census, under-registration levels were significantly higher in rural areas (10.18%) than in urban areas (5.60%). Gender differences were not large on the aggregate: 8.41% of women and 7.79% men declared that their births had not been registered. In rural areas,

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<sup>91</sup> Unless otherwise indicated, the calculations are my own, based on 2001 Census data (INE 2002).

on the other hand, the 2001 Census depicts a wider gender gap, with the percentage of unregistered females (10.91%) about 15% higher than the percentage of unregistered males (9.51%). Differences between indigenous and non-indigenous respondents existed, but were also small, with under-registration rates of 7.54% and 7.09%, respectively.<sup>92</sup> In terms of age groups, under-registration was highest for children under five<sup>93</sup> and adults over sixty. Pando, Beni, and Chuquisaca had the lowest birth registration rates of all departments in the country.

Demographic surveys, like the UNICEF-supported Multiple Indicator Cluster Surveys (MICS) or the USAID-supported Demographic and Health Surveys (DHS),<sup>94</sup> are another source of quantitative information about civil registration. The earliest data these surveys provide on birth registration for Bolivia comes from the early 2000s, and it focuses exclusively on young children. The 2000 Bolivia MICS, for example, reports an under-registration rate of 18.4% for children under five (UNICEF 2005). The 2003 Bolivia DHS reports an under-registration rate of 23% for the same age-group (Duryea, Olgiati, and Stone 2006). Sampling differences probably account for part of the divergence the two surveys show, but more interesting are the differences in the wording of the respective birth registration questions. While interviewers for the MICS asked respondents if the births of their young children had been registered, interviewers for the DHS asked respondents if their young children had birth certificates.

In Bolivia, like in many other countries, civil registration officials are supposed to issue a first birth certificate copy upon the registration of a birth. It is tempting, therefore, to equate

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<sup>92</sup> My calculations, based on 2001 Census data from INE (2003). Respondents who reported speaking an indigenous language or having learned one at childhood were classified as indigenous.

<sup>93</sup> At the time of the 2001 Census, the legal window for the timely registration of births was seven years from the time of birth. The narrow eight-day window that Bolivian legislation had traditionally contemplated had been rising since 1996. Law 2616/2003 would finally set the window for timely registration at a generous 12 years from birth.

<sup>94</sup> Since 1995, UNICEF has been supporting the implementation of the Multiple Indicator Cluster Surveys in countries around the world. Similarly, the USAID-sponsored DHS Program has been active since the mid-1980s, providing technical assistance for demographic and health surveys in dozens of countries.

registration with some basic level of documentation. Reality on the ground is more complicated. That a person has had her birth registered does not always imply that she or her tutors possess a physical copy of the birth certificate (Leon et al. 2003). Documents are often destroyed, lost, or handed over to state officials or others for a variety of purposes, and even if someone who has been registered can always apply for a new birth certificate copy, not everybody has the time and resources to do so. Bolivians have also been exposed to the opposite problem: having a physical birth certificate that lacks the corresponding record in the Civil Registry database. Until recently, there was no online connection between registration officials in the field and the central database of the Civil Registry. As a result, births registered at one end of the system, often manually, would sometimes fail to find their way to the central database, and were never officially validated (Roca Serrano 2006, 97; Hinojosa Zambrana 2009a, 45). It is also important to keep in mind that the “quality” of the documents that people hold can vary, and their functionality with it. Civil registration officials in Bolivia have long been known to make frequent mistakes during the registration process, resulting in birth certificates with incorrect personal information and other errors that limit their validity. A documentation project working with vulnerable populations in different regions of the country in 2004 and 2005 found that of the 27,247 project beneficiaries who claimed to have a birth certificate, 19,528 of them had certificates with errors that prevented their holders from securing identity cards (Leon 2005b, 25).

The birth certificate is, in theory, the most basic personal document that Bolivian authorities can issue. Citizens are required to submit a (working) copy of their birth certificate in order to obtain a national identity card. This is the case today, and was similarly the case in the 1990s and 2000s. Under such conditions, therefore, the lack of a birth certificate would normally represent the deepest form of undocumentation. Yet, in the recent past, it was not uncommon to

find cases of people who had managed to secure an identity card without a birth certificate (Leon 2005b, 26-27; Martínez interview 2013; Revuelta 2009, 23; Suárez and Arispe 2006, 142).<sup>95</sup> For all these reasons, simple dichotomous questions like those of the Census, the MICS, or the DHS do not fully capture the variety of documentary situations in which Bolivian citizens could find themselves: registered people who lacked a birth certificate or had one full of errors; individuals with a birth certificate for which there was not parallel record in the civil registration database; men and women with expired ID cards that could not be renewed because they had been secured without a birth certificate; former conscripts who did not have a national identity card and relied on their “military booklets” for identification; people whose only means of identification were expired or soon-to-expire RUN cards. The list is by no means exhaustive.

Still, if we compare the undocumentation figures of the 2012 Bolivian Census with the numbers from the early 1990s and early 2000s presented above, the transformation is remarkable. By 2012, only 4% of Bolivians 20 years and older<sup>96</sup> reported to lack an identity card.<sup>97</sup> Gender differences were minimal. In fact, for the 20 and older age group, women were slightly more likely to hold an ID than men (96.27% vs. 95.72%).<sup>98</sup> The rural-urban gap persisted, but had significantly narrowed. 93.34% of rural residents over the age of 20 claimed to have an ID, compared to 97.23% of urban residents. In the 20 and older age group, Bolivians who had grown up speaking an indigenous language were almost as likely to have an identity card as Bolivians who had grown up speaking Spanish (95.63% vs. 96.53%). At the same time, speakers of certain lowland indigenous languages, such as Guaraní (84.55%), Mojeño-Trinatarío

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<sup>95</sup> With the control mechanisms that SEGIP put in place after 2011, this is hardly a possibility anymore.

<sup>96</sup> Even though the age of majority in Bolivia has been 18 years since 1994, I continue to use 20 years of age as my cutting point to make the numbers comparable to those I discussed for the 1990 Census.

<sup>97</sup> All the identity card data is the result of my own calculations, based on 2012 Census data (INE 2017).

<sup>98</sup> On the other hand, in rural areas, women continued to be less likely to hold an ID card than men. The difference, however, was very small. We can say, therefore, that by 2012, the gender gap in this regard had all but disappeared.

(87.73%), Guarayu (89.19%), or Weenhayek (89.05%) held IDs at significantly lower rates. People who declared they had grown up speaking the language of some of the more isolated Amazonian ethnic groups, such as those of the Chimán (60.83%), the Yaminawa (69.01%), the Chácobo (72.77%), or the Sirionó (73.11%), had even lower documentation rates.

The 2012 Census also bears witness to an important expansion in the reach of birth registration.<sup>99</sup> Close to 98% of Bolivians reported that their births had been registered with the Civil Registry.<sup>100</sup> With an underregistration rate of 10.82%, children under the age of five accounted for most of the unregistered, something natural taking into account that the legal window for the timely registration of births in the country was twelve years. Men and women reported similar birth registration rates, and the rural-urban gap with regard to birth registration had almost vanished (98.52% vs. 96.71%). Birth registration rates for Bolivians who had grown up speaking an indigenous language were similar to those of Bolivians who had grown up speaking Spanish (98.76% vs. 99.04%). Nevertheless, once again, registration rates were significantly lower for childhood speakers of certain lowland indigenous languages, such as Guaraní (95.72%), Weenhayek (89.28%), Chimán (69.36%), Yaminawa (72.67%), Chácobo (94.12%), or Sirionó (92.15%), to name a few. Finally, it is important to mention that, according to all indications, with improvements in the functioning of the civil registration and identity card systems, bad documentation had also meaningfully decreased by 2012. For example, while registration errors continued to be a problem, the legal and administrative procedures to correct

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<sup>99</sup> Most of the birth registration figures are official Census numbers (INE 2017). The only exception are the ones referencing the language learned at childhood, which are my own calculations based on Census data from INE (2017).

<sup>100</sup> I should mention that Luis Pérez, a high ranking official at the *Dirección Nacional del Servicio de Registro Cívico* (former *Dirección Nacional de Registro Civil*), questioned the birth registration figures of the 2012 Census when I interviewed him. He claimed that the birth registration rate nationwide was lower than the Census reported, probably somewhere between the 97.93% rate of the Census, and the 93% rate his institution had found in remote areas with low registration levels (interview 2013).

them had become notably simpler and more citizen friendly, leaving less people stuck with substandard birth records.

The evolution of documentation in Bolivia begs some important questions. Why did the country continue to boast very high levels of undocumentation in the early 1990s, despite mandatory policies for birth registration and identity cards that went back decades? Why did documentation levels grow sharply in the twenty years that followed? Why did access to identity documents follow genderized and ethnically skewed patterns of distribution up to the 1990s, but has become much more evenly spread since? Why did this relative equalization of access to identity documents skip certain lowland indigenous groups the most? These are the very questions that the next three chapters will seek to answer, tracing changes in the supply and demand of identity documents in Bolivia over the last 25 years, and the factors that helped spur them. Before that, however, the rest of this chapter will provide a brief overview of the history of the Bolivian nation-state, which should help contextualize the discussion of identity documents that comes in the following chapters.

### **3. A brief approximation to the history of the Bolivian nation-state.**

Colonial rule in the Andean highlands and valleys of Western Bolivia, as in other areas of Spanish America with large indigenous populations, was based on two separate republics. The Republic of Spaniards was directly governed by the colonial administration. Meanwhile, the Republic of Indians followed a system of indirect rule in which indigenous communities contributed taxes and labor to the colonial authorities, in exchange for a measure of self-government and respect for their lands (Platt 1982; Postero 2007, 27-29; Thurner 1997, chap. 1; Wimmer 2002, 115-119; Yashar 2005, 226-227). The two republics were of course not equal, and the system rested on a racial ideology that put Europeans at the top, Indians at the bottom, and

mixed-bloods in the middle (Postero 2007, 27-29; Wimmer 2002, 115-119). At the individual level, racial categories were fluid, as miscegenation, migration, wealth, or changes in language and other social markers made mobility possible. However, at the group level, racial stratification was a constant that helped sustain colonial rule (Postero 2007, 27-29). Indian was primarily a fiscal category that signaled tribute responsibilities in the context of membership in an indigenous community (Harris 1995, 354-355)

The colonial system came under pressure in the second half of the 1700s. In the central Andes, tensions escalated into widespread rebellions with an important ethnic component (Klein 1992, chap. 3; Thomson 2002). Colonial authorities managed to reestablish control, but the images of thousands of Indians putting siege to the city of La Paz left a mark on the collective memory of the white elites of Bolivia for generations to come (Larson 2004, 204). The system of indirect rule that structured interactions between the indigenous communities of the Bolivian Andes and the state survived the chaos of the late colonial period and the wars of independence. Despite their hostility to the corporate structures of colonial America, the post-independence elites of Bolivia could not afford an all-out attack on the autonomy and collective land rights of indigenous communities. Fears of new uprisings ran high, and the fledgling Republic depended on the Indian tribute for revenue (Klein 1992, chaps. 4-5; Larson 2004, chap. 5).

It was not until the 1860s that the Bolivian state tried to renege the old colonial pact. With export revenues growing and the importance of the Indian tribute falling, an 1866 decree declared all community lands state property, giving residents sixty days to purchase individual land titles from the state or lose their lands.<sup>101</sup> Amid Indian resistance and political infighting among the white elites, the decree was soon reversed. The attack on the collective land rights of

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<sup>101</sup> The individual land titles available as part of this process would only be valid for five years, after which their Indian holders would have to repurchase them (Larson 2004, 216-217).

indigenous communities would soon resume with the *Ley de ex-Vinculación* of 1874, which provided the legal basis for an all-out assault on community lands (Klein 1992, chaps. 5-6; Larson 2004, 213-229). Between 1880 and 1930, independent communities went from controlling about half of the agricultural lands of the country to holding less than one third (Klein 1992, 152). Large landholders were the main beneficiaries, and more and more of the indigenous population of Western Bolivia became laborers or tenants in big agricultural estates. In some cases, the loss of their lands resulted in the breakdown of indigenous communities, but in many others, community structures survived (or were recreated) among the tenants of landed estates (Klein 1992, chap. 6; Larson 2004, chap. 5; Regalsky 2007, 58-65).

The decline of community lands was not a linear process, either geographically or temporally. The War of the Pacific (1879-80), in which Bolivia lost its coastal territories to Chile, or the Federal War of 1899, affected the pace of dispossession. Indigenous resistance was also an important factor (Larson 2004, chap. 5). The Federal War, for example, evolved into indigenous insurrections motivated by years of land grabs. The victorious Federal troops, however, swiftly suppressed the Indian rebels with whom they had previously fought side by side (Larson 2004, 229-242; Rivera Cusicanqui 2010 [1984], chap. 1). For the three decades that followed, indigenous defiance in Western Bolivia would not acquire again the same national scale. Yet, resistance continued at the local and regional level, by both violent and peaceful judicial means (Albó and Barnadas 1984; Gotkowitz 2008, chaps. 2-3; Rivera Cusicanqui 2010 [1984], chap. 2; Ticona Alejo and Albó Corrons 1997). Differences in the ability of local communities to withstand the assault on their lands help explain why free communities survived in some areas of the country, but not others. At the same time, not all communities confronted equally strong pressures. Investors particularly coveted the most productive lands, and the ones closer to urban

markets, mining centers, or the railroads. Communities in distant, agriculturally marginal lands could more easily defend their territory (Klein 1992, 151-152; Larson, 2004, 223-226).

Throughout the 19<sup>th</sup> and early 20<sup>th</sup> century, the inferiority of the Indian race was rarely in question in the political and intellectual circles of white and *mestizo* Bolivia. What was the subject of debate was the best way to deal with the indigenous population. In the 1860s-1880s period, discussions centered on whether the elimination of communal lands should be geared towards turning Andean peasants into independent smallholders, or towards an *hacienda* solution in which they would come under the “benign” influence of large landholders (Larson 2004, 215-217). With free communities losing ground, the terms of the debate changed in the early 20<sup>th</sup> century. The discussion began to focus on the issue of indigenous education, and whether it would allow the country to harness the energies of its indigenous majority, or only add weapons to their arsenal of resistance. For early advocates of indigenous education, the goal was not to elevate the standing of the Indian masses, but to provide them with the basic tools to become a more productive labor source (Choque Canqui and Quisbert Quispe 2006, chap. 3). After the defeat in the Chaco War (1932-35), a third option began to gain ground. It also emphasized education, but with the goal of integrating the nation through the acculturation of the indigenous population into *mestizo* society. This was the model that would become official policy after the 1952 Revolution (Contreras 1999, 488-491; Rivera Cusicanqui 2010 [1984], 77 and 128-129).

Losing the Chaco War to Paraguay cost Bolivia blood, territory, and national pride. The Bolivian army had a hard time waging war effectively in the lowland region of Chaco, in the far Southeastern reaches of the country (Farcau 1996). The war underscored the divide between the traditional heartland of the Bolivian state in the Andean West and the Eastern lowlands, largely removed from national life and with little state presence. Different in ecological conditions,

population density, and ethnic composition, the tropical forests and savannas of Eastern Bolivia and the highlands and valleys of Western Bolivia had traveled separate historical trajectories since before colonial times. After the fall of the Inca Empire, the Quechua and Aymara populations of the Andes fell under influence of the Spanish colonial administration. Meanwhile, European penetration east of the Andes remained limited. In the mid-18<sup>th</sup> century, Spanish presence in the lowlands was still restricted to a few colonial outposts and a series of ‘reductions’ run by religious orders (García Jordán 2001, chap 1). Beyond these areas, the many ethnic groups that inhabited the lowlands remained largely free from colonial domination.<sup>102</sup>

The late 1700s saw increased activity in Eastern Bolivia, with religious orders, civilian authorities, and cattle ranchers making a push towards new territories of colonization. The turmoil of the wars of independence brought the efforts to a halt (Albó 2012, 24-28; García Jordán 2001, chap 1). After independence, the Bolivian state was in no condition to pursue an active Eastern policy. The best it could do was to encourage a renewal in missionary activity. Religious orders, ranchers, farmers, and traders slowly resumed colonial penetration in the East, but in the absence of effective military protection from the state, they were exposed to quick reversals when indigenous resistance escalated (Albó 2012, 27-28; García Jordán, 2001, chap. 4). It was not until the 1860s that the state started a timid policy of fort-building to meet the demand for protection on the frontier (García Jordán, 2001, 282-283).

The defeat in the War of the Pacific reminded Bolivia of the need to effectively occupy its peripheral territories. From the 1880s onwards, successive governments adopted a more aggressive strategy of Eastern colonization. The expansion of the agricultural frontier in the South-Southeast, and a boom in rubber extraction in the tropical forests of the North-Northeast,

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<sup>102</sup> Lowland Bolivia harbors a great degree of ethnic diversity, and it is home to about two dozen ethnic groups, such as the Guaraní, Yuracaré, Esse Ejja, Ayoreo, Cavineño, or Guarayo, to name just a few.

also contributed to create an audience for the active colonization policy (García Jordán 2001, chap. 5). The Eastern expansion of the late 19<sup>th</sup> and early 20<sup>th</sup> century brought more lowland indigenous groups under the influence of Bolivian society (or its local expressions). Still, in remote areas, other groups remained fairly isolated well into the 20<sup>th</sup> century (Lema 1998). Where it happened, indigenous incorporation rarely took place on equal terms, and in many cases involved slavery or slavery-like conditions in rubber-tapping camps, cattle ranches, or sugar plantations<sup>103</sup> (Albó 2012, 35-41; García Jordán 2001, chap. 5; Lema 1998). Despite the advances, the Bolivian state remained largely absent from large portions of the national territory, and it would pay with the loss of disputed lands. In 1903, Bolivia lost the Acre region to Brazil, and in 1935, large portions of the Chaco to Paraguay.

The Chaco War caused great disruption in the country, and the indigenous population suffered particularly. Not only the Guaraní or the Ayoreo people of the Chaco, who were directly in the line of fire, but also the Quechua and Aymara populations of the Andes, drafted in massive numbers (Albó 2012, 43-45; Arze Aguirre 1987; Dunkerley 1984, 27; Quintana Taborga 1998, 33-68). During the conflict, indigenous uprisings in the Western highlands and valleys became more frequent, as the extraction of manpower and resources for the war combined with the ongoing tensions over land (Arze Aguirre 1987). The defeat against Paraguay ushered an era of deep political transformations. The discredited oligarchic political system proved unable to meet the challenge of emerging political actors: urban middle classes, professional military officials,<sup>104</sup> and the unionized working class of cities and mines. Formal politics had largely been the

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<sup>103</sup> García Jordan interestingly discusses the contradictory relation between private entrepreneurs and religious orders in the colonization of the Eastern frontier. Ranchers and traders valued the role Catholic missions played in facilitating the penetration and pacification of new territories. Yet, they resented and sought to eliminate religious reductions from lands that had already been secured, in order to take unrestricted advantage of local indigenous labor (2001).

<sup>104</sup> Generally also from middle class extraction (Quintana Taborga 1998, 51-52).

preserve of wealthy (and mostly white) elites, a reality expressed in income and literacy requirements for voting. The growing white and mestizo middle and working class wanted a place at the table, and the Chaco War served as a catalyst for their demands (Dunkerley 1984, chap. 1; Klein 1991, chap. 7; Rivera Cusicanqui 2010 [1984], chap. 3-4).

Of a population of less than 3 million, approximately 250,000 Bolivian men served during the War (Quintana Taborga 1998, 54). Even as the army mirrored racial hierarchies, the war facilitated an unprecedented degree of contact between indigenous peasants and white and *mestizo* dwellers from towns and cities. For many of the urban middle-class youths that made up the bulk of the lower officer corps, it was a radicalizing experience that opened their eyes to a nation of ethnic and social inequalities (Dunkerley 1984, 27-28; Klein, 1991, 194-197; Rivera Cusicanqui, 2010 [1984], chap. 3). For the indigenous soldiers, it was an ordeal that gave them a new sense of empowerment vis-à-vis the dominant society that asked for their blood but denied their rights (Rivera Cusicanqui, 2010 [1984], 111). After the war, the political clock could not be turned back. The 1930s and 1940s saw the alternation between conservative governments and reformist military governments. Anti-oligarchic parties of leftists (POR, PIR) and nationalist persuasions (FSB, MNR) grew in the cities.<sup>105</sup> The left and the MNR also held sway in the important mining sector, where union militancy expanded with the founding of the Miners' Federation (Dunkerley 1984, chap. 1; Klein 1991, chap. 7). In the countryside, new and old forms of indigenous struggle met, as peasant leaders connected with union activists and political organizers from the cities. Unions began to form among *hacienda* tenants, while communities continued to fight for the restitution of usurped lands (Dandler and Torrico 1984; Gotkowitz 2008, chap. 5; Rivera Cusicanqui 2010 [1984], chaps. 3-4).

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<sup>105</sup> POR: Partido Obrero Revolucionario (Trotskyist); PIR: Partido de Izquierda Revolucionaria (Moscow line); FSB: Falange Socialista Boliviana (philo-Fascist); MNR: Movimiento Nacionalista Revolucionario (nationalist-populist).

Indigenous organizing reached a high point during the military government of Gualberto Villarroel (1943-1946). Governing with the support of the MNR party, Villarroel abolished *pongueaje*, the abusive obligation *hacienda* tenants had to provide free work services for the owners of the land. With the issues of land redistribution and land restitution still unresolved,<sup>106</sup> and landowners skewing the application of the decree abolishing free labor services, conflict intensified in the countryside (Dandler and Torrico 1984; Gotkowitz 2008, chaps. 6-8; Rivera Cusicanqui 2010 [1984], chaps. 3-4). The situation was not calm in the cities either, and the Villarroel government fell to a coup that cost the President his life. Out of power, the MNR steered left, strengthening its ties with organized labor. Behind a nationalist-populist rhetoric, the MNR maintained middle class support while increasing its appeal among urban workers and miners. The MNR won the 1951 elections, but was not allowed to form a government (Dunkerley 1984, chap. 1; Klein 1991, chap. 7). In April 1952, it launched a successful coup, which would evolve into a full-blown revolution. With workers and peasants militias mobilized, events on the ground pushed the leadership of the MNR to adopt more radical policies than it would have preferred otherwise. Under the pressure of the powerful Miners' Federation and its leftist allies, the MNR-led government nationalized the tin mining sector.<sup>107</sup> More importantly, it decreed a sweeping agrarian reform (Dunkerley 1984, chap. 2; Klein 1991, chap. 8).

According to the Agrarian Census of 1950, about 44% of cultivated land in Bolivia was in the hands of large landholders, 26% in the hands of independent Indian communities, and 19%

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<sup>106</sup> Landless peasants and *Hacienda* sharecroppers fought for the redistribution of land, while still standing independent indigenous communities wanted the restitution of usurped lands.

<sup>107</sup> At the same time, the moderates within the MNR managed to soften the edges of the nationalization process. Only large mining companies were expropriated and, despite opposition on the left, owners received compensation. Miners gained influence over the day to day operations of the mines, but they fell short on the goal of achieving worker's control over COMIBOL, the state's mining holding (Dunkerley 1984, 54-59; Malloy 1970, 172-178). The nationalization decree represented a compromise between the right and the left of the revolution (Malloy 1970, 175).

belonged to small and mid-size family farms (Rivera Cusicanqui 2010 [1984], 131-132). Most large landowners did not cultivate their land directly, relying instead on their control of indigenous labor through a variety of arrangements (Klein 1991, 228-230; Malloy 1970, 190-196; Rivera Cusicanqui 2010 [1984], chap. 5). With 72% of the national population still engaged in agriculture and connected industries, Western Bolivia, where the vast majority of the population lived, was a land-hungry society (Klein 1991, 228). The potential for agrarian conflict was clear, and in a country that was 63% indigenous,<sup>108</sup> ethnic inequalities contributed to exacerbate it (Rivera Cusicanqui, 2010 [1984], 73). On paper, the MNR was hardly the best candidate to champion the cause of land redistribution. Largely a white and mestizo urban party, it had an ambiguous relationship with the indigenous peasantry (Cusicanqui 2010 [1984], 128-129; Malloy 1970, chaps 6-7). Moreover, land reform was a divisive issue within the MNR. Yet, developments in the countryside forced the hand of the government, and in August of 1953, responding to a growing wave of land occupations and rural mobilization, it signed the Agrarian Reform Decree (Dandler 1984a; Dunkerley 1984, 65-74).<sup>109</sup>

The main target of the Reform were traditional latifundia, which would be subject to expropriation and the land redistributed among tenants and workers. Small and mid-size farms were spared, and so were large properties engaging in modern forms of agriculture (Dunkerley, 1984, 72-73; Malloy, 1970, chap. 10). The Decree also declared that lands usurped to indigenous communities after the year 1900 would be restituted, as long as the affected communities could prove ownership (art. 41). The Agrarian Reform, therefore, addressed key grievances of the indigenous peasants and communities of Western Bolivia. For the indigenous peoples of Eastern Bolivia, on the other hand, the Decree meant a new wave of colonization schemes, promising

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<sup>108</sup> Based on primary language, according to the 1950 Census (Rivera Cusicanqui, 2010 [1984]).

<sup>109</sup> *Decreto Legislativo* 3464 of 2 August 1953.

land to Andean peasants willing to settle in the lowlands. Authorities in La Paz continued to see the lowlands as an empty territory to be populated and integrated into the national space. Post-revolutionary governments not only promoted the migration of ordinary Andean peasants to the East, but also allowed for the consolidation of a new land-owning elite there. While traditional latifundia were liquidated in the Andes, national and local governments tolerated the appropriation of large-tracts of land in the lowlands by (generally) well-connected individuals (Hernández and Pacheco 2000, chap. 3; Urioste and Kay 2006; Yashar, 2005, 193-195).

Another landmark piece of legislation was *Decreto Supremo* 3128/1952, which eliminated voting restrictions based on gender, literacy, and income. 200,000 people had been registered to vote in 1951. By the time of the 1956 elections, the electoral roll had expanded five-fold to one million people (Peñaranda and Candia 2009, 17-18). Elections in the 1950s and 1960s did not become a model of fairness. For the MNR, universal suffrage was meant to signal the inclusion in the political community of previously disenfranchised groups, not the institutionalization of a competitive electoral playing field (Romero Ballivián 2009, 79-81). The indigenous population, who had been largely excluded on literacy grounds, was now eligible to vote. So were women.<sup>110</sup> Female suffrage was spreading around the world, and the modernizing MNR decided to follow the trend. The party recognized the growing role of women in civic, political, and economic life, and the debt it had acquired with its female militants in the years before the 1952 Revolution. Yet, despite the work women did for the MNR, only one, Lidia Gueiler, made it to the upper ranks of the party (Dunkerley 1984, 53). This was a suiting metaphor for the situation of women in Bolivia after 1952, enfranchised as voters, but still subordinate:<sup>111</sup> the Agrarian Reform

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<sup>110</sup> Literate women gained the right to vote in municipal elections in 1945 (Cordero Carraffa 2007, 61).

<sup>111</sup> The Latin American populist governments of the 1930s, 1940s, and 1950s “were not gender radicals” (Kampwirth 2010, 4). They often expanded political rights and educational and job opportunities for

reinforced gendered patterns of access to land in rural areas (Deere and Leon 2001, 73-76); married women only gained equal capacity in the legal representation and administration of the household in the 1970s (Deere and Leon 2001, 43); and inequalities between men and women in literacy and employment opportunities carry on to this day (INE 2015, 37-38 and 46-50).

The political project of the MNR called for the greater incorporation of women and indigenous peoples into the nation, but within the parameters of a society and political system dominated by white and mestizo Spanish-speaking males. The stance of the MNR towards the indigenous majority of Bolivia was one of ambivalence: a promise of equal citizenship, predicated on their assimilation to the dominant culture. Indians, freed from the control of the landlord, would now assimilate into mestizo Spanish-speaking society and dissolve into a culturally homogeneous nation. In the language of the post-1952 Bolivian state, Indians became peasants and Indian communities became peasant unions, as if they no longer existed (Albó 1993, 55-56; Lucero 2008, 63-64; Postero 2007, 38-40; Yashar, 2005, 155-163). Ultimately, “the Indian was supposed to disappear through racial mixing, education, migration to urban centers, and the parceling out of community lands” (Rivera Cusicanqui, 2010 [1984]: 77).

While originally timid in its attempts to engage the indigenous peasantry, after 1947, the MNR became increasingly active in this regard (Dunkerley 1984, 34; Rivera Cusicanqui 2010 [1984]: 127-129). Following the Revolution, it sought to organize the indigenous countryside through a corporatist structure of peasant unions connecting local communities to the party and the state. During the first half of the 1950s, in the chaos that followed the events of 1952, peasant unions proved to be an important political force able to advance the interests of their members, and secure them access to land and essential goods. Within a short few years, the cooptation of

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women, but justified these decisions in terms of the contribution women made to society in their traditional roles as caretaking mothers and wives (Kampwirth 2010, 3-4; Molyneaux 2000, 53-59).

union leaders and the development of clientelar networks subordinated peasant unions to the MNR and its factions. Before the end of the decade, peasant militias were being deployed next to the army to counter leftist (miners) and rightist (FSB) challenges to the government (Albó and Barnadas 1984, 197-241; Dandler 1984a; 1984b; Rivera Cusicanqui 2010 [1984], chaps. 6-8). The pyramidal structure of state-sanctioned peasant unions and federations became a key pillar of the MNR regime in its efforts to control of the countryside (Yashar 2005, 155-163).

The practice of using peasant unions to channel goods and services in exchange for political support for the government continued after 1964, when Gen. Barrientos toppled the MNR administration of Victor Paz, and the military took control of the country. Historically linked to the MNR and fluent in Quechua,<sup>112</sup> Barrientos was quite popular among the indigenous population, particularly in his native Cochabamba. His presidency marked the formation of what became known as the “Military-Peasant Pact“, which continued the pattern of union cooptation, clientelism, and peasant political subordination first developed under the MNR. The “Military-Peasant Pact” would last until the mid-1970s, when independent peasant unions gained ground and became a key player in the opposition to dictatorship of Gen. Banzer (Albó and Barnadas 1984, 234-255; Soto S. 1994; Rivera Cusicanqui 2010 [1984], chaps. 9-10).<sup>113</sup>

Throughout the period, peasant unions remained the most important mechanism through which local communities could convey their needs upwards to the state, and demand farming inputs, land titles, or the construction of rural schools and health posts. The unions often managed to deliver, but not from a position of strength like in the early days of the Revolution.

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<sup>112</sup> Barrientos had been Victor Paz’s running mate, and was his Vice President when he launched the coup.

<sup>113</sup> The first cracks in the Pact appeared during the presidency of Barrientos, after he attempted to change the tax regime of peasant lands. Barrientos’ personal appeal and the withdrawal of the tax plan allowed the Pact to survive until the mid-1970s, but the mobilizations of the 1960s made clear that the peasantry was not a monolithic pro-government bloc (Albó and Barnadas 1984, 241-243; Lavaud 1984; Soto S. 1994, 32-39).

Union influence now required political subordination to party factions, bureaucratic machineries, or military leaders, in an unequal top-down exchange (Albó and Barnadas 1984, 215-241; Soto S. 1994; Rivera Cusicanqui 2010 [1984], chaps. 6-9). At the local level, peasant unions could be very representative, with their leaders selected by community members and accountable to them. At the regional and national level cooptation and lack of representativeness generally dominated (Rivera Cusicanqui 2010 [1984], 165-166; Yashar 2005, 159-163).

It is also important to recognize that the significance of peasant unions varied greatly throughout the country. In the Quechua valleys of Cochabamba, where indigenous community structures had long been weakened by *hacienda* influence and the emergence of small independent producers, peasant unions became the dominant form of local organization. In the Aymara highlands of La Paz, where *hacienda* penetration had been more recent, unions were grafted onto traditional systems of authority and hybrid forms of organization developed. In North Potosí, where *hacienda* penetration had been minimal and free communities predominated, the population largely rejected unions and continued to rely on traditional systems of authority. While existing in name, peasant unions were controlled by townspeople and carried little weight in the indigenous communities (Rivera Cusicanqui 2010 [1984], chap. 7; Ticona, Rojas, and Albó 1995, 47-61). In Eastern Bolivia, outside the areas of colonization settled by Andean peasants, unions had limited relevance. For the most, lowland indigenous peoples were neither beneficiaries of the Agrarian Reform, nor successful targets of the process of union organizing associated with it. In fact, with some exceptions, the Agrarian Reform of 1953 treated them as wardens of the state (Balza 2001: 28-29; Lucero 2008, 68; Ticona, Rojas, Albó 1995, 61-64; Yashar 2005, 193-194).

For the Quechua and Aymara populations of Western Bolivia, the Revolution and the regimes that followed were a mixed bag. Despite gaining access to land, education, and legal equality, their second-class status remained. The state denied their ethnicity, and legal equality came in a context of continuing social and political subordination. Rural education expanded dramatically, but with an eye towards linguistic and cultural assimilation (Contreras 1999, 487-491; Choque Canqui and Quisbert Quispe 2006, 181-190; Rivera Cusicanqui 2010 [1984], 77).<sup>114</sup> The Agrarian Reform broke the *haciendas* of the Andean highlands and valleys and redistributed their land. Yet, in the ensuing decades, state investment in agriculture privileged large-scale farming in the East, leaving the indigenous peasants of the Andes largely to their own devices, working ever-shrinking plots of land with stagnant productivity (Eckstein 1983; Hernáiz and Pacheco 2000, 3.5; Urioste F. de C., 2005). For the indigenous peoples of the lowlands, the Revolution brought three decades of increasing efforts to encroach upon their territories (Yashar, 2005, 193-194).

The 1970's saw the rise of a new brand of peasant unionism, which combined the rejection of state tutelage over unions with the adoption of an explicitly ethnic discourse that contradicted the notion that Indians had become peasants. Led by a young generation of Aymara activists from the highlands, this trend in union activism became collectively known as the *Katarista* Movement. The members of this new generation of peasant leaders, whose formative years had come after the Revolution, did not feel as indebted to the transformations associated with it as their parents and grandparents. With higher levels of education and urban exposure, they were more acutely aware of the contradictory place of indigenous peoples in post-1952 Bolivia: legally equal but still subordinate. *Katarismo* grew throughout the 1970s, becoming dominant

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<sup>114</sup> The educational system incorporated the use of indigenous languages for initial instruction, but the ultimate aspiration was to turn Indians into Spanish-speakers (Choque Canqui and Quisbert Quispe 2006, 187-190).

within the peasant union movement. With their ethnic identities and aspirations back in the political map, peasant unions played a critical role in the opposition to the military dictatorships of Banzer (1971-78) and García Meza (1980-81) (Albó 1985; Rivera Cusicanqui 2010 [1984], chaps. 10-11; Yashar 2005, 167-181). After two aborted transitions to democracy in 1979 and 1980, Bolivia finally managed to move down the democratic path in 1982.

Three decades after the Revolution, a more educated and more urban country was embarking on a new political phase. The left-leaning administration that came to office in 1982 inherited a difficult economic situation. With the Latin American debt crisis in full swing, Bolivia entered a hyperinflationary process that the government only managed to fuel (Conaghan and Malloy 1994, 106-110; Klein 1991, 269-272; Malloy and Gamarra 1988, chap. 5). The 1985 elections returned the MNR to power, but this time the party would move the economy of the country in a very different direction. If the MNR had crafted for Bolivia a state-led model of development in the 1950's and 60's, it brought now a sharp Neoliberal turn with the implementation of a harsh structural adjustment program. Monetary stability returned, although at a heavy price. The economy further contracted, at least initially, and the reduction in public spending contributed to an increase in poverty, unemployment, and economic informality (Conaghan and Malloy 1994, chaps 5-6; Gill 2000, 11-14; Klein 1991, 272-277). The medicine was painful, especially for the most vulnerable, but after 1987 the country began to slowly grow again. The market became the new orthodoxy in Bolivia, and all major parties in the 1989 elections signaled their commitment to keep the economic course. While the MNR lost the elections, the government of Jaime Paz and the MIR brought continuity in the economic front (Conaghan and Malloy 1994, 229-230; F. Mayorga 2002, 48-52).

The tenure of Jaime Paz was marked by the emergence of a new political actor: the indigenous peoples of the Eastern lowlands and their pan-ethnic CIDOB federation.<sup>115</sup> By their sheer numbers, the Quechua and Aymara populations of the Andes had always figured prominently in national politics. The indigenous peoples of the lowlands, on the other hand, small in numbers and divided in a myriad of different ethnic groups, had mostly remained on the sidelines of national political life. But the center of gravity of the country was slowly moving east, with the economic importance and population weight of Santa Cruz and other lowland areas growing significantly. In response to the increasing territorial and cultural pressures, lowland indigenous groups went through an important process of intra and inter-ethnic organizing in the 1970's and 1980's. By 1990, they were ready to take the national spotlight. The "March for Territory and Dignity" took hundreds of indigenous marchers on a well-publicized journey from the Eastern department of Beni to the capital of La Paz, raising awareness about the situation and demands of lowland indigenous peoples. President Paz met the leaders of the March, and shortly after, the government created four protected indigenous territories in the lowlands, which would grow to nine over the next two years (Lucero 2008, 91-93; Postero 2007, 48-51; Ticona, Rojas, and Albó 1995, 71-75; Van Cott, 2005, 60-62; Yashar 2005, 190-215).

The activism of lowland indigenous groups ensured that indigenous rights would remain a key issue in the political agenda of Bolivia in the 1990s, a time in which the matter was gaining broad international attention as well (Brysk 2000; Postero 2007, 49-51). The winning ticket of the 1993 presidential elections symbolized the continuing dominance of Neoliberal economics, but also the fact that indigenous concerns were beginning to break into mainstream politics. The MNR won back the Presidency with Gonzalo Sánchez, one of the main architects of structural

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<sup>115</sup> Founded in 1982, the Confederación de Pueblos Indígenas del Oriente Boliviano (CIDOB) is a second-tier pan-ethnic organization that brings together the ethnic federations of most indigenous groups of the Bolivian lowlands.

adjustment in the mid-1980s. His Vice-President was Aymara intellectual and *Katarista* personality Victor Hugo Cárdenas. Although it was not an equal partnership, the new administration did combine an emphasis on deepening pro-market reforms, with important pieces of legislation that contributed to the recognition of indigenous cultures, organizations, and territories (Postero 2007, 52-54). The literature has labeled this policy blend “Neoliberal Multiculturalism” (Hale 2002; Postero 2007).

In 1991 and 1992, all major Bolivian parties negotiated a roadmap of key political and administrative reforms. The modernizing agenda included constitutional reforms, changes in the electoral system, administrative decentralization, the strengthening of judicial independence, and the reform of the educational system, among others (F. Mayorga 2002, 50-58; R. A. Mayorga, 1994; Van Cott 2000: chap. 5). It was during the tenure of Gonzalo Sánchez as President (1993-1997) that most of the reformist agenda came to fruition. Even if few of the reforms were explicitly economic, they represented in part the evolution of Neoliberal development thought, which in the 1990s was increasingly emphasizing the quality of state institutions as one of the key determinant of long-term economic success (Williamson 2003, 11-14). With indigenous rights a prominent issue nationally and internationally, the institutional reforms also incorporated some of the concerns of indigenous organizations. Bolivia officially became a multiethnic and pluricultural state as a result of the 1994 constitutional reform, new agrarian legislation provided for the titling of indigenous territories, education reform incorporated the principles of bilingualism and interculturality, and political decentralization came hand in hand with the legal recognition of indigenous communities and authorities. At the same time, the government aggressively moved to privatize state-owned enterprises (Lucero 2013, 25-26; Mesa Gisbert 1997; Postero 2007, 127-132; Van Cott 2000, chaps. 5-6).

Andean indigenous organizations rejected the “Neoliberal Multiculturalism” of Gonzalo Sánchez, opposing legislation on decentralization, education, and agrarian reform. While the controversial laws addressed some of the concerns of indigenous activists, many considered they did not go far enough. Moreover, multicultural concessions were paired up with pro-market, pro-private property reforms that offended the communitarian and/or leftist leanings of indigenous militants in the Andes. Lowland indigenous groups, on the other hand, accepted the multicultural legislation as a step forward that opened new opportunities for them (Lucero 2013, 26; Van Cott 2000, chap. 7; 2005, chap. 5). Some academics have argued that “Neoliberal Multiculturalism” reduced the pressure for radical reform, coopting and dividing indigenous movements in Latin America (Hale 2002). Others have adopted a more nuanced interpretation, recognizing both the gains and the limitations of the reforms (Lucero 2013; Van Cott 2006). In the case of Bolivia, it is remarkable that the most militant faction of the indigenous movement, the coca-growers, simultaneously rejected the reforms and took advantage of them. Decentralization allowed the coca-growers to field candidates in the first countrywide municipal elections, gaining significant local political power in the coca-growing region of Chapare (Yashar, 2005: 186).

As in other Latin American countries, the 1990s were also a time in which women’s rights entered the mainstream political agenda in Bolivia. A series of international conferences helped strengthen women’s organizations and offered them the opportunity to raise awareness and gain access to state officials (Deere and Leon 2001, chaps. 6-7; Rousseau 2012, 110-117; Molyneux and Craske 2002). Throughout the region, countries enacted legislation against domestic violence and established gender quotas for political representation (Htun and Jones 2002; Molyneux and Craske 2002). Bolivia was no exception (Albaine 2009).<sup>116</sup> Additionally, the Education Reform

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<sup>116</sup> See Law 1674/1995 and Law 1779/1997, respectively.

Law of 1994 and the Agrarian Reform Law of 1996 incorporated specific references to gender equality in education and land ownership.<sup>117</sup>

After 15 years of Neoliberal economic policy, the political pendulum began swinging back to the left in Bolivia in the early 2000's. Pro-market reforms had produced healthy but unimpressive growth, and most Bolivians were still living below the poverty line<sup>118</sup>. The pains of economic restructuring were supposed to put the country in the path of economic prosperity, but most people were not feeling the gains. For the indigenous population, the multicultural reforms of the 1990s had brought some progress at the level of formal recognition, but they continued to be overrepresented among the poor (PNUD Bolivia 2010, 13; World Bank 2005, 4-5). With the state reducing its social and economic functions, formal recognition could hardly make up for hundreds of years of cultural, social, and political marginalization. Additionally, everyday discrimination did not disappear with the constitutional declaration of Bolivia as a multiethnic Republic. Indigenous individuals continued to be less likely than non-indigenous ones to find a way out of poverty, “even with the same level of education” (World Bank 2005, 4).

In 2002 Gonzalo Sánchez returned to the Presidency, but within two years was forced to resign amid popular protests. Leading the charge were the Andean indigenous organizations that had unsuccessfully tried to stop his “Neoliberal multicultural” measures in the mid-1990s. The main beneficiary of the political discontent was the *Movimiento al Socialismo* (MAS), a left-

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<sup>117</sup> Law 1565/1994 declared the “promotion of gender equality” one of the goals of Bolivian education (art. 2.8). Law 1715/1997 mentions Bolivia’s obligations under the Convention on the Elimination of All Forms of Discrimination Against Women to make sure that state agencies “apply gender equity criteria in the distribution, administration, tenancy, and use of land” (art. 3). Despite its gender-progressive aspects, Law 1715/1997 had clear limitations in this regard: “contains no specific mechanisms to assure a gender-equitable outcome... and other aspects of the 1996 law may be directly prejudicial to peasant women, such as the effort to combat the minifundia by not allowing peasant homesteads and smallholdings to be legally subdivided” (Deere and Leon 2001, 176).

<sup>118</sup> At the turn of the millennium, over 60% of the population was living below the national poverty line. In per capita terms, the Gross National Income in the year 2000 was still slightly below its 1981 historical high (World Bank 2015).

leaning party founded by indigenous organizations in the second half of the 1990s (Harnecker and Fuentes 2008; Lucero 2008, chap. 5). In the 2002 elections, the MAS secured 20% of the vote, and its presidential candidate, *cocalero* leader Evo Morales, came in second. In 2005, Morales handily won the vote and became the first indigenous president of Bolivia. The MAS and its candidate came to power on a platform advocating indigenous rights, the end of Neoliberalism, and more generous social policies (Madrid 2012, chap. 2). Initially, the Morales administration faced strong opposition, but the MAS eventually consolidated its power with a string of clear electoral victories. Morales won reelection in December of 2009 with 64% of the vote. Earlier that year, Bolivians resoundingly approved a new constitution sponsored by the MAS. The new constitution incorporated many of the concerns that had brought the party to office, including state control over natural resources, more social rights, and greater recognition for indigenous peoples. The 2009 Constitution was also quite progressive in terms of women's rights (Htun and Ossa 2013).

Riding a wave of favorable global prices for natural resources, the Morales administration made good on its promises to expand social spending (Paz Arauco et al. 2014). In a context of high energy prices, the government's push for greater state control over gas and oil helped bring in revenue with which to finance a more interventionist economic and social policy. At the same time, with the state playing an active role in the economy, the tensions between the development aspects and the indigenous rights aspects of the MAS political agenda have come to the fore. In 2011, the decision of the government to build a major road through legally recognized indigenous territory brought relations between the administration and the lowland indigenous federation CIDOB to a breaking point. The government ultimately backed down and modified plans for the road, but its initial response was one of intransigent denunciation of all opposition

to the project. CIDOB split between pro- and anti-MAS factions, and relations between lowland indigenous groups and the administration have remained rocky ever since. While Morales won reelection in 2014 and the MAS continues to dominate political life, it has become clear that there are different visions in the country regarding the attributes of a model of development that respects indigenous peoples.

As the anecdotes that open the chapter indicate, for the most, there is nowadays in Bolivia a widespread interest among the population to secure identity documents, both in urban and rural areas. People want to have their documents in order, and expect the state to facilitate the process of acquiring them. This was not always the case. 30 years ago the picture was more mixed and an important part of the population showed limited interest in complying with legal provisions mandating universal birth registration and identity cards for all adults. The success of state projects designed to make individual identity legible, Scott reminds us, depends on the cooperation of the population, as generalized defiance will surely make them flounder (1998, 371, endnote 38). In the case of Bolivia, non-compliance was not motivated by principled opposition to identity documents, but more the result of indifference or even lack of awareness about existing documentation mandates. Identity documents were of little relevance to the daily lives of many citizens, especially in the countryside, and did not contribute much to their survival strategies. If modern states secure the cooperation of the population “by making a clear identity a prerequisite for receiving entitlements” (Scott 1998, 371, endnote 38), the Bolivian state failed for decades to make documentation relevant to a sizable proportion of its citizenry. More to the contrary, it made acquiring documents a costly exercise.

For most of Bolivia's history, the relations between the state and indigenous peoples have oscillated between deep mistrust and open antagonism. In this context, and particularly in rural areas, the state has been a distant abstraction that lacked the ability to penetrate and directly control the life of indigenous communities. Instead, it relied on a variety of intermediaries, such as indigenous authorities, land-owners, or peasant union officials. In the past, the Bolivian state may have made occasionally feel its presence locally in indigenous communities, but it is only in the last 30 years that it has become a more permanent referent in their daily lives. Historically, the distance with the state was even greater for indigenous women. As Marisol de la Cadena argued in the case of the Peru, "women are more Indian" (1995). That was the case in Bolivia as well. Military service, and higher levels of education and geographical mobility meant that indigenous men generally had more opportunities to interact with the state and accumulate the cultural resources necessary to do so successfully. Over the last three decades, political and administrative reforms have brought the state institutionally closer to rural indigenous communities. Better transportation and communication infrastructure has also helped reduce the distance. Meanwhile, the indigenous population has become more urban and educated. These developments, as the following chapters will show, have contributed to increase the centrality of state-issued identity documents for the survival strategies of indigenous men and women.

#### **CHAPTER 4: IDENTITY DOCUMENTS FOR SECOND-CLASS CITIZENS**

"The Bolivian state drills holes into itself" (León interview 2013).

In direct contradiction with the official policy of mandatory birth registration and identity cards, Bolivia reached the 1990s with very high levels of undocumentation. Why did such large numbers of citizens fail to comply with the Bolivian state's documentation mandates? Why did the state tolerate this widespread lack of compliance? Why were indigenous people and women particularly less likely to hold identity documents? Looking at both the demand of identity documents on the part of the citizenry and the supply of identity documents on the part of the state, these are the questions that the present chapter sets to address.

On the demand side, for many citizens, confined to social and geographical spaces where the state's institutionality carried scarce weight in everyday life, identity documents were largely irrelevant to their survival strategies. For large segments of the population, especially in rural areas, opportunities to access document-dependent goods and services were too few and far between to normalize birth registration and the acquisition of identity cards. Moreover, the segmentation of these opportunities along ethnic and gender lines meant that indigenous people and women were less likely to know about identity documents and seek them. On the supply side, the deficient functioning and relative inaccessibility of the Civil Registry and the identity card system portray a state with little interest in the promotion of documentation. At the same time, even in its deficiencies, the documentation structures of the Bolivian state were not neutral. Given the social, cultural and economic resources required for a successful interaction with the relevant bureaucracies, barriers to entry were highest precisely for the type of citizens that had the least to gain from securing identity documents: non-Spanish speakers, women, the poor, rural residents. Ultimately, to the extent that the Bolivian state began to strengthen its documentation

systems and started promoting access to identity documents in the early 1990s, it did so for reasons of electoral transparency and democratic legitimacy. Far from the emphasis on population surveillance and social control normally highlighted by the academic literature, it was the need competing political elites had to reassure each other and the population about the fairness of elections that gave documentation in Bolivia its biggest impulse in decades.

### **1. The demand for identity documents**

In 1955, *Decreto Supremo* 4280 made a national identity card necessary “for all acts of civil life” (art. 8). However, the acts of civil life for which the card was required were beyond the reach of most Bolivians. Formal employment with the associated social security rights of old-age pensions and health care insurance is a good example.<sup>119</sup> According to *Decreto Supremo* 5315/1959, which for decades provided the regulatory framework for the Social Security Code of 1956, it was mandatory for workers to provide their identity card number in the forms for joining the social security system (art. 419). Also, each social security file had to include a copy of the birth certificates or baptismal certificates of the worker and his/her dependents (art. 419).<sup>120</sup> Formal employment and social security rights, therefore, could have in theory provided an important incentive for working-age Bolivians to obtain their identity documents. On the other hand, the small size of the formal sector and the ethnic segmentation of the labor market made a formal job a distant possibility for most Bolivians of indigenous extraction.

Bolivia has one of the lowest levels of formal employment in the world. In 2007, 69% of the working population was employed in the informal sector, with formal employment favoring

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<sup>119</sup> In Bolivia, not all formally employed workers have access to social security rights (Monterrey Arce 2013, 16-17). However, that is an issue that goes beyond the point I am trying to make here.

<sup>120</sup> A sworn affidavit in which two witnesses attested to the identity of the worker and his/her dependents could substitute for the copies of the certificates, but there was not a similar alternative to bypass the requirement of an ID card number.

“mainly residents of urban areas and non-indigenous persons” (Monterrey Arce 2013, 16; my translation).<sup>121</sup> The situation in the 1980s and early 1990s was not much different. The 1992 Census shows that 64.62% of non-indigenous workers worked as employees, while 26.82% were self-employed. The situation was the reverse for indigenous workers, with 29.21% working under an employer and 58.43% self-employed (INE 2003, 138).<sup>122</sup> Gender differences were also considerable. Despite women joining the labor market at a much higher rate than in previous decades, the gender gap in labor market participation continued to be very large in the 1980s. According to the 1992 Census, 38% of women over the age of seven were part of the economically active population, as compared to 62% of men.<sup>123</sup> In the 1976 Census, only 18% of women in that age group had reported to be part of the labor force (INE 1993, 5.1).<sup>124</sup> The fact that identity documents were necessary for formal employment and the associated social security rights, therefore, had little meaning for most indigenous people in Bolivia, and even less for indigenous women living in rural areas.

The situation was similar in other areas of life, such as universities or the formal financial system, where bureaucratic structures demanded that citizens produce their identity documents in order to receive valued services. To the extent that access to a college education or banking could represent an incentive to secure identity documents, it was an incentive whose relevance

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<sup>121</sup> Even in urban areas, Monterrey Arce reports significant differences in access to Social Security rights between the urban indigenous population and the urban non-indigenous population (2013, 16).

<sup>122</sup> Although the employee/self-employed dichotomy is not the same than the formal/informal dichotomy, there is an important degree of overlap. In Bolivia, we can use self-employment as a rough indicator for economic informality.

<sup>123</sup> For the 1992 Census, INE considers as economically active all people over the age of seven that had a job or were actively searching for a job the previous week (INE 1993, 5.1).

<sup>124</sup> Although at a slower pace than in the 1980s, the proportion of economically active women kept growing in the 1990s and 2000s, reaching 39.9% in 2001 and 41.9% in 2012 (INE 2015, 47). The figures from the 1976 and 1992 censuses are not entirely comparable with those of the 2001 and 2012 censuses. The first two consider the economically active population over the age of seven, while the second two take 10 years of age as the cutting point. Still, the picture does not change much if we look at economically active women over the age of 10 for all four censuses (INE 2015, 47).

remained limited for large segments of Bolivian society, and in particular for indigenous peoples and women. According to the 1992 Census, only 6.35% of the indigenous population 19 and older had some university-level education. Among rural indigenous residents the figure was a meager 1.77%. For the non-indigenous population the corresponding figures were a much higher (but still modest) 20.43% overall and 4.20% in rural areas (INE 2003, 113). Women, with an average of 5.23 years of schooling, were reaching college at much lower rates than men, who averaged 6.95 years of schooling. The gender gap in education was wider for the indigenous population (5.81 years of schooling for men and 3.80 for women), than for the non-indigenous population (9.64 years of schooling for men and 7.89 for women) (INE, 2003, 114).<sup>125</sup>

With regard to the effects the formal financial system might have had on the demand for identity documents, I do not have data on banking penetration for the late 1980s or early 1990s, but projecting back from more recent figures we can reach some conclusions. The use of the formal financial system was not widespread enough to constitute a significant pull factor. In the early 2010s, only 28% of Bolivian adults had an account in a formal financial institution,<sup>126</sup> below the Latin American average of 39.2% (World Bank 2012, 5 and 33). Moreover, there was significant variation in bank account use depending on income, education, and place of residence. Rural residents, less educated people, and citizens in lower income brackets were less likely to have bank accounts than urban residents, more educated people, and citizens in higher income brackets (World Bank 2012, 5 and 33). Taking into account ethnic disparities in income and education, and the higher levels of rural residence of the indigenous population (INE 2003, 27, and 113-114; PNUD Bolivia 2010, 13; World Bank 2005, 4-5), these differences in bank

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<sup>125</sup> At the same time, compared to the 1976 Census, the gender gap in education had narrowed for both the indigenous population and the country as a whole (INE 2003, 114). It continued to narrow in the 1990s and 2000s (INE 2015, 44).

<sup>126</sup> The study on which I am relying here defines adults as anyone 15 and older (World Bank 2012).

account use indicate comparatively lower levels of banking penetration for indigenous peoples. It is also important to underline the existence of gender disparities. While 31.1% of adult males had a bank account in the early 2010s, only 25.1% of women did (World Bank 2012, 33). In all likelihood, banking penetration in the 1980s and 1990s was even lower, and ethnic and gender differences in bank use greater. The lack of an identity card probably prevented some Bolivians who wanted to do it from opening a bank account. Still, since banking penetration remained low even after access to identity cards became more pervasive, it seems safe to assume that interest in formal banking, narrow and segmented along ethnic and gender lines, historically had a limited impact on the demand for identity documents.<sup>127</sup>

In the 1980s, therefore, formal employment, a college education, or access to the banking system were still out of the reach of most indigenous men and women in Bolivia, particularly those living in rural areas. Beyond the realm of their daily experiences and aspirations, these services did little to increase their awareness about the obligation to secure identity documents, or to motivate them to invest scarce resources to comply with it. On the other hand, when the political situation of the country heated up, an identity card could come in handy for peasants that wanted safe passage through the urban spaces where their mere presence arose suspicion. Rosario León remembers how “in 1981, during the dictatorship of García Meza, Cochabamba

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<sup>127</sup> As the research of Beck, Demirgüç-Kunt, and Martínez Peria shows, requiring a variety of supporting documents, including identity documents, to access formal financial services, constitutes a barrier to the use of the banking system (2008). However, since the use of formal financial services did not explode in Bolivia after documentation spread in the 1990s and 2000s, it is reasonable to conclude that the lack of identity documents was not among the most important barriers preventing Bolivians from joining the formal banking system. Low levels of banking penetration, therefore, are a good indication that access to the formal financial system was not a significant pull factor in the demand for identity documents. On the other hand, a more nuanced analysis would also need to consider microfinance institutions, many of which did not qualify as formal financial institutions. With roots that go back to the 1980s, the boom in microfinancing Bolivia underwent in the 1990s points towards a previously unmet demand for financial services (Rhyne 2001). Even so, given the timing of the microfinance boom, I do not think that including microfinancing in the analysis would affect my general conclusion.

was under curfew and identity documents were necessary to move around. Many indigenous peasants got arrested here because they lacked documents” (interview 2011b). However, away from the cities and a few other hot areas, police and military presence was too sporadic to make documentation a pressing issue. Moreover, even in the cities, the pressure decreased during “normal” political times.

One state service that had the potential to stimulate the demand for documents was the registration of rural and urban property. The *Ley de Derechos Reales* of 1887 determined that all ownership rights over real estate property had to be registered with the state property registry, known as *Derechos Reales*, in order to become fully effective (art. 1). This was in theory the case even for rural agricultural lands. Importantly, the registration of property with *Derechos Reales* required an identity card (Cedrillo interview 2013; Crespo Valdivia 2003, 47-49). Yet, several factors made the registration of land with *Derechos Reales* relatively unattractive for indigenous peasants. First of all, there was a long history of antagonistic relations with the state, and the associated fear of land taxes. Under one name or another, the colonial Indian tribute continued to be levied on indigenous lands well into the 20<sup>th</sup> century (Rivera Cusicanqui 2010 [1984], 81-91). The 1960s saw several attempts to reintroduce taxes on peasant lands, which failed due to peasant resistance (Crespo and Valdivia 2003, 18-19; Soto S. 1994, 32-39; Rivera Cusicanqui 2010 [1984], 171). In 1986, the taxation efforts resurfaced as part of the structural adjustment policies then underway (Crespo and Valdivia 2003, 19).<sup>128</sup> Once again, peasant opposition made the government backtrack (Urioste F. de C. 2006, xxxii; Quispe interview 2013), and in 1990, new legislation declared small peasant holdings and indigenous community lands exempt from property taxes (Hernández and Pacheco 2000, 3.2.4).<sup>129</sup> Still suspicious, the peasant federation

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<sup>128</sup> Law 843/1986.

<sup>129</sup> *Decreto Supremo* 22588/1990. Law 1715/1996 ratified these exemptions.

CSUTCB boycotted the 1992 Census for fear that the data collected could be used for taxation purposes (Quispe interview 2013).

Second, the Agrarian Reform of 1953 had put in place a system of state recognition of land ownership that allowed peasants to gain reasonable levels of security in their landholding rights without having to directly resort to *Derechos Reales*. Thousands of indigenous peasants in Western Bolivia received property titles from the Agrarian Reform agency,<sup>130</sup> either as individuals or as community members named in collective titles. Access to titles was mediated by peasant unions or community authorities, and did not generally require identity documents. Individual titles were handed out mostly in the 1950s and 1960s to former *hacienda* tenants that had gained control of the lands they worked. The distribution of individual land titles was based on membership lists managed by local unions, rather than individual applications with identity cards (Blanco interview 2013; Cedrillo interview 2013). The Agrarian Reform Law also allowed indigenous communities to retain and title the lands they held, and to reclaim old lands that had been usurped by big landowners. The MNR governments favored individual property, and when the claims of communities and *hacienda* tenants clashed, the latter had the legal and political upper hand (Hernáiz and Pacheco 2000, chap. 3; Salazar Lohman 2013, 50). Still, many indigenous communities were able to secure collective land titles,<sup>131</sup> particularly in areas where

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<sup>130</sup> The *Servicio Nacional de Reforma Agraria* managed the agrarian reform process in the old areas of settlement, mostly in Western Bolivia, while the *Instituto Nacional de Colonización* was in charge of land grants for new agricultural settlements in the colonization areas of the tropical lowlands (Hernáiz and Pacheco 2000, Chap. 3).

<sup>131</sup> The community of Titikana Takaka provides a good example of how collective titling applications in the 1970s and 1980s did not require the identity documents of community members, but in the late 1990s and early 2000s did. Titikana Takaka applied for collective titling in 1974. For that, it compiled a list of community members. The list did not include ID numbers. In 2000, it filed for collective titling again. This time, the list of community members included ID numbers (Barragán 2007, 98-111). On the other hand, Reynaldo Cedrillo mentioned a case from the late 1980s in which members of a Guaraní community applied for ID cards because they could not otherwise secure their community land title from the Agrarian Reform agency (interview 2013). Even before the new agrarian law of 1996, therefore, at least in some cases, agrarian authorities had begun to request identity documents in titling applications.

community structures had remained strong (Yashar 2005, 161-162). The Agrarian Reform agency, as part of its operating procedures, was supposed to register on its own the land titles it issued with *Derechos Reales* (Hernández and Pacheco 2000, 3.4.12).

Agrarian Reform authorities issued land titles in an inefficient and chaotic manner, which sometimes resulted in overlapping claims (Assies 2006, 593-584; Blanco interview 2013; Hernández and Pacheco 2000, chap. 4). Despite the limitations, Agrarian Reform titles offered levels of ownership security that were reasonably equivalent to those available by independently registering property with *Derechos Reales*. The registers of *Derechos Reales* were themselves riddled with chaos, and overlapping claims proliferated there as well (Crespo Valdivia 2003, 25). In fact, one of the problems with many Agrarian Reform titles was that although Agrarian authorities had registered them with *Derechos Reales*, this institution never voided the previous land records of the expropriated *hacendados* (Hernández and Pacheco 2000, 3.4.12). That brings us to a third reason why registering land and land transactions was not always attractive for indigenous peasants: *Derechos Reales* itself. With offices in the departmental capitals only, *Derechos Reales* was a centralized, expensive, and bureaucratic institution, and registering property with it did not radically improve ownership security or eliminated conflicting claims (Crespo Valdivia 2003: 28).

The 1953 Agrarian Reform recognized both individual property, through individual land titles, and blended forms of collective and individual property, through collective titles that also acknowledged the individual property rights of community members (Hernández and Pacheco 2000, 4.4; Pacheco y Valda 2003; Urioste F. de C. 2005). While far from perfect, Agrarian Reform titles and local community norms offered for many peasants a reasonable equivalent that made personal dealings with *Derechos Reales* and its unreliable registry largely superfluous.

Over time, the security offered by Agrarian Reform titles deteriorated, as the older generation whose names appeared on the titles passed away (Pacheco y Valda 2003; Urioste, Barragán, and Colque 2007b, lv-lvi). Migration also put a strain on local community norms in many places (Urioste, Barragán, and Colque 2007b, lv-lvi). In spite of this, the direct formalization and updating of land rights with *Derechos Reales* remained relatively uncommon. In the early 2000s, even after access to identity cards had improved markedly, registration of land ownership and land transactions with *Derechos Reales* was far from widespread (Crespo Valdivia 2003, 18; Pacheco y Valda, 2003). We can safely conclude, therefore, that before the 1990s, the direct registration of rural property with *Derechos Reales* was not common enough to meaningfully increase awareness about identity cards, or appealing enough to substantially affect peasant interest in securing them.

For the most part, the titling processes associated with the Agrarian Reform of 1953 bypassed the indigenous peoples of the Eastern lowlands. Outside a few exceptions, such as some of the indigenous groups linked to former missions, the post-1952 regimes considered lowland Indians wardens of the state and their territories areas for colonization (Balza 2001, 28-29). The increasing pressure on their lands was one of the main catalysts for the intensive organizing of lowland indigenous peoples in the 1980s and 1990s. Still, their agenda was one of making political demands on the state for the recognition of indigenous territories (Van Cott, 2005, chap. 3; Yashar 2005, chap. 5). The route for the defense of their lands rarely passed through *Derechos Reales* either. Indigenous peoples walked a difficult balance between keeping the state at arm's length and ensuring its recognition of their land rights. In the Andes, security in land ownership was normally managed through a combination of local community norms and the one-time state recognition of individual and/or collective property rights that the titles issued by

the Agrarian Reform agency represented.<sup>132</sup> In the Eastern lowlands, indigenous peoples mobilized politically to demand that the state protect their territories and respect their autonomy to define how they lived inside of them. All around the country, direct registration with *Derechos Reales* was more the exception than the rule. Before the 1990s, the link between identity documents and land security was tenuous.<sup>133</sup>

Compared to their rural counterparts, urban residents had stronger incentives to register their property with *Derechos Reales*. Nevertheless, we should not overestimate the degree to which property registration heightened the demand for identity cards among city dwellers either. Between 1976 and 1992, the urban population of Bolivia almost doubled, going from 1.92 to 3.6 million. Like in other countries experiencing rapid rural-urban migration, informal settlements sprang up in Bolivian cities to accommodate the swelling urban population. Estimates from the mid-1990s indicate that informal housing accounted for about one third of all new urban dwellings built in the country yearly. Yet, land occupations were not common in Bolivia. Most informal settlements took place in lands that occupants bought from other private parties, and for which they had papers documenting the transaction. Still, in violation of zoning regulations and without legally approved lotting maps, the owners of housing in these settlements were generally unable to register their property with *Derechos Reales* (López Ghio et al. 2011, 5-6). Only in

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<sup>132</sup> The balancing act continued in the Andes even after a new Agrarian law changed the legal framework for rural property in 1996. In the early and mid-2000s, most peasants in the Andes continued to favor a blend of collective and individual land rights, with the state guaranteeing the collective territorial rights of peasant communities, but leaving the regulation of individual land rights to the internal local community norms (Urioste 2005, 11-12; Urioste, Barragán, and Colque 2007b, lx). Unlike the 1953 Agrarian reform, however, the Agrarian Law of 1996 did not allow for the simultaneous recognition of collective and individual land ownership, and peasant communities had to opt for the legal recognition of either collective or individual land rights (Hernández and Pacheco 2000, 4.4; Urioste 2005; Urioste, Barragán, and Colque 2007b, lvi and lx).

<sup>133</sup> These are of course broad generalizations, and I have come across examples from the 1980s in which indigenous peoples applied for identity documents with the main purpose of improving their legal position with regard to their land rights (Cedrillo interview 2013; Requena interview 2013)

2002 did the Bolivian government launch the first large-scale regularization program for informal urban real state.<sup>134</sup>

Before the 1990s, the possibility of registering property with *Derechos Reales* was a little known afterthought for most rural residents and beyond the reach of many urban ones. When it came to protecting their property rights, identity cards had limited value for a sizable section of Bolivian society, particularly for indigenous peasants and recent rural-urban migrants. Birth certificates, on the other hand, could be a useful tool to prove kinship ties when inheriting family property. Many peasant families had Agrarian Reform land titles that went back to the 1960s and 1950s. With the passing of the older generation named in the titles, birth certificates would have been a natural way to prove beyond the local community the existence of family ties to the original title-holder. Similarly, in the case of informal urban housing, if the person who had bought the lot and whose name showed in the purchase documents died, her children could in theory use their birth certificates as proof of kinship.<sup>135</sup> Peasant women were less likely to inherit land (Deere and Leon 2001; Pacheco and Valda 2003; Urioste 2005, 20-21; Urioste, Barragán, and Colque 2007a), and as a result, any connection between birth registration and land rights should have been weaker for them.

Birth certificates were also useful for schooling. Javier Velarde recalls how the workload of the Civil Registry would surge “at the beginning of the academic year, due to the need to have documents to enroll the children in school” (interview 2013). While his experience in the CNE Board comes from the early 2000s, the picture he paints most likely applies to earlier decades as well. Since at least the 1990s it has been official state policy that schools request birth certificates from newly enrolling students, whether first graders or transfers (Martinez interview 2013; Roca

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<sup>134</sup> See Law 2372/2002.

<sup>135</sup> I do not have direct evidence confirming this claim for either rural or urban areas. It should be taken as an educated guess that requires further research to fully substantiate it.

Serrano 2006, 120-121).<sup>136</sup> I have no precise information on when this policy was first instituted, but schools in urban and rural areas, with or without a legal mandate, were already asking for birth certificates in the early 1980s and possibly before (Rodrigo Gazau, email communication to author, January 22, 2016). For urban schools, since demand often exceeded the number of open slots, requiring a birth certificate served as a helpful filter, especially in popular schools. In rural communities, schools were always more flexible, and even if they asked students for a birth certificate, lacking one was rarely an impediment to attend (Martínez interview 2013; Urzáiz interview 2011; Velarde interview 2013). Historically, there has been a great deal of variation in how schools handled new students. In rural areas, where birth registration rates were lower, schools tended to accommodate undocumented students. Urban schools were usually stricter, and sometimes required even more documents than the existing regulations allowed.<sup>137</sup> Undocumented children might have managed to attend school, but having a birth certificate was certainly advantageous, particularly in urban areas.<sup>138</sup>

In discussing access to education as an incentive for birth registration, we cannot overlook gender differences. According to the 1976 Census, 77.2% of males between the ages of

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<sup>136</sup> One recent version of the policy appears in the Ministry of Education's *Resolución Ministerial* 001/2013, which instructs schools to request the identity documents of children (birth certificate or identity card) and their parents or guardians (identity card) as part of the enrollment process. This *Resolución* also emphasizes that the absence of these documents should not be a reason to prevent enrollment. Earlier versions of the policy probably mirrored this attempt to encourage documentation, without pushing undocumented children out of the school system. Such approach still turns undocumented students into an exception that schools need to accommodate, setting undocumented students for the possibility of rejection, particularly in urban schools dealing with demand in excess of their capacity.

<sup>137</sup> The newspaper *Los Tiempos*, for example, reported in 2007 how certain local schools in Cochabamba were demanding the identity cards of newly enrolling students, even if the official policy at the time was that it was not necessary (*Los Tiempos* 2007).

<sup>138</sup> A recent study by the Inter-American Development Bank found that in Bolivia children who lacked birth certificates were less likely to enter primary school, and averaged less years of schooling. The authors explain that “although it is not possible to prove direct causality between the lack of legal identity and educational achievement, there is a strong negative correlation, even after controlling for the characteristics of the child, the mother, and the household” (Brito, Corbacho, and Osorio 2013, xvi; my translation). In all probability, that same conclusion would also have held 30 or 40 years ago. In fact, I expect the correlation to have been even stronger.

6 and 11 were in school. The figure for females was 70.8%. The gender gap was wider in rural areas, with 70.6% of males and 61.0% of females in this age group attending school. Women were less likely to enter school and on average abandoned it sooner. As a result, gender differences for the 12-19 age group were even greater, with a gap of 20 points in rural areas (50.5% attendance for males and 30.8% for females) and near 15 points countrywide (61.5% attendance for males and 46.9% for females). By the time of the 1992 census, gender differences in school attendance had substantially narrowed, but not disappeared. In the country as a whole, 86.6% of males and 85.0% of females between the ages of 6 and 11 were in school. In rural areas, the figures were 80.9% for males and 77.4% for females. The gap was more persistent for the 12-19 age group, both countrywide (63.9% attendance for males and 56.8% for females) and in rural areas (52.2% attendance for males and 40.0% for females) (INE 2015, 39).

The fact that school attendance statistics use the age of 11-12 as a cut off is quite interesting. Despite instituting eight years of compulsory education in 1968,<sup>139</sup> Bolivia maintained a grade structure that differentiated between basic education (grades 1-5) and intermediate education (grades 6-8). It was only with the Education Reform of 1994<sup>140</sup> that the basic and intermediate levels were unified in a primary school cycle of eight years (Contreras and Talavera Simoni 2003, 17). Schools serving small rural communities rarely offered all the grades necessary to complete the eight years of compulsory education. They generally offered the five grades of the basic education cycle or less (Subirats and Nogales 1989, 25-27). Even after the expansion in primary education that followed the 1994 Education Reform, 55% of rural schools only had grades 1 through 3 (Ministerio de Educación 2003; cited in Cajías de la Vega 2006, 38-39). Children from small communities, therefore, normally had to switch schools if

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<sup>139</sup> Decreto Supremo 8601/1968.

<sup>140</sup> Law 1565/1994.

they wanted to finish their primary education. Having to move to more distant schools (once or even twice) made these children less likely to complete their mandatory education. At the same time, enrolling in a bigger school away from their own communities was commonly associated with a greater need for a birth certificate. It was no coincidence that many families in rural areas waited until their children turned 11 or 12 before registering their births (Martinez interview 2013). That was the age at which, after finishing the basic education cycle, children from small communities made the switch to bigger schools. In this sense, staying in school beyond the basic cycle contributed to birth registration in rural areas, while low retention rates, particularly for females, weakened the demand for birth certificates.

Military service was another factor that contributed to create gender differences in terms of access to identity documents. The indigenous populations of Western Bolivia resisted military recruitment before and during the Chaco War (Arze Aguirre 1987; Quintana Taborga 1998, Part 1, chap. 2). However, the experience of mass mobilization during the War changed perceptions about serving, and resistance to recruitment largely disappeared after it (Quintana Taborga 1998, 65). Ultimately, in the decades that followed the 1952 Revolution, military service became an integral part of life in most rural communities of the Andes, a rite of passage signaling adulthood for indigenous peasant males (Gill 2000, chap. 6; Quintana Taborga 1998, 92-116 and 292-305; Quispe interview 2013).<sup>141</sup> Military service did not acquire the same cultural significance among the indigenous populations of the Eastern lowlands. Some lowland indigenous groups such as the Ayoreo refused to serve (Calle interview 2011). For others, such as the Guaraní or the

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<sup>141</sup> This does not mean that the ebbs and flows of the relationship between the military and the peasantry did not affect the popularity of military service in the countryside. In the 1970s, for instance, after the “Military-Peasant Pact” broke down, peasant unions called for a boycott of military service (Quintana Taborga 1998, 92-97).

Chiquitano, serving was important, but not as central to the life cycle of rural males as for the Quechuas and Aymaras of Western Bolivia (Albó 2012, 56; Requena interview 2013).

The Military Service Law of 1966<sup>142</sup> defined a recruitment system in which all males had to register with the military authorities at age 18, and a draft lottery among all 19 year olds decided who served. Exemptions from the lottery could be granted on the basis of disability and a series of life circumstances, such as family responsibilities or university studies.<sup>143</sup> In reality, the system operated quite differently from this. Military authorities set yearly recruitment targets. Local garrisons would wait for volunteers, and if they did not get enough to meet their assigned quotas, they rounded up youths in the streets and forcibly recruited them (Quintana Taborga 1998, 157-159 and 235). The relation between identity documents and military service was a strange one. On the one hand, those who volunteered to serve were often asked for their birth certificates to confirm they were the appropriate age. Lesley Gill, for instance, describes the case of an Aymara man who falsified his birth certificate to enlist at 16 (2000, 119). On the other hand, in order to avoid impressment, it was a good idea for young men under 19 to have a birth certificate or ID card that could prove they had not reached military age yet. Either way, military service provided incentives for male youths to secure a birth certificate (Martínez interview 2013; Velarde interview 2013). That type of incentive did not exist for young women.

There was at least one other way in which military service promoted gender disparities in documentation. Upon completion of service, recruits received a certificate indicating they had fulfilled their military obligations. The “military service booklet”, as it is still known, was required by law for important civil acts, such as obtaining a passport, applying for a university

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<sup>142</sup> Decreto Legislativo 7755/1966.

<sup>143</sup> University students were not really exempt, but could postpone entering the lottery. *Decreto Legislativo 7755/1966* defined a list of possible exemption (art. 49) and postponement (art. 45) reasons.

diploma, assuming elected office, or holding public sectors jobs and some private sector ones.<sup>144</sup> Although these provisions were not always applied (Quintana Taborga 1998, 150), it was a key civic document that proved men had not dodged their military duties (Quintana Taborga 1998, 181-182 and 301-305). High school students who completed three years of pre-military training and men declared exempt from service also received “military service booklets”. Those who registered with the military authorities but were not called to serve could apply for their booklets after paying a tax. Alternatively, it was not uncommon to irregularly purchase or forge “military service booklets” (Calle interview 2011; Quintana Taborga 1998, 150).

In circulation since 1906, the booklets included the information of the holder, his military status, and his picture (Quintana Taborga 1998, 44). An integral part of the confusing landscape of identity documents in Bolivia, “military service booklets” became a common identification mechanism for men, particularly the indigenous peasant men that made up the bulk of recruits,<sup>145</sup> and many of whom might have remained undocumented had they not served. Peasant women did not have a similar option. Well into the 2000s, “military service booklets” remained an acceptable alternative to national ID cards for purposes such as voting, collecting non-contributory old-age pensions, or joining the free health care insurance for the elderly.<sup>146</sup> They were also used as “feeder documents” to obtain an identity card or, reversing the natural documentation sequence, a birth certificate. Mr. Quispe shares his experience in this regard: “When I went to barracks, then, that document [the “military service booklet”] helped me register my birth” (interview 2013).

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<sup>144</sup> See *Decreto Ley 7749/1966* or *Decreto Legislativo 7755/1966*. Previous legislation such as the Armed Forces Law of 1963 or the Military Service Law of 1907 include similar stipulations.

<sup>145</sup> The urban middle and upper classes tended to avoid military service, and most recruits came from peasant backgrounds or poor families that had recently migrated to the cities (Quintana Taborga 1998).

<sup>146</sup> Non-contributory old-age pensions and free health care insurance for the uninsured elderly were introduced in Bolivia in the second half of the 1990s. We will discuss these programs extensively in the next chapter.

In summary, before the 1990s, identity documents were of limited use for many Bolivians. Access to document-dependent goods and services was largely segmented according to wealth, ethnicity, and rural-urban residence, making identity documents particularly inconsequential for the rural indigenous populations of the country. For the residents of thousands of small indigenous communities, the state and its institutionality were mostly absent from everyday life. For historical and geographical reasons, the absence of the state was particularly noticeable in the Eastern lowlands, but the rural Andean countryside was not far behind. Where rural schools existed, they were often the only permanent sign of a state presence, and an ambivalent sign at that. Many communities had to finance the construction of their own schools and pay teachers' salaries for years until they secured state funding (Montellano and Ramos 2011, 89; Guerra interview 2011). To the extent that the state reached small indigenous communities with social programs, such as the *Acción Cívica* Program of the Armed Forces,<sup>147</sup> or the community development programs of the *Ministerio de Asuntos Campesinos*,<sup>148</sup> these efforts followed a territorial logic, not a logic of individual entitlement that demanded identity documents from the beneficiaries.

Under these conditions the acquisition and use of identity documents was not normalized, and depended on the rise of an occasional need, often linked to certain life mile-stones, such as

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<sup>147</sup> *Acción Cívica* was a US-backed social program the military ran in the 1960s and 1970s. Designed to strengthen the ties between the peasantry and the Armed Forces, it focused on small-scale community projects in rural areas, such as road-building or the construction of schools and health posts (Albó and Barnadas 1984, 240-241; Quintana Taborga 1998, 72-73; Soto S. 1994, 24-26).

<sup>148</sup> Founded after the 1952 Revolution, the Ministry of Peasant Affairs implemented development programs in rural areas, including many that focused on helping peasant unions and communities improve agricultural production. These programs continued all the way into the 1980s, but from the 1960s onwards, their weight decreased significantly relative to programs designed to assist large-scale commercial farmers (Eckstein 1983).

military service, inheriting, or moving to a different school.<sup>149</sup> Most of these mile-stones were predominantly associated with men, leaving rural indigenous women to experience higher undocumentation rates. As Rosa Martínez explains of her experience promoting birth registration for children in rural areas, “the males went to the barracks, in many cases, they also went to school, or they emigrated abroad with the father. So, yes, there was a strong bias, and little boys were more likely to have documents than little girls” (interview 2013).

## **2. The supply of identity documents**

Even the most perfunctory of looks at the documentation systems of the Bolivian state circa 1990 would raise questions about their value as mechanisms of legibility and social control. Given their remarkable deficiencies, the Civil Registry and the national ID system could have hardly functioned as reliable instruments for the certification of individual identity. Their many holes offered plenty of opportunities for manipulation, and to the extent that the documents they issued accurately attested to the identity of millions, it was mostly due to the good will of large numbers of compliant citizens. Still, the abundant hurdles meant that even well-intended Bolivians could have a hard time complying with the documentation mandates of the state. The barriers that the Civil Registry and the Police erected in their documentation work, and the indifference of other instances of government, belied the state’s interest in facilitating compliance with its own policy of mandatory documents. More than anything, the documentation systems of Bolivia operated as tools of extraction that brought revenue for the state and its agents through legal and illegal service fees. Although it was precisely the indigenous populations that appeared most threatening to the established order that were most

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<sup>149</sup> Childbirth rarely took place at hospitals or was attended by doctors, and marriage registration was at best sporadic. In this sense, I do not include them as critical mile-stones associated with the acquisition of identity documents.

likely to remain undocumented, the state did little to address the situation. The lack of documents was rarely the result of conscious efforts to resist documentation policies. Rather, the barriers that state agents put up made acquiring documents difficult, expensive and far from commonsensical for many indigenous men and women. Moreover, identity documents had little to offer in terms of access to relevant rights and services. It would take a crisis of democratic legitimacy, more than any fears of breakdown in the social order, for the state to begin taking steps to strengthen its ability to document individual identity.

a) *Birth certificates and the civil registration system*

Prior to 1992, when control over it was transferred to the politically autonomous *Corte Nacional Electoral* (CNE), the Civil Registry of Bolivia was part of the executive power. The department in charge of overseeing the civil registration system, the *Dirección Nacional de Registro Civil*, was a dependency of the Ministry of the Interior, and the selection and supervision of local registrars<sup>150</sup> was in the hands of the regional (*prefectos*) and sub-regional (*subprefectos*) representatives of the central government (Roca Serrano 2006, 88-89; Vásquez Zambrana 2009, 214).<sup>151</sup> Registrars were not necessarily selected on the basis of their personal qualifications or the needs of the area they served. Instead, political authorities would regularly distribute appointments in a clientelistic fashion, using them to reward local supporters for their loyalty, even if they lacked the necessary competencies (Camargo interview 2013; García

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<sup>150</sup> Throughout this dissertation, I use the terms registrar and registration official interchangeably.

<sup>151</sup> Bolivia is divided in nine departments and 112 provinces. In terms of its formal political structure, it has traditionally been a very centralized country. For most of its history, the central government selected the top regional authorities or *prefectos*, and the top sub-regional authorities or *subprefectos*. The decentralization of the 1980s and 1990s provided for the popular election of municipal authorities. However, at the regional level, departmental *prefectos* and provincial *subprefectos* continued to be representatives of the central government in La Paz. In 2005, Bolivians directly elected their *prefectos* for the first time, but it was the 2009 Constitution that fully regionalized the political system. The current Constitution provides for the popular election of departmental legislative assemblies, which in turn elect the head of the departmental executive, now called governor.

interview 2011; Hidalgo interview 2013; Pérez interview 2013).<sup>152</sup> With no permanent salary for registration officials, new positions could be created at will without having to commit state resources (Camargo interview 2013).

To this day, most civil registration officials in Bolivia are not state employees in the traditional sense. They do not derive a permanent salary from the public purse, and compensation for their activities comes from the user fees that citizens pay. Given this particular organizational framework, bridging the gap between fee-for-service registrars operating in the field and civil registration authorities higher up has always constituted a challenge. Despite the existence of official fee schedules, for example, overcharging has been a constant concern throughout the life of the civil registration system (testimonials in CPC Santa Cruz 2006, 20-22; García interview 2011; Urzáiz interview 2011). The same holds true for registration errors, especially in rural areas, where registrars tended to have lower education levels and less access to training (Foley et al. 2007; Hidalgo interview 2013; Revuelta 2009; Urzáiz interview 2011). The situation was particularly precarious before the 1990s. Primary and secondary sources describe a picture of general neglect, with state authorities showing little interest in guaranteeing the reliability of the Civil Registry, or in promoting the registration of the population. Control over the work of civil registrars was barely existent, and negligence and corruption were the order of the day (Hidalgo interview 2013; Hinojosa Zambrana 2009c; Roca Serrano 2006, 168; Urzáiz interview 2011).

The lack of oversight and support for registration officials in the field contributed to structure a civil registration system that was uneven in its reach and performance standards. The quality of services was generally low, but usually better in the cities than in the countryside (Hidalgo interview 2013; Hinojosa Zambrana 2009a; Urzáiz interview 2011; among others).

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<sup>152</sup> With appointments being handled politically, changes of government, or even changes in the person heading the Ministry of the Interior, could result in the turnover of many civil registration officials (Romero Ballivián, 2009, 89).

With appointments following a logic of political rewards, registration officials proliferated without much control. This abundance did not mean that registrars were uniformly and readily available throughout the country. Most of them concentrated in urban centers, where income opportunities were greatest (Hidalgo interview 2013). Small communities would sometimes take advantage of political connections to secure their own registration officials. However, with little support from Civil Registry authorities and usually burdened by low education levels, these rural registrars did not always managed to perform their functions appropriately, and often created as many problems as they solved (Hidalgo interview 2013; Pérez interview 2013). Given the low literacy rates<sup>153</sup> and haphazard nature of appointments, it was not unusual to find barely literate individuals serving as civil registrars in the countryside. Pedro Hidalgo, for example, remembers a wedding he attended in rural Cochabamba in the 1970s: “the civil registration official did not know how to read and write. It was his daughter, who was in high school, the one that registered [vital events] for him” (interview 2013). Similarly, Pablo Quispe reminisces about growing up in a peasant community of Western Bolivia where his father acted as civil registrar: “I helped him write [vital events in] the [registration] books, because he had barely completed first and second grade... paradoxically, he never cared to register me” (interview 2013).

With the limited literacy skills of many registrars came constant mistakes in their work. Birth records and their associated certificates would frequently include misspelled names and incorrect personal information. Other times, they would be missing key data or contain erasures or overwritten fields. All these situations could result in serious headaches for the citizens in question. Legally fixing a wrong or incomplete birth record required a judicial order,<sup>154</sup> and

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<sup>153</sup> In 1976, 36.8% of Bolivians over 15 were illiterate. In 1992, the figure was still 20%. In rural areas, the illiteracy rate for the population 15 and older was 53.2% in 1976, and 36.5% in 1992 (INE 1993, 4.1).

<sup>154</sup> Many people would go on to live with errors in their birth records and certificates for years without real consequences. But important practical problems could also emerge. A misspelled last name could turn

overwritten records (or certificates) could be deemed invalid. Although registration errors affected all types of people, civil registrars in rural areas generally had lower education levels and were more prone to mistakes (Foley et al. 2007; García interview 2011; Hinojosa Zambrana 2009a, 43-48). Language barriers increased the likelihood of registration errors for non-Spanish speakers (Hidalgo interview 2013). With Spanish as the default language of the Bolivian state and its Civil Registry, the language barrier appeared in at least two different ways. In some cases, indigenous speakers had to deal with civil registrars that did not speak their language. In others, local registrars spoke the indigenous language of the area they served, but did not have a good command of Spanish, the language in which they had to conduct their paperwork.

Problems did not stop there. In theory, registrars had to maintain a pair of twin registration books for each of the three main types of vital events: births, marriages, and deaths. The twin books in a pair were meant to be mirror images of each other. For every vital event registered in their jurisdiction, civil registration officials were supposed to record all the relevant information in the appropriate two books, in exactly the same terms, and in correlative pages. At the same time, they would issue the corresponding birth, marriage, or death certificate, with information that matched the one being recorded in the books. Ultimately, registrars were expected to keep custody of one of the registration books in each pair, and forward the other book to the civil registration authorities for archive. In reality, oversight was minimal and chaos predominated: “the two books [in a pair] would not necessarily match; they would not necessarily have the same people [registered], and the central archive would not necessarily have all the books that civil registration officials had filled” (Hidalgo interview 2013).

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into a roadblock for inheriting. Mistakes (or missing information) in the year of birth could create problems with pensions, military service, or other age-connected activities. And using the right personal information in other official documents or transactions (property titles, high school diplomas, registering the birth of a child, etc.) could result in a variety of complications, as it would create incongruences vis-à-vis the person’s birth record/certificate.

Registration officials made honest mistakes, but they also cut corners in self-serving ways. Travelling to the regional capital to deliver registration books for archiving could be a serious hassle for registrars living in distant rural areas, and many would only do it every few years, or fail to do it at all (García interview 2011; Hidalgo interview 2013). Also, since they had to pay for their registration books and each pair of books only held a set number of births, some registrars would make their books last longer by issuing birth certificates without registering the corresponding births in the books (Hidalgo interview 2013; Roca Serrano, 97). For a person in this situation, the birth certificate could still be useful, but if she ever needed to get a new copy issued, she would face the unpleasant surprise that her birth had never been officially registered. In other cases, registrars would issue birth certificates on regular sheets of paper, instead of using the special tax stamp forms that registration authorities sold them for that purpose (CPC 2002, Annex 3). It is hard to overestimate the absence of supervision and guidance with which registration officials in the field operated, even as their work was the cornerstone of the civil registration system. The disorder was such that when control of the civil registration system was transferred to the National Electoral Court in 1992, the *Dirección Nacional de Registro Civil* did not know how many registrars existed in Bolivia,<sup>155</sup> or had a master list of civil registration books in circulation in the country (Hidalgo interview 2013; Pérez interview 2013).

The lack of legislative updating of the applicable civil registration regulations supports the general picture of neglect. In the early 1990s, the civil registration system was still regulated by the Civil Registration Law of 1898 and a 1943 decree complementing it.<sup>156</sup> Procedural rules that

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<sup>155</sup> Pedro Hidalgo, who worked for the CNE at the time, estimates that there were between 5,000 and 6,000 civil registration officials in Bolivia in 1992 (interview 2013). Luis Pérez sees those numbers as too high, and questions their accuracy (interview 2013). In any case, their disagreement (or the wide range that Mr. Hidalgo volunteers) only adds to the idea that before 1992 authorities did not keep track of the appointment of registration officials, and could have hardly supervised their work in an efficient manner.

<sup>156</sup> Decreto Supremo 196/1943.

had proved to represent an important barrier for the registration of the population continued unchanged decade after decade.<sup>157</sup> The short window available for the timely registration of births is one of the clearest examples (Roca Serrano 2006, 119-121). According to the Civil Registration Law of 1898, newborns had to be registered within eight days of their birth (art. 30).<sup>158</sup> Passed the eight-day window, registration was only possible through a court order (art. 32), implying lengthy and costly judicial procedures that were beyond the reach of most Bolivians. That the correction of existing birth records also required a court order (art. 21) is another commonly mentioned example of the inadequacy of the applicable rules (Roca Serrano 2006, 136-138). The very fact that not even the timely registration of births was offered free of charge was in itself problematic. Fees were not high, but their mere existence discouraged many poor families from registering their children.

At the same time, the chaos that dominated the civil registration system offered ample opportunities to escape the unfriendly regulations and procedures. With little oversight, civil registration officials were more than willing to help citizens bypass the strict rules of the Civil Registry. For a fee, many registrars would happily register the birth of an older child or even an adult, or issue a birth certificate that contained corrections or additions to the original birth record. These may not have been permanent legal solutions, but as long as the fragmentation of the civil registration system remained and registrars operated largely unsupervised, the affected citizens always had the possibility of repeating the operation when the need for additional birth certificate copies arose. In this way, the population could avoid the dreaded judicial route. Of

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<sup>157</sup> *Decreto Supremo* 18721/1981 did revise some important procedural aspects of the civil registration system (e.g. it expanded the window for the timely registration of births to one year). However, the Decree was approved during the short-lived government of Gen. Celso Torrelio, and it seems to have gone largely unimplemented. All the sources describe a situation in the early 1990s in which the Civil Registration Law of 1898 and *Decreto Supremo* 196/1943 continued to dominate civil registration procedures (e.g. eight-day window for the timely registration of births).

<sup>158</sup> 10 days if the nearest civil registrars's office was at a considerable distance (ar. 31).

course, in order to play the system, access to the appropriate cultural, social and economic resources mattered. Still, the porosity of the Civil Registry was such that the barriers to entry were not excessively high, and these informal channels were open to a large section of Bolivian society, given a strong enough motivation to make the investment. For example, in 1984, Teodomiro Quisbert, from the small town of Colquiri, who had just turned eighteen, decided to change his first name to one more of his teenage liking. Thanks to the local registrar, he secured a birth certificate to the name of Roger Ramiro Quisbert. For the next twenty years he conducted all official business using his new name, voting, marrying, registering his children, and securing an ID card as Roger Ramiro Quisbert (CAMN-CERES-CPC 2009, 9-14).

For all this informal flexibility, the civil registration system failed to accommodate naming practices and filiation systems that deviated from the traditional standards of the Spanish-speaking world. In the Spanish patrilineal system, children receive one or more given names and two family names, the father's first family name and the mother's first family name, in this particular order. The name is supposed to remain stable throughout the lifetime of the individual. Most indigenous groups in Bolivia assumed these naming practices through centuries of contact with colonial institutions, but for the ones that maintained other conventions, birth registration generally implied confusion and cultural humiliation. Mr. Chiqueno, for example, shared the case of his family: "In the Ayoreo community... masculine is Chiqueno and feminine is Chiquenoy... my daughter's last name is not how our customs say it should be, we gave her a last name identical to mine to avoid any trouble..." (in CPC 2006, 22-23; my translation). In the Sirionó culture, women are free to change partners, and when they do, their children become the children of the new partners. The centrality of the birth father's last name in the Civil Registry violated Sirionó conceptions of filiation, minimizing the role of the "social" father when

different from the birth father, and undermining the primacy of the mother and her choices (Melgar 2006, 18-22). The very idea of a stable family name was fairly new for groups such as the Tsimane, the Yuqui or the Sirionó, as individuals traditionally adopted only one name, and that name could change over time. Indecision about what last name to choose, and inconsistencies in the transcription of languages that had been until recently exclusively oral, complicated the adoption of family names and produced a lot of registration errors (Hinojosa Zambrana 2009a, 66-67). As Petra Ochoa explains of her documentation work in the lowland Department of Beni, there was a big degree of variation in the extent to which different indigenous groups confronted these types of deep cultural barriers:

“in Beni you are going to find early missionized indigenous peoples, such as the Moxeños, Trinitarios, Ignacianos, Loretanos, Javerianos, which have normative systems closer to ours, and their naming, filiation and family systems are in general closer [to the Spanish standard]... they have less documentation problems... Then you have a second group of late missionized peoples, for which the processes of cultural change have been more superficial, because it has been so recent, such as de Sirionó, the Yuracaré, de Tsimane... so they have more problems with their documents... And among the non-missionized peoples, I do not know!” (interview 2011).<sup>159</sup>

In 1992, authority over the civil registration system was transferred to the National Electoral Court, which had been reformed a year before to guarantee its political independence. Eventually, the CNE would bring important improvements to the operations of the Bolivian Civil Registry, but it took time and significant pressure from inside and outside the institution for it to happen. Initially, the role of electoral arbiter absorbed most of the CNE’s institutional energies, and civil registration largely took a back seat (Camargo interview 2013; Herrera interview 2011; Hidalgo interview 2013). The controversial 1989 elections provide the political context for the reform of the CNE and the decision to put the Civil Registry under its supervision (Romero

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<sup>159</sup> Missionary activity in the Moxos region of Beni goes all the way back to the Jesuit “reductions” established in the late 17<sup>th</sup> century (García Jordán 2001, chap.1; Lema 1998; Molina A. and Soletto S. 2002, chap. 4). In other areas of Beni, missions targeting local indigenous peoples did not take root until the mid-20<sup>th</sup> century, following the efforts of evangelical organizations (Lema 1998). Some small indigenous groups, mostly in distant areas such as the Northern portions of the Pando Department, have to this day rejected missionary approaches (Petra interview 2011).

Ballivián 2009, 83-89). Born off an electoral crisis, the reformed CNE would naturally tend to emphasize electoral matters over civil registration ones, particularly in its early years.

Coming out of its most recent experience with military rule in 1982, Bolivia was still a young democracy when the 1989 elections sent shockwaves throughout the political system. The presidential candidate of the MNR, Gonzalo Sánchez, came in first, followed at a short distance by the candidates of ADN and MIR,<sup>160</sup> Gen. Hugo Bánzer and Jaime Paz. Since no candidate had secured a majority of the popular vote, according to the Bolivian Constitution, Congress was to decide who would be the next President. The support of MIR and ADN secured the presidency for Jaime Paz. His selection was controversial for several reasons. First, in terms of electoral support, he had only been third with 21.83% of the vote (CNE 2005a). Second, the political alliance between his center-left MIR party and the right-wing ADN was perceived as anti-natural. Beyond the ideological distance separating both parties, there was a long history of animosity going back to the repression of the MIR and other leftist forces by the military government of ADN's leader Hugo Banzer in the 1970s (R. A. Mayorga 1994, 39).<sup>161</sup> Third and more important, in the aftermath of the elections, the representatives of ADN and MIR in the CNE and the lower level Departmental Electoral Courts colluded to manipulate the vote count and narrow the margin of victory of the MNR and its candidate (F. Mayorga 2002, 51-52; R. A. Mayorga 1994, 39; Romero Ballivián 2009, 83-84).<sup>162</sup>

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<sup>160</sup> The MNR (*Movimiento Nacionalista Revolucionario*), the historical party of the 1952 Revolution, became in the 1980s a centrist pro-market party. ADN (*Acción Democrática Nacionalista*) was a right-leaning party led by former military dictator Hugo Banzer, who recycled himself to democratic politics. The MIR (*Movimiento de Izquierda Revolucionaria*) was a center-left party that had also come to accept market economics. These three parties were the main players in Bolivian electoral politics at the time. By the late 1980s, all three of them had converged in terms of their basic political and economic preferences, supporting representative democracy and neoliberal economics (F. Mayorga 2002, 43 and 52).

<sup>161</sup> Moreover, ADN had provided congressional support to an MNR government the previous four years.

<sup>162</sup> In the second half of the 1980s, the main political parties controlled nominations to the electoral courts. For the 1989 elections, the board of the CNE had three members associated with the MNR, three

Perceived by many in Bolivia as a dishonest power-grab perpetrated by political parties devoid of ideological commitments, the election of Jaime Paz put the legitimacy of the political system in jeopardy (R. A. Mayorga 1994, 39-50). Under intense social pressure, the main parties<sup>163</sup> eventually negotiated in 1991 and 1992 a series of agreements that defined an ambitious agenda of political reform that would unfold over the rest of the decade (F. Mayorga 2002, 50-57; R. A. Mayorga 1994, 39-50; Peñaranda and Candía 2009, 24-26; Romero Ballivián 2009, 84-89). For now, I will just focus on one of the agreed upon changes: the transformation of the CNE into a politically independent institution with the tools to organize elections in a transparent and efficient manner (Romero Ballivián 2009, 84-89). A new Electoral Law redesigned the system for electing the members of the CNE's board, and of the boards of the Departmental Electoral Courts.<sup>164</sup> The Bolivian Congress had now to select the members of these boards by a supermajority of two-thirds. Through this legal change, the political parties expressed their commitment to put the management of elections in the hands of non-partisan personalities capable of eliciting broad support across the political spectrum (Lazarte Rojas 2008, 138-139; Romero Ballivián 2009, 85-86). The new Law also mandated the CNE to build and maintain a permanent electoral roll, ending the reliance on *ad hoc* voters registers built for each particular election cycle (Peñaranda and Candía 2009, 25-27).<sup>165</sup>

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associated with ADN, and one associated with the MIR. During the vote count, ADN and MIR used their power in the Departmental Electoral Courts to nullify a significant number of voting precincts favorable to the MNR on various formal grounds. The CNE validated their actions, altering the final political balance of forces (R. A. Mayorga 1994, 45; Peñaranda y Candía 2009, 24; Romero Ballivián 2009, 84).

<sup>163</sup> Beyond MNR, ADN, and MIR, three other parties were part to these agreements: the center left *Movimiento Bolivia Libre*, and the then up-and-coming populist parties *Conciencia de Patria* and *Unidad Cívica Solidaridad* (F. Mayorga, 2002).

<sup>164</sup> Law 1286/1991.

<sup>165</sup> Additionally, Law 1286/1991 limited the power of the electoral courts to disqualify the votes of full electoral precincts on formal grounds, like had been the case in 1989, as well as in 1979 (Romero Ballivián 2009, 86).

Shortly after, Law 1367/1992 placed the Civil Registry under the authority of the CNE. The CNE would direct and supervise the work of the *Dirección Nacional de Registro Civil* at the national level, while the Departmental Electoral Courts would direct and supervise the work of the *Direcciones Departamentales de Registro Civil* at the regional level. The primary motivation for the decision to put the civil registration under the supervision of the electoral courts was to give them some control over the issuance of birth certificates, key documents that directly or indirectly granted citizens access to the electoral roll (del Toro interview 2011; Herrera interview 2011).<sup>166</sup> In the words of Antonio Camargo, it was about “avoiding the manipulation of the root source of identity documents, which is the birth certificate, on the part of sitting governments” (interview 2013). While improving civil registration may have played some role in the decision, political considerations were the main driver for the move. As Pedro Hidalgo explains: “The Civil Registry was a throw-in in this process... a throw-in that was given [to the CNE] to avoid the use of the Civil Registry for the [fraudulent] modification of electoral results” (interview 2013). Until the 1991 municipal elections, the birth certificate had been one of the documents that Bolivians could use for electoral registration. For the 1993 elections, citizens would only be allowed to join the new permanent electoral roll with their national identity cards, RUN cards, “military service booklets”, or passports.<sup>167</sup> In theory, securing any of those documents required a birth certificate, a testament to the foundational character of birth registration.

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<sup>166</sup> As the CNE was assuming authority over the Civil Registry, the possibility of giving it control over the identity card system was also part of the political agenda. However, in charge of issuing identity cards was the National Police, a powerful institution with strong corporate interests in maintaining control of the revenues the ID system generated. Challenging the Police was not something that the weak coalition government of MIR and ADN was prepared to do (Arriaga interview 2011; Camargo interview 2013). Later developments would confirm that the Police was not willing to give up control of the identity card system without a fight.

<sup>167</sup> Law 857/1986 had made the national identity card and the “military booklet” the only documents valid for electoral registration. Laws 930/1987 and 1037/1988 backtracked and included birth certificates and baptismal certificates (the latter for people born before 1940 only) as valid electoral documents for the

Transferring authority over the Civil Registry to the CNE was part of the broader political settlement that followed the 1989 elections. Having the civil registration system under the control of the executive branch was a significant source of political tensions and mistrust. Responding to accusations that his party had colluded with ADN to steal the 1989 elections, for example, MIR Congressman Gastón Encinas countered that it was the governing MNR that had engaged in fraud by “printing 300,000 fake birth certificates” ahead of the elections to inflate the electoral roll (in *Opinión y Análisis* 1990, 49).<sup>168</sup> For the CNE, control of the civil registration system also meant financial autonomy and better insulation from the possibility of politically motivated budgetary pressures. The revenues of the Civil Registry became the main source of financing for the CNE, bringing in the overwhelming majority of the funds on which the institution relied to fulfill its electoral and non-electoral functions (Romero Ballivián 2009, 89).<sup>169</sup> The ability to largely self-fund certainly contributed to strengthen the political independence of the CNE. Nevertheless, when it came to making civil registration services more affordable for the citizenry, it created perverse institutional incentives: the CNE was reluctant to take steps that would cut into its revenue stream (León interview 2011a).

For the CNE, compared to its electoral functions, civil registration remained secondary for the better part of the 1990s (Herrera interview 2011; Hidalgo interview 2013; Pérez interview

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1987 municipal elections and the 1989 general elections. Law 1286/1991 envisioned national identity cards and RUN cards (once the RUN program got underway) as the only valid documents for joining the new permanent electoral roll, but exceptionally allowed registration for the 1991 municipal elections with birth certificates and baptismal certificates. Passed before the 1993 elections cycle, Law 1453/1993 settled on a list of possible electoral documents that included the national identity card, the RUN card, the “military booklet”, and the passport. The permanent electoral roll started in 1991 would operate until 2009 on the basis of these four identity documents. With periodical updates, it was used in 16 different elections and referendums (Peñaranda and Candía 2009, 27).

<sup>168</sup> Franz Ordanza, from ADN, made similar allegations, although in terms that were slightly vaguer (in *Opinión y Análisis* 1990, 54).

<sup>169</sup> According to Romero Ballivián, in 2007, 90% of the budget of the CNE came from the resources generated by the Civil Registry (2009, 89). I do not have precise numbers for the 1990s, but all indications point towards civil registration revenues making up for a somewhat lower but still very high proportion of CNE’s total resources.

2013). Born as a result of an electoral crisis, the new CNE concentrated first and foremost on regaining public trust in the electoral process. To this end, it focused its attention on the development of the legal and organizational infrastructure necessary to make sure that elections were conducted in a reasonably efficient and transparent manner (Lazarte Rojas 2008, 139-143). Promoting the registration of births and simplifying procedures to acquire a working birth certificate were only peripheral to this task. In fact, improving electoral transparency and giving the population easy access to birth certificates remained in many ways contradictory goals, at least in the short term. There was a certain trade-off between offering simple procedures for the birth registration of adults or the correction of birth records, and minimizing opportunities for the manipulation of the Civil Registry. Since birth certificates were part of the documentary chain that allowed citizens to vote, increasing the flexibility of the civil registration system could potentially undermine the integrity of the electoral roll. Maintaining an electoral roll that could inspire confidence was a critical priority for the CNE (Peñaranda and Candía 2009: 26-27).

Although the reformed CNE took in its early years some important steps to modernize the Civil Registry, the measures prioritized reliability over accessibility. Under the supervision of the CNE, the *Dirección Nacional de Registro Civil* “collected the civil registration books that were spread around the country, purged many civil registration officials, reducing their numbers and increasing control over them, and began to clean up civil registration records” (Pérez interview 2013). These were all necessary actions, but in terms of making sure citizens had easy access to a working birth certificate, they had little effect. In some respects, the CNE actually transferred the burden of fixing a broken civil registration system onto the citizenry. Birth records that did not comply with established standards because of incomplete information, erasures, overwritten fields and the like were put on hold, and the affected citizens were made responsible for

correcting them. Yet, the modification of existing records continued to be a complex and expensive process that generally required a court order. Moreover, in some cases, disaffected civil registration officials refused to turn in their registration books, hiding or burning them (Pérez interview 2013). As a result, unsuspecting citizens could find out many years later that there was no record of their birth, and that they had to register again if they wanted a birth certificate copy issued.

The civil registration system became more reliable, but in certain ways less porous and accessible. Before 1994, citizens could have a birth certificate copy issued upon payment without having the personal information they provided necessarily checked against the respective birth record. After 1994, cross-referencing requests for birth certificate copies with the respective birth records became the norm. New copies had to reflect the information on file, and if the record in question was incomplete or in any other way substandard, the request for a birth certificate copy could be denied until the record was amended (Paravicini 1997). Informal avenues to work around registration errors became less common (and more expensive), leaving many Bolivians trapped in birth records with incomplete or erroneous personal information. At the same time, we should not overestimate the soundness of the civil registration system after the reforms of the mid-1990s. Supervision of the work of civil registration officials continued to be deficient, and corruption and registration errors remained a problem (Foley et al. 2007; García interview 2011; Páramo interview 2011; Revuelta 2009; Hinojoza Zambrana, 2009c; Velarde interview 2013; among others). A civil registration system full of hurdles hurt those who lacked the social, cultural, and economic resources to navigate it the most. In a country like Bolivia, where economic disparities, rural neglect, and entrenched ethnic and gender hierarchies intersected and reinforced each other, those resources were distributed in a quite unequal fashion.

In 1996, the Bolivian government issued *Decreto Supremo* 24247/1996, which put in place a new regulatory framework for the Civil Registry. Drafted by the CNE, it was the most comprehensive attempt at updating civil registration regulations since 1943.<sup>170</sup> However, the Decree was rather cautious, and did not address most of the problems that made access to quality identity documents difficult for many Bolivians. While it declared that civil registration services had to be offered free of charge (art. 2), it turned this concession into fiction by perpetuating the fees associated with issuing birth, marriage, and death certificates, and earmarking the revenue for the CNE (art. 83). Also, despite opening an avenue for the correction of birth registration errors without having to go through the court system (art. 63), it kept it so narrow that it became largely ineffective (Roca Serrano 2006, 136-142).<sup>171</sup> The process for administrative corrections was still quite cumbersome, and was only made available for one specific type of registration error: cases in which there was an “obvious [erroneous] alteration of the letters in first names and last names” (art. 63). Decree 24247/1996 did not change the labor situation of registrars either, who were not put on the state’s payroll and continued to derive their income from user fees. More positively, it did raise the window for the timely registration of births to one year in the cities and two years in rural areas (art. 37). Late registration required a court order (art. 37).<sup>172</sup>

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<sup>170</sup> *Decreto Supremo* 22773/1991 was also quite comprehensive in its actualization of civil registration procedures. In many ways, it was more ambitious, flexible, and citizen friendly than 24247/1996. However, it had very little application, as it was repealed by Law 1367/1992 after only one year.

<sup>171</sup> Even before Decree 24247/1996, CNE Resolution 035/1995 had already opened the road for the administrative corrections of registration errors, but in an equally restrictive and ineffective manner (Roca Serrano 2006, 136-142).

<sup>172</sup> In the context of the RUN Project, which I discuss in the next section, different pieces of legislation created simplified mechanisms for late birth registration, facilitating the registration of unregistered adults (*Decretos Supremos* 22773/1991 and 23761/1994, and Law 1660/1995). *Decreto Supremo* 23761/1994 was especially ambitious in that it also authorized civil registrars who were not working with the RUN to apply the simplified late registration procedures. The Decree allowed late registration outside of the court system, with the only requirement that two card-bearing witnesses attested to the identity of the person in question. The opening was short-lived, and *Decreto Supremo* 24247/1996 made securing a court order necessary for late registration again. *Decreto Supremo* 25230/1998 reestablished a simplified administrative procedure for late registration, but only for people born before 1943.

Even in its more positive aspects, *Decreto Supremo* 24247/1996 failed to reduce barriers to birth registration in any significant way. For example, while it raised the window for the timely registration of births to one year in the cities and two years in rural areas, it did not take into account that parents commonly waited until their children were to start primary school before registering them, particularly in the countryside (Martínez interview 2013; Roca Serrano 2006, 120-121). As a result, the two year window was not enough and had a limited impact.<sup>173</sup> Similarly, in order to promote greater professionalization, the Decree made holding a law degree necessary to become a civil registration official (art. 24). With labor conditions for registrars unchanged, the requirement proved untenable. The position could attract university educated professionals to urban areas with a large flow of registration work, but not to the less palatable rural posts where customers were scarce (Rada Laguna 1999). Within a short few years, the CNE dropped the requirement for rural areas, and substituted it for that of a high school diploma.<sup>174</sup> By 2007, a high school education was not mandatory anymore for rural registrars, only recommended.<sup>175</sup> In the mid-2000s, it was still common to find in the countryside civil registration officials who had not completed their secondary education. Some had not even finished primary school (Foley et al. 2007, 20-21).

*Decreto Supremo* 24247/1996 made birth registration more rigid in one very important way: article 89 declared that in order to conduct any type of Civil Registry business, citizens had

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<sup>173</sup> *Decreto Supremo* 25230/1998 temporarily expanded the window for the timely registration of births to seven years. The measure was repeatedly extended until Law 2616/2003 settled on a window of 12 years.

<sup>174</sup> In the early 2000s, the CNE regulated the position of civil registrar in more detail. I do not have precise information about when these extended regulations came out, but all indications are that they did sometime between 1999 and 2004. It is in these regulations that the education requirements for civil registrars were reduced. A law degree remained necessary to assume the position in departmental capitals. A high school diploma was enough anywhere else.

<sup>175</sup> In 2007 the CNE reduced the education standards for rural areas even further, making a high school diploma recommended but not required (*Resolución* 38/2007 of the *Corte Nacional Electoral*). In 2011 having a high school education became again mandatory for rural registrars (*Resolución* 35/2011 of the *Tribunal Supremo Electoral*).

to show proof of identity.<sup>176</sup> The requirement practically banned undocumented parents from registering the birth of their children, which all but guaranteed that undocumented status would be passed from one generation to the next (Leon et al. 2003, 18). This requirement would remain in place until 2003, when Law 2016/2003 eliminated it and incorporated the possibility that two witnesses attest to the identity of a newborn's parents during the process of birth registration.

*b) Identity cards and the national identity system*

By 1992 mandatory identity card laws had been in place in Bolivia for 65 years in the case of men, and 37 in the case of women. Yet, more than one third of Bolivian adults lacked an identity card. In rural areas, only half of the adult population had an ID. While the geographical coverage of the civil registration system might have been far from perfect, that of the personal identification services of the National Police was significantly more limited. Compared to the thousands of civil registrars that existed throughout the country, the Police only had personal identification offices in the nine departmental capitals and a handful of other key population centers (e.g. El Alto, Camargo, Riberalta). The importance of the geographical distribution of service points cannot be overstated. In terms of identity documents, like in most other areas of activity, the Bolivian state operated until the early 1990s under a reactive logic of “wait and see”. State agents rarely took to the field to actively look for citizens to register and document. Instead, they waited in their offices for citizens to come, request service, and pay for it (Leon interview 2011b; Hidalgo interview 2013).

In order to secure an identity card, therefore, it was up to the individual citizen to muster the resources necessary to commute to the nearest identification office. Bolivia had a deficient

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<sup>176</sup> Previous legislation (e.g. Decrees 22773/1991 and 18721/1981) did not include a similar requirement. *Decreto Supremo* of 29 December 1939 directed registrars to note the ID numbers of the witnesses to the registration of a birth in the birth record, but did not demand that the parents of the newborn produce proof of identity. In any case, the application of civil registration regulations before 1992 was rather lax.

transportation infrastructure, and for rural dwellers residing in distant areas, applying for an identity card required time and the money to cover travel, food and lodging expenses. Once at a personal identification office, more money was required to pay the official ID fees. Additional surcharges were frequently leveled by predatory police officers (testimonials in CPC Santa Cruz 2006, 22-23; Choque interview 2011; del Toro interview 2011; PNUD Bolivia 2007, 419; among others). All things considered, obtaining an identity card could represent a significant investment for a poor peasant family. Moreover, it was an investment with an expiration date, as identity cards had to be renewed every six years to be considered fully valid.<sup>177</sup>

Discrimination was also a common occurrence. In the personal identification offices of the Police, like in the Civil Registry and other public agencies, the social hierarchies present in Bolivian society influenced the type of treatment different citizens received from the agents of the state. Gender, wealth, education, ethnicity, and their external signs of language, look and dress, all affected the degree of respect and collaboration citizens could expect to get (Choque interview 2011; PNUD Bolivia 2007, 389 and 405-415).<sup>178</sup> Precisely the kinds of citizens that generally commanded fewer of the social, economic and cultural resources that facilitated navigating the hurdles of the personal identification bureaucracy, were the ones least likely to secure the leniency and help of the police officers that run it.

In theory, like it is the case today, securing an identity card required a birth certificate.<sup>179</sup> Since the civil registration system and the identity card system were not interconnected, it was

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<sup>177</sup> *Decreto Ley* 0033/1945 made identity cards valid for five years. *Decreto Supremo* 4280/1955 made them valid for six years and that continues to be the case today.

<sup>178</sup> The examples these two sources provide come from the 2000s. Bolivia underwent important (if incomplete) processes of indigenous affirmation and women's rights promotion in the 1990s and 2000s. In this regard, open discrimination on ethnic and gender grounds was in all likelihood even more common in the 1980s and 1970s.

<sup>179</sup> *Decreto Supremo* 4280/1955 offered the option of applying for an identity card with a baptismal certificate (art. 4). At the same time, it directed citizens who lacked a birth certificate to comply with

the citizens' responsibility to produce a birth certificate when applying for an ID. Still, a variety of sources report cases of people who had managed to secure an ID without registering with the Civil Registry (CPC 2002, 29; Leon 2005b, 26-27; Revuelta 2009, 23; Suárez and Arispe 2006, 142). This is a testament to the vulnerability of an identification system in which connections and bribes allowed citizens to circumvent the rules (del Toro interview 2011; Herrera interview 2011). It also signifies the existence of mechanisms of informal flexibility to work around the rigidities of documentation schemes that excluded many. These mechanisms, however, were not available to everyone, as accessing them required at a minimum the money to pay a bribe. In 2002, after surveying thousands of people in poor rural and urban areas of Bolivia, a group of civil society organizations found that holding an ID while lacking a birth certificate was more common in suburban neighborhoods. Poor suburban neighborhoods, they explained, had large proportions of first generation rural migrants who had never registered with the Civil Registry in their places of origin.<sup>180</sup> Confronted with a more pressing need for documents after moving to a city, some would look for alternative ways to secure an ID (CPC 2002, 29).<sup>181</sup> Since rural-urban migrants were normally more integrated in the cash economy than their rural counterparts, I would add, they generally had better opportunities to raise the money to bribe a police officer. Yet, getting an identity card without a birth certificate was not exempt from long-term problems. Without a birth certificate on file, renewing an expired ID could be difficult (CPC 2002, 27).

Personal identification offices operated largely independently of each other, and did not share a common database. In order to renew an expired ID, citizens had to travel to the office

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*Decreto Supremo* of 5 April 1945 and secure one (art. 5). The Social Security Code of 14 December 1956 defined a one year window to do so. This would seem to preclude the possibility of applying for an identity card without a birth certificate after 1957. *Decreto Supremo* 22766/1991 confirmed the need for a birth certificate in order to apply for an ID.

<sup>180</sup> Alternatively, they might have registered, but lacked a copy of their birth certificates, and could not go back to their home regions to secure new birth certificate copies from civil registration authorities there.

<sup>181</sup> Even though the data was from the early 2000s, the conclusions probably apply also to earlier decades.

where they had first acquired their identity card (Leon 2005a; Urzáiz interview 2011).<sup>182</sup> This was a serious headache for migrants with limited resources. To the point that some would live on with expired documents, or if they could afford it, illegally secure a new identity card from a personal identification office closer to their place of residence (Urzáiz interview 2011). The system was therefore quite vulnerable, and the same person could obtain several ID cards (Arriaga interview 2011; Rojo interview 2013). A more common problem, however, was that of different identification offices assigning the same ID number to different individuals, and violating the principle of unique identification numbers<sup>183</sup> (Herrera interview 2011; Leon 2005a). In this sense, Bolivia entered the 1990s with an identity card system that was both exclusionary and unreliable. Not unlike the civil registration system the country boasted around the same time. Following the controversial 1989 elections, the identity card system would also be the target of (ultimately unsuccessful) reform, giving origin to the Registro Único Nacional (RUN) Project.

Before the long transition to democracy of the late 1970s and early 1980s, elections in Bolivia had been important political events, but not necessarily fair and competitive contests. After the 1952 Revolution, the MNR instituted universal suffrage. The move signaled a commitment to include women and indigenous peasants as citizens in the post-revolutionary regime.<sup>184</sup> On the other hand, it should not be read as a pledge to uphold political pluralism and electoral democracy. The elections of the 1950s and 1960s were not clean affairs. Opposition

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<sup>182</sup>In the 2000s, it was possible for citizens renewing an ID to pay for fax or radio communication between personal identification offices. In that way, police officers at one end could remotely contact the office where the expiring ID had been originally issued and make the necessary checks (Hinojosa Zambrana 2009a, 81; Orias Arredondo 2009, 14; Rojo interview 2013). I am not sure when this possibility first became available, and whether it was already an option in the 1980s and 1990s.

<sup>183</sup> Carlos Herrera, a top SEGIP official, estimates that there were about half a million duplicated ID numbers when his institution took over the identity card system in 2011 (interview 2011). I will discuss this in more detail later on.

<sup>184</sup> As I have previously discussed, although the enfranchisement of women and indigenous peoples represented an important step forward towards a more inclusive citizenship regime, serious gender and ethnic inequalities remained.

parties operated under severe restrictions, and the MNR had no qualms to resort to fraudulent tactics to guarantee its victory. Despite its high levels of popularity, the MNR was unwilling to leave electoral outcomes to chance (Romero Ballivián 2009, 79-80). Under such conditions, facilitating broad electoral participation was more important than guaranteeing a tidy electoral roll, and voter registration requirements remained lax. Identity documents were not a must, and undocumented citizens could join the electoral roll with the support of two witnesses.

After the 1964 coup, Bolivia would only hold elections in 1966 and 1978. It is with the 1978 elections that questions of electoral transparency began to take on a new significance. The massive fraud orchestrated by the incumbent military administration of Gen. Banzer resulted in popular protests, the fall of the government, and new elections in 1979 (Romero Ballivián 2009, 82). In the run up to the 1979 elections, we see the first attempt to tighten up documentary requirements for electoral registration. *Decreto Ley* 16095/1979 eliminated the possibility of registering with the support of two witnesses, making some form of documentation necessary. Still, the list of acceptable documents was long. It included identity cards, military booklets, birth certificates, family booklets, and baptismal certificates.<sup>185</sup> In terms of electoral transparency, the 1979 elections were a mixed bag. Although the voting process was relatively clean, a significant number of left-leaning voting districts were annulled on minor formal grounds, turning a comfortable victory for the leftist UDP coalition into a tie with the MNR (Romero Ballivián 2009, 82).<sup>186</sup> New elections in 1980 gave the UDP a more decisive electoral victory. Yet, before its leader could assume office, a military coup delayed Bolivia's transition to democracy for a further two years. Finally, in 1982, Hernán Siles, the UDP's candidate, became President.

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<sup>185</sup> *Decreto Ley* 16527/1979 would add the passport to the list of acceptable documents.

<sup>186</sup> The agreement to break the political deadlock called for a caretaker government and new elections within a year. It would be a long year that included a military coup, renewed protests, and a return to civilian rule, but 1980 ushered in new elections as planned (Klein 1992, chap. 9).

Given the antecedents of the 1978 and 1979 elections, it is not surprising that questions of electoral fairness and transparency remained an important political issue after 1982. Law 857/1986 instituted stricter documentary requirements for joining the electoral roll, reducing the list of acceptable documents to two: the national identity card and the military booklet. Recognizing undocumentation as a problem, this law also mandated the CNE to initiate a “nationwide free campaign to provide identity cards to all Bolivians residing in the country” (*Disposición Transitoria 3*).<sup>187</sup> The documentation campaign never took place (Encinas, in *Opinión y Análisis* 1990, 23), and new legislation basically left without effect the provisions of Law 857/1986 regarding electoral registration documents.<sup>188</sup> For the 1989 national elections, citizens were able to join the electoral roll with identity cards, military booklets, and birth certificates. People born before 1940 were also allowed to use their baptismal certificates (Law 1037/1988). Compared to the previous elections in 1985, the reduction in the type of acceptable electoral documents was rather modest, as only family booklets and baptismal certificates for people born after 1940 were cut from the list. Still, the percentage of the electorally eligible population that registered to vote dropped significantly, from 80% to 70% (Peñaranda and Candia 2009, 31).

Even before the contentious 1989 elections, therefore, political elites already recognized the inescapable connection that existed between making the process of electoral registration stricter and improving access to identity documents. With the lack of identity cards affecting about a third of the adult population (INE 1993, 2.6), it was not politically viable to tighten voter registration requirements without simultaneously trying to address the issue of undocumentation. For a fledgling democracy like Bolivia, it would have been difficult to exclude such a large

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<sup>187</sup> Since the CNE did not issue identity cards, the campaign would have needed the support of other state institutions, mainly the National Police.

<sup>188</sup> Laws 930/1987 and 1037/1988.

proportion of the population from voting just on documentary grounds. Moreover, as it was commonly assumed<sup>189</sup> and the 1992 Census confirmed,<sup>190</sup> the lack of documents was not evenly distributed across the population. It primarily affected rural residents,<sup>191</sup> who were mostly of indigenous extraction (INE 1993, 2.6). Peasant unions had played a critical role in the fight against military rule, and become a key player in the labor movement (Lucero 2008, 85-88; Yashar 2005, 171-187). Excluding half the rural population from the electoral process for lacking an ID card would have been not only undemocratic, but also politically explosive.<sup>192</sup>

It is in this context marked by electoral concerns that the administration of Jaime Paz, fresh out of the 1989 elections, launched the RUN Project in September of 1990 (Soliz interview 2013).<sup>193</sup> According to Guillermo Capobianco, Minister of the Interior at the time, Spain made an open-ended offer for a new aid package, and the Bolivian government requested to use it to start a large-scale documentation program (interview 2013). In this way, the RUN initiated its activities with a USD 4 million grant from Spain, and the intention of becoming the kernel of a “new National Registration and Identification System” (art. 1, *Decreto Supremo* 22601/1990; my translation). The RUN never grew beyond a specialized documentation program that provided a separate type of ID card to undocumented rural populations. Nevertheless, a look at the initial legislation for the Project unveils the more ambitious goal of building an integrated, civilian-run identification system that bridged Civil Registry and national identity card structures.<sup>194</sup>

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<sup>189</sup> For instance, Encinas (in *Opinión y Análisis* 1990, 23), Informe R (1992, 3), and Capobianco (interview 2013).

<sup>190</sup> It is no coincidence that the 1992 Census included for the first time a question about identity cards (but not one about civil registration), something that would not happen again until the 2012 Census.

<sup>191</sup> It also affected women much more than men (INE 1993, 2.6)

<sup>192</sup> According to the 1992 Census, only 50.67% of the rural adult population had an ID (INE 1993, 2.6)

<sup>193</sup> *Decreto Supremo* 22601/1990.

<sup>194</sup> See *Decretos Supremos* 22601/1990, 22766/1991, and 22773/1991. The last two regulate the identity card system and the civil registration system in connection to the RUN Project.

At first, the RUN was met with skepticism by opposition parties, who feared that having a documentation program like that under the authority of the Ministry of the Interior would open too many opportunities for fraudulent electoral practices (Camargo interview 2013; Informe R 1992). In February of 1991, however, all major parties negotiated a landmark political accord that, among other things, provided a roadmap for the depoliticization of the system of electoral administration (F. Mayorga 2002, 50-57; R. A. Mayorga 1994, 39-50; Romero Ballivián 2009, 84-89). As part of the agreement, and in order to assuage concerns about the possible manipulation of the RUN for partisan advantage, opposition parties obtained seats on the Board of the RUN.<sup>195</sup> But it was not only the parties on the other side of the aisle that mistrusted the program. The National Police feared that the RUN might one day lead to the elimination of all Police responsibilities with regard to the issuance of identity cards (Camargo interview 2013). This was not an issue to be taken lightly by the Police. The institution and its members derived significant legal (resources for the Police pension fund) and illegal (bribes) revenues from the identity card system, and were not willing to give that up without a fight (Camargo interview 2013; del Toro interview 2011; Rojo interviews 2011 and 2012).

In the absence of enough political appetite to confront such a strong corporate institution, the National Police did not see its control of the identity card system challenged for most of the 1990s (Camargo interview 2013). To the extent that the RUN ran a parallel identification system, it did so with the collaboration of the Police. The RUN only developed planning, coordination, and back-office structures, never building an operational branch of its own, and relying on Police and Civil Registry personnel for most of the fieldwork. In fact, the RUN and the National Police

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<sup>195</sup> See *Decreto Supremo* 22786/1991. Despite the changes in the composition of its Board, concerns about the partisan use of the RUN never fully disappeared. They would resurface again during the MNR administration of Gonzalo Sánchez, now with the roles of government and opposition reversed (Camargo interview 2013; Miranda M. 1999d).

reached a *modus vivendi* that was quite comfortable for both parties, as police officers benefitted from the *per diems* they received when participating in RUN activities (Soliz interview 2013). While the Police never trusted the RUN completely, mutual accommodation predominated until the 1998-2001 period, when the government of Hugo Banzer tried to unify the RUN and the identification services of the Police under the umbrella of a new civilian institution. The Police reacted strongly and eventually managed to stop the move. I will leave a more detailed account of the episode to the next chapter.

The RUN began field operations in 1992, with the initial target of documenting 1.5 million people in three years. Bolivia had a population of 6.5 million at the time, of which 3 million the RUN authorities estimated to be undocumented (RUN sources cited in Informe R 1992).<sup>196</sup> During the government of Victor Paz, the program went through a first round of operations that lasted until 1993. After largely coming to a stop due to the 1993 elections and the change of government, the RUN had a second phase of high activity between 1995 and 1997, during the Gonzalo Sánchez administration. In 1997, the RUN issued its last batch of cards (Miranda M 1999b).

With its flexible approach to documentation, the RUN Project managed to reach hundreds of thousands of Bolivians, mostly in rural areas.<sup>197</sup> The process it followed was simple. Coordinating with local authorities, RUN teams, which included civil registration officials and members of the identification services of the Police, would enter target areas and use simplified, expedient procedures to document people over the age of 16. Target areas were usually visited

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<sup>196</sup> These are estimates that preceded the 1992 Census, and it is not clear what age groups RUN authorities considered. In the 1992 Census, 3.44 million Bolivians declared they lacked an identity card (there is no data for about another 0.65 million Bolivians), but 2.2 million of them were less than 15 years of age. According to *Decreto Supremo 22766/1991*, identity cards were mandatory for people 16 and older.

<sup>197</sup> According to Juan Manual Miranda M., the RUN registered 1.6 million people, of which 1.45 million ended up receiving a RUN card (1999b). I have not been able to confirm these numbers, but seem to fit well with the initial target of documenting 1.5 million Bolivians (RUN sources cited in Informe R, 1992).

twice. The first time to collect the personal information of local residents who needed an ID card, and the second time to hand out their RUN cards to the newly documented men and women. The state was taking to the field to document its citizens, rather than waiting for them to come to its offices. RUN teams offered birth registration services, so that unregistered people could also apply for RUN cards. Adult birth registration with the RUN did not require a court order, like was normally the case at the time, and it was enough if two local witnesses verified the identity of the person in question (Informe R 1992; Soliz interview 2013).<sup>198</sup>

In many ways, the RUN was a very advanced personal identification system for Bolivia at the time. With its biometric identifiers and computerized database, it was based on a more modern conception of personal identity management than either the Civil Registry or the ID card system of the Police. At the same time, in its deficient linkages to these other two documentation schemes, the RUN fell short of its goal of providing a dependable system for the certification of individual identity. The RUN flexible procedures inadvertently facilitated the re-registration with the Civil Registry of thousands of people whose births had already been registered (Quispe interview 2013; Hidalgo interview 2013; Urzáiz interview 2011). Similarly, it was not uncommon to find citizens that had secured identity cards from both the RUN and the Police; either because someone who already had a national ID obtained a second card from the RUN, or because someone who had secured a RUN card later on got a national ID from the Police (Choque interview 2011; Páramo interview 2011; Soliz interview 2013). In most cases, this was not the result of ill-intent, but the result of misinformation, insecurity about the long-term validity of the different cards, and particularly, the lack of interconnection between these parallel documentation systems that operated largely independently of each other. Ultimately, like the

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<sup>198</sup> My description of the *modus operandi* of the RUN is also based on *decretos supremos* 22766/1991 and 22773/1991, and Law 1660/1995.

next chapter will discuss in more detail, the RUN would end up bringing rural citizens as many documentation problems as it solved, mostly due to its disconnect with the Civil Registry and the identity card system of the Police:

“I had to go to court because of the RUN. I did not have my birth certificate. I did not know my birth record number either, and in the community where I had registered, there was not a civil registration office anymore. They took it [the local civil registration office archive] and centralized it in La Paz, and I did not know where my birth record was or what the number was. Then, the RUN came. For me, it was easy, I had my ‘military service booklet’, I had my identity card. Two witnesses and done, your birth has been registered. Later on, when I tried to get a duplicate of my birth certificate, they told me: ‘you have double registration’. What do I have to do? Go to Court. I had to follow the judicial process to have one birth record voided and keep the other one” (Quispe interview 2011).

Bolivian political elites entered the 1990s with the pressing need to increase the credibility of elections. But to do so, electoral reforms had to navigate important short-term contradictions with regards to the role of identity documents in the voting process. Reducing opportunities for voter registration fraud required strict controls in the issuance of identity documents. Broad electoral participation required flexible documentation policies with easy access to birth certificates and identity cards. After supervision of the Civil Registry was transferred to the CNE in 1992, civil registration authorities proceeded to reign in the chaos they inherited, taking measures to make the civil registration system more rigorous. The way they went about it was often unfair to citizens, who had to bear a disproportionate share of the burden associated with the clean-up of civil registration records, irrespective of their capacity to do so. The RUN, on the other hand, emphasized flexibility, opening an easy route that allowed large numbers of undocumented people to register their births and obtain an identity card. In the process, however, the RUN added to the confusion that characterized the documentation of individual identity in Bolivia. The anxiety of CNE’s board member Jorge Lazarte about the simplified procedures the RUN used for adult birth registration conveys the tension between the

two approaches: “the same person may be able to register again somewhere else”, he complained in 1992 (cited in Informe R 1992, 4).

Decades after having introduced mandatory birth registration and identity cards, Bolivia continued to boast civil registration and national ID systems that were limited in their reach and deficient in their capacity to certify individual identity. The country was hardly a model for the supposed legibility ambitions of the modern state. Rather than resistance from recalcitrant populations, it was the state’s own neglect of its documentation capabilities that kept universal documentation as little more than a legal fiction. That and the staying power of an exclusionary past that maintained the indigenous populations of the country, and particularly women, at the bottom of the social hierarchy and away from the rights and services to which identity documents granted access. Not even the documentation deficiencies of the Bolivian state were neutral. The social, cultural and economic resources that contributed to a successful interaction with the bureaucracies of the state were precisely the ones that poor, rural, uneducated, indigenous-language speakers had a hard time mustering. In the early 1990s, things began to change. An electoral crisis launched a gradual and contradictory process of expansion in the use of identity documents. As the next two chapters will show, over the twenty years that followed, profound changes in the citizenship regime of the country further cemented the demand for identity documents. Supply, while lagging behind, would eventually catch up, if slowly and incompletely.

## **CHAPTER 5: RETHINKING STATE AND CITIZENS IN BOLIVIA WITHIN THE CONFINES OF NEOLIBERALISM**

"I discovered my birth was not in the database. I had my birth certificate... but there was no record of my birth in the system. Either the registration book in which I was registered had never been handed out [to the authorities], or the registration official had never actually wrote me down in the book, or that particular book had not been transcribed to the database during the digitalization process. I had to register my birth anew... my parents had to present their marriage certificate as proof. It turned out that although they had a physical marriage certificate, that marriage had never been transcribed to the civil registration database either. At the end, my parents had to acknowledge me as an out of wedlock child... This happened to a lawyer with 20 years of experience and I had hard time fixing it! What's going to happen to a normal person that has difficulties navigating the bureaucratic mess?!" (Hernández interview 2011).

In 1990, despite a documentation mandate that went back decades, Bolivia had millions of citizens that did not know or care about their obligation to hold identity documents. Ten years later, the demand for documents had exploded. Yet, to a great extent, it was an unsatisfied demand. Undocumentation and particularly underdocumentation remained common. Why did the demand for documents finally explode after remaining dormant for decades? Why did such demand go to an important degree unmet? Why were indigenous people less often able to satisfy their demand for documents? The present chapter will turn to these questions.

The economic policies of Bolivia in the 1990s largely represented a continuation of the pro-market orientation initiated in the 1980s. In terms of how the state defined its citizens and interacted with them, however, there were important changes. The place of indigenous peoples and women within the nation evolved, and the country introduced mechanisms for the recognition of indigenous and women's rights. Decentralization also transformed the political-administrative structure of the state, bringing it closer to the citizenry. The impact on state-society relations in rural areas was significant, as local governments turned a previously distant state into a more consequential presence. As a result of these changes, access to the state became more relevant to the lives of indigenous men and women, and the demand for identity documents

grew. The country had been experiencing social changes that contributed to increase the demand for documents (urbanization, education, better infrastructures, evolving gender roles), even if at a modest pace. The political and institutional reforms of the 1990s radically transformed interest in identity documents, making demand explode. It was among the indigenous populations of the Bolivian countryside that the change was more noticeable. A better mix of document-dependent rights and services managed to achieve what long-standing legal obligations had not. The “dangerous” indigenous populations of Bolivia did not fight documentation. Instead, they embraced it and put pressure on the state to satisfy the demand for documents.

It was state actors that kept the demand for identity documents underserved. The Police and the Civil Registry continued to operate in a way that put full documentation beyond the reach of many Bolivians. Meanwhile the RUN, after a flurry of activity, was replaced with the RIN, a program that never really took off the ground. Instead of pushing for the documentation and legibility of its population, the Bolivian state maintained barriers that made securing identity documents a complicated obstacle course. Those with the least cultural, social, and economic resources to overcome these barriers were precisely the “dangerous” indigenous populations the literature would expect the Bolivian state to want to monitor the most. Without the political will to deeply transform them, the documentation systems of the country continued to operate under an inefficient and less than inclusive logic inherited from the past. Incremental change did occur, but to a great extent, it was the result of pressure from civil society, international actors, and private citizens. Most of the time, state actors would follow, rather than lead the charge.

### **1. The growing demand for identity documents**

Bolivia entered the 1990s with a political crisis triggered by the 1989 elections. The young democracy had been functioning within the framework of a 1967 constitution approved by a

semi-democratic government. Yet, despite a widespread sense that institutional changes were necessary, the economic crisis of the 1980s put reform efforts on hold (Van Cott 2000, 130-139). After the 1989 elections, the need for reforms could no longer be contained, and the major parties negotiated two agreements in 1991 and 1992 that set the stage for a decade of institutional changes (F. Mayorga 2002, 49-58; R. A. Mayorga 1994; Van Cott 2000, 138-148). Although the precise nature of many of the reforms would be defined later, the agreements delineated some of the key matters to tackle: constitutional reform, decentralization, electoral reform, judicial reform, and education reform (F. Mayorga 2002, 53-54; R. A. Mayorga 1994, 40). These reforms also offered an opening to embed indigenous rights and gender equality issues in the agenda of change. One of the byproducts of the reforms of the 1990s was the big impulse the changes provided to the demand for documents.

a) *Voter registration*

I discussed in Chapet 4 the electoral reforms of the early 1990s and the impetus they provided for the transformation of the civil registration system and the launching of the RUN. By raising the documentation bar for voting, these reforms also contributed to increase interest in identity cards. A modest tightening of identification requirements for voter registration ahead of the 1989 elections had resulted in a 10-point drop in the share of eligible citizens that registered to vote (Peñaranda and Candia 2009, 31). The more restrictive electoral legislation of the early 1990s had the potential to make a greater impact. In 1991, birth certificates stopped being valid electoral documents. Exceptionally, for the municipal elections that year, citizens born before 1940 were allowed to join the electoral roll with birth or baptismal certificates. For everyone else, identity cards, “military service booklets”, and marriage certificates were the only

acceptable documents.<sup>199</sup> Compared to previous municipal elections in 1987 and 1989, the share of the rural population that registered to vote in 1991 fell to almost half (Ticona, Rojas, and Albó 1995, 175). It is not surprising, if we consider that 50% of rural adults lacked an ID according to the 1992 Census. The figure was close to 60% for rural women (INE 1993, 2.6), and the option of joining the electoral roll with a “military service booklet” was for them no option at all.

For the 1993 elections, ID cards, passports, and “military service booklets” became the only valid voting documents,<sup>200</sup> and special provisions for people born before 1940 were eliminated. Despite the more restrictive identification requirements, electoral registration strongly rebounded for both the national elections of June 1993 (Peñaranda and Candia 2009, 31) and the municipal elections of later that year (Ticona, Rojas, and Albó 1995, 175). There are two factors that we should take into account in this regard. First, since 1992, thousands of rural residents had gained access to an identity card thanks to the RUN.<sup>201</sup> Second, the 1993 elections happened at a critical moment for the indigenous movement of Bolivia. For lowland indigenous groups, these were the first national elections to take place after the “March for Territory and Dignity”, which propelled them to the center of the political stage. For the Aymara population of the highlands, one of their own was running as Vice-presidential candidate in the ticket of a major party (Albó 1992; Postero 2007, 48-52; Ticona, Rojas, and Albó 1995, 71-75 and 172; Van Cott 2000, 129-130 and 146-148; Yashar 2005, 203-218).

By 1993, therefore, identification requirements for electoral registration had become more stringent. In a context of politicization of the indigenous population in urban and rural areas alike, elections contributed to increase knowledge about identity documents and interest in

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<sup>199</sup> See Law 1246/1991.

<sup>200</sup> See Law 1453/1991.

<sup>201</sup> On the other hand, the RUN did not reach all the departments of the country in this first stretch of work. For example, it did not undertake operations in the key Department of Santa Cruz until 1995 (Soliz interview 2013).

acquiring them. Electoral registration was the first in a series of mutually reinforcing pull factors that, coming as a result of the institutional reforms of the 1990s, would boost the demand for documents. Even if not necessarily the most important of these factors, it initiated a process that would make identity documents relevant for sectors of Bolivian society for which they had had little relevance before. Ahead of the 1993 elections, the first documentation campaigns of the RUN also helped raise awareness about identity documents in the areas they reached, while simultaneously offering easy access to identity cards. Still, many indigenous peasants failed to vote in the 1993 elections because they lacked the necessary documents (Ticona, Rojas, and Albó 1995, 183-184).

*b) Political decentralization*

It is hard to overestimate how radical a transformation in the organization of the Bolivian state the decentralization of the mid-1990s represented. Zuazo goes as far as talking about the arrival of the state to the countryside and the “ruralization” of Bolivian politics (2009a; 2009b). The post-1952 state had developed along very centralized lines. All formal administrative authority flowed downwards from the national government, which appointed the *prefectos* and *subprefectos* of departments and provinces, as well as the local mayors (Zuazo, 2009a, 208). There were other channels of intermediation between state and citizens, such as the clientelistic and corporatist networks crisscrossing the MNR party, the army, and the unions (Yashar 2005, 159-165), but at the political-administrative level, Bolivia was highly centralized and national authorities controlled the allocation of most state resources.<sup>202</sup> The *Ley de Participación Popular* of 1994 (LPP hereafter) radically altered the contours of the Bolivian state.

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<sup>202</sup> The Regional Development Corporations created in the 1960s constitute a partial exception (Nijenhuis 2002, 47).

Between 1949 and 1985 Bolivia did not have local elections, and mayors were appointees of the central government (Nijenhuis 2002, 48; Zuazo 2009a, 198-199). Local elections resumed in the 1980s,<sup>203</sup> happening every two years between 1985 and 1993. The timid devolution of the mid-1980s did not change much the overall picture of centralization and the urban bias that came with it. Law 696/1985 opened the door for the popular election of mayors and local representatives, and Law 843/1986 earmarked 10% of state revenues for their transfer to municipal governments. Nevertheless, prior to 1994, 93% of these resources went to the three largest cities (Postero 2007, 128).<sup>204</sup> As a result, of the 124 urban nuclei with more than 2,000 inhabitants, only in 24 did local governments have enough resources to carry out any investment projects (Molina 1997, cited in Avilés 2010, 112). The other 100 were virtually empty shells. In most of Bolivia, municipal governments could hardly affect life in the towns where they seated, let alone in the surrounding rural areas.<sup>205</sup> Local government responsibilities were largely circumscribed to the urban spaces of the municipal seat, leaving the rural hinterlands of towns and cities to their own devices (Avilés 2010, 108-113; Zuazo 2009a, 210-212). Although half of the population of the country was still living in rural areas in the mid-1980s, the state remained locked in its urban offices (Zuazo 2009a).

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<sup>203</sup> See Law 696/1985.

<sup>204</sup> Postero does not say what year she takes as her point of reference. Therefore, it is difficult to evaluate how well her 93% figure fits with the numbers in Avilés (2010) or Zuazo (2009a), which I report in the next page. In any case, all the authors paint a similar picture of extreme imbalance in the distribution of municipal resources before 1994.

<sup>205</sup> Molina A. and Soletto S. describe local government in the Beni Department in the following terms: “With the *Ley de Participación Popular* 19 municipalities were created in Beni, corresponding to a similar number of provincial sections. Before the Law, four sections had not had their own mayor’s office... In the other 15 sections there was a mayor as the main authority for the towns... the municipal government encompassed the main urban center or sectional capital, and the territory administered by the mayor reached until the last house of the town; from there on, [rural] communities lived in a world divorced from the state. The mayor undertook few tasks... [local authorities] did not receive periodic funding from the state, or had enough revenue of their own.” (2002, 78; my translation).

Unsurprisingly, local elections were of limited interest for rural residents, and their participation was significantly lower than that of city-dwellers. There was also a significant gap in rural voter turnout between national and local elections (Ticona, Rojas, and Albó 1995, 182). Beyond the main cities, disinterest in local elections was such that of the 5,394 people elected for municipal and sub-municipal offices in 1991, 42% of them never picked up the credentials that certified their appointment as elected officials. Many of these locally elected positions did not have a salary attached, and the desire to assume them was low in rural areas (Zuazo 2009a, 211).

The passing of the LPP completely transformed local government in Bolivia. Where before there were only 9 municipal government deserving of the name (one for each departmental capital), the country now had 311 (Zuazo 2009a, 211-212).<sup>206</sup> The LPP mandated the transfer of 20% of all state revenues to the municipal level, with each municipality receiving an amount equivalent to its share of the country's population. Local governments could apply for additional investment funds and raise their own revenue (Avilés 2010, 113-115; Zuazo 2009a, 223-235). The result was a profound territorial redistribution in the use of public funds that benefited rural areas and peripheral regions. In 1993, 92% of all tax revenue transferred to municipal governments was going to the 10 largest cities. By 1995-1996, the major cities were only receiving 39% (Avilés 2010, 113).<sup>207</sup> Similarly, before 1994, 91% of the resources transferred by the central state to local or regional authorities<sup>208</sup> ended up in the three most populous departments, La Paz, Cochabamba, and Santa Cruz. After 1994, these departments attracted a much lower 68% of the funds (Zuazo 2009a, 234).

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<sup>206</sup> Of 311 municipal governments that existed in 1995, 198 had been created anew as a result of the LPP. The other 113 existed before, but in most cases had little power and resources (Zuazo 2009a, 210-212).

<sup>207</sup> Zuazo gives similar numbers, but instead of referring to the 10 largest cities, she refers to the nine departmental capitals, therefore excluding the city of El Alto (2009a, 233-234)

<sup>208</sup> In accordance with Law 843/1986, before 1994, 10% of all state revenues had to be transferred to the Regional Development Corporations of the different departments, and 10% to the municipal governments (Zuazo 2009a, 222).

The LPP also put in place mechanisms to limit inequalities in the use of public resources within each municipality. First, it made clear that the responsibilities of local governments extended beyond towns and cities, and included the rural areas of the municipal territory (Avilés 2010, 112-113). Second, it created supervisory committees (*Comités de Vigilancia*) made up of representatives from all the districts in each municipality, and assigned them the role of watchdogs monitoring the use local resources. More specifically, the LPP charged these committees with the task of overseeing that municipal resources “were invested in the urban and rural population [of the municipal territory], in an equitable manner” (art. 10-a). Although the ability of the *Comités de Vigilancia* to keep local governments accountable proved far from perfect, they offered an important institutional avenue for the representation of rural interests (Avilés 2010, 110-111).

Another important measure the LPP took was to grant legal personhood and a measure of political recognition to indigenous and peasant communities, giving their customary authorities a role in the municipal system of government (Avilés 2010, 108-109; Ticona, Rojas, and Albó 1995, 157-166; Postero 2007, 129). According to the LPP, each territorially-based human grouping within a municipality (neighborhood, indigenous community, or other) was to be represented by an *Organización Territorial de Base* or OTB (Ticona, Rojas, and Albó 1995, 158-159). Indigenous and peasant authorities elected following local customs were automatically considered the legal representatives of the corresponding OTB (art. 3). Among the rights the LPP afforded OTBs and their representatives was that of requesting and monitoring public services and works in their communities and neighborhoods (art. 7). It also gave the OTBs of a municipality the responsibility to select the members of the local *Comité de Vigilancia*, granting them some power to oversee the performance of municipal administrators (art.10).

Interestingly, among the obligations of the OTBs, the LPP included that of “promoting the equitable access of women and men” to elected positions (art. 8-f). At the same time, by allowing local custom to dictate the process for selecting the leaders of the OTBs, the LPP shielded practices of representation that were discriminatory towards women and other locally disadvantaged groups. Still, the adoption of a language of gender equality contributed to highlight the role of women as political actors (Avilés 2010, 109). Before the end of the 1990s, Bolivia would pass its first gender-quota provisions for national and local elections,<sup>209</sup> which had more of a punch than the good intentions expressed in the LPP (Avilés 2010, 109; Albaine 2009). Many of the other key reform laws of the mid-1990s also incorporated the language of gender equality and non-discrimination. The place of women in Bolivian society was changing, and the institutional reforms of the 1990s reflected and contributed to those changes.<sup>210</sup>

The LPP also changed the distribution of resources among the different levels of the Bolivian state. Before the LPP, 75% of all public investment came from the central state, and only 25% was funneled through local or regional institutions. The LPP reversed these numbers, with local and regional institutions concentrating 75% of all public investment (Gray-Molina 2001, 70, cited in Postero 2007, 142). With the new division of resources came a new division of responsibilities. The LPP assigned local governments responsibilities in the areas of education and health care infrastructure,<sup>211</sup> local roads and irrigation, local economic development, sports

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<sup>209</sup> Laws 1779/1997 and 1983/1999, respectively.

<sup>210</sup> The importance of international influences in this process should not be underestimated. Gender entered the international development agenda with force in the 1990s (Hafner-Burton and Pollack 2002; Moser and Moser 2005; Richey 2000; True 2003). As one of the largest recipients of foreign aid in Latin America at the time, Bolivia was on the receiving end of international development trends. Foreign aid represented 6.8% of Bolivia’s GNP in 1999 (Randel, German, and Ewing 2002, 92).

<sup>211</sup> The LPP did not assign local governments authority over education and health care personnel. Initially, authority over human resources in these areas was kept in the hands of the central government. Later on, Law 1654/1995 transferred it to the departmental (regional) level (Zuazo, 2009a: 218).

and culture, and the environment (Zuazo 2009a, 215).<sup>212</sup> More than a process of decentralization, Zuazo argues, the LPP represented the arrival of the state to the countryside. In most of the issue-areas for which the Law assigned responsibilities to municipal governments, the central state barely had any active programs in rural areas. Beyond the existing education and health care facilities, there was little to transfer to the municipal level (Zuazo 2009a, 215-220).

Most municipal governments, particularly outside the bigger cities, were neither well-equipped nor adequately funded to handle all the responsibilities that fell upon them. Even so, the process of municipalization gave the Bolivian state an unprecedented presence in rural areas. Indigenous organizations and leaders saw the LPP with a mix of deep expectations and profound mistrust, but were generally willing to test the opportunities it opened (Lucero 2013, 25-26; Ticona, Rojas, and Albó 1995, 157-158; Postero 2007, chap. 4; Zuazo 2009b, 33-36). In the 1995 local elections, the first ones under the LPP, Bolivians elected 464<sup>213</sup> municipal councilors of indigenous/peasant extraction<sup>214</sup> out of a total of 1,624 (Ayo Saucedo 1996, 338, cited in Postero 2007, 143). 56% of municipalities had at least one indigenous/peasant councilor (Albó 1999, 21-23 cited in Zuazo 2009a, 216). Peasant/indigenous candidates were particularly successful in rural municipalities with a high concentration of peasant/indigenous population, such as the Western highlands, or the lowland Chapare region, where coca growers of Andean origin were strong (Postero 2007, 143). The 1995 municipal elections were also the first ones to take place after the voting age was reduced from 21 to 18, making it difficult to compare voter participation

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<sup>212</sup> Law 2028/1999 gave local governments additional responsibilities in the area of protection of women and children (Zuazo 2009a, 217).

<sup>213</sup> Other sources bring the number of peasant/indigenous councilors up to a total of 500 (Albó 1999 cited in Zuazo 2009a, 216).

<sup>214</sup> The post-1952 Bolivian state promoted the label *campesinos* (peasants) to identify people of indigenous origin. The *campesino* label still had currency among many people of indigenous origin (Ticona, Rojas, and Albó 1995).

data between this election and previous ones. Still, there are clear indications that interest and participation in local elections increased sharply following the LPP, especially in rural areas.<sup>215</sup>

It should come as no surprise that most of the peasant leaders and activists I interviewed point to the LPP as a key moment when the need for identity documents became more palpable to the indigenous population of the Bolivian Andes (Choque interview 2011; Guerra interview 2011; Quispe interview 2013). The state was finally arriving to the countryside, and doing it at a time in which identification requirements for political participation had been tightened. Local political influence was now possible and worthwhile, but it required identity documents. In the words of Pablo Quispe, former high ranking official of the peak peasant federation CSUTCB:

“Before, the municipality was just the town, but with the Popular Participation [Law] it came to encompass the whole provincial section<sup>216</sup> with all of its communities, and [municipal authorities] had to care for all that population. Moreover, municipal authorities had to be elected, and electing your authorities required an identity card for voting, and many [peasants] did not have one. So, it is then that the need [for identity documents] is felt. And [peasant leaders] would say: ‘the townspeople can’t continue running the municipality, we [peasant] community people also have to participate’. But you would elect him, and suddenly it would turn out he did not have an identity card... It happened a lot. [Peasant community members] would say: ‘you were a leader, you should be in the municipal council’, and they would elect him. But some would not have an identity card... others would not have their military booklets,<sup>217</sup> and both were grounds for exclusion... people would later on say: ‘no, we have to first ask if he has an identity card to become a candidate, and if he has gone to the barracks as well.’ These two became pre-conditions” (interview 2013).

Among the indigenous populations of the Eastern lowlands, we see more variation. For some indigenous groups, interest in identity documents seems to have preceded the LPP, at least

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<sup>215</sup> After the voting age was lowered to 18 in 1994, voting grew much faster in local elections than in national elections. The number of votes casted in the municipal elections of 1995 was 56% higher than the number of votes casted in the municipal elections of 1991. On the other hand, between the general elections of 1993 and 1997, the number of votes grew only 34% (my calculations based on data from CNE 2005b; Peñaranda and Candía 2009; and Ticona, Rojas, and Albó 1995). In parallel, the gap between urban and rural participation in municipal elections fell from a high of 33 percentage points in 1991, to only 10 in 1995 (Rojas 1997, cited in Avilés 2010, 116). I have made additional comparisons using voter turnout data for other baseline years. The results consistently point towards a spike in the participation of rural voters in municipal elections following the LPP.

<sup>216</sup> Before 1994, Bolivia was divided in departments, provinces, and provincial sections. With the LPP each provincial section became a municipality.

<sup>217</sup> In order to assume office, elected male candidates had to have both their identity cards and “military service booklets” in order. For elected women candidates, only the identity card was necessary.

at the level of the leadership. The Chiquitano leader Alberto Requena points out that even before the institutional reforms of the 1990s his people had come to realize that they needed identity documents in order to “legalize their lands [with the state]” (interview 2013). For the most, the 1953 Agrarian Reform and the associated land titles did not reach the indigenous communities of Eastern Bolivia. With pressure over their lands growing, the urgency of securing some form of territorial guarantees from the state became increasingly evident (Yashar 2005, 190-218). Ultimately, collective mobilization and political pressure would be the preferred route to obtain them, but the connection between identity documents and land registration did not go unnoticed.

For the Guaraní people, Ana Casas likewise puts the beginning of the realization of the importance of identity documents before the LPP. She remembers, for example, how the lack of documents represented a barrier for participating in the experimental bilingual education program launched by the Ministry of Education and UNICEF in 1989.<sup>218</sup> Still, she acknowledges, this was just one step in a slow process of growing awareness that unfolded over the next two decades. Other stepping-stones she mentions include the LPP and the first cash-transfer program for the elderly, the 1996 *Bonosol*: “The most interest for acquiring documents comes when the *Bonosol* appears... everyone wanted to have access to the little bond... The other is when the *Participación Popular* [Law]... But even before, when the alternative [bilingual] education, [people] couldn’t join and began to see documents were important”. She also mentions the politicization of Guaraní identity as a contributing factor and, later on, in the mid-2000s, the new string of cash-transfer programs sponsored by the government of Evo Morales (Casas interview 2011).

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<sup>218</sup>This experiment in Intercultural Bilingual Education started in 1989 in some Guaraní, Quechua, and Aymara schools. The idea of Intercultural Bilingual Education would eventually become a key part of the 1994 Education Reform (Gustafson 2009; López 2005).

In separate interview, Reinaldo Larenas, another Guaraní leader, similarly points to the LPP, the resurgence of Guaraní identity, and cash-transfer programs as key developments that contributed to bring attention to the value of identity documents. Interestingly, he makes a distinction between Guaraní activists and authorities, on one hand, and the people they represented, on the other. For the former, political processes such as the Guaraní resurgence and the LPP played a critical role in their realization of the importance of documentation. For many of the latter, it was the more prosaic *bonos* (cash-transfer programs) that made the difference: “Many people said, ‘I live in the bush, why do I need documents?’, but now with the *bonos* it has changed. Practically everyone wants documents to access the *bonos*” (interview 2011).

It would be a mistake to assume the experiences of the Chiquitano or the Guaraní extend to all lowland indigenous groups. As late as the mid-2000s, NGOs working on documentation issues report having a hard time engaging the Yuqui people of Cochabamba or the Ese’ejja of Pando.<sup>219</sup> It was not that they were ideologically opposed to documentation, but identity documents continued to appear of limited relevance to their lives (Leon interview 2011c; Calle interview 2011; Guerrero interview 2011). Different lowland groups came into contact with national society and the state at different points in time and with different levels of intensity. While the Mojeños and the Chiquitanos were living in Jesuit settlements by the 1700s (García Jordán 2001, chap. 1; Molina A. and Soletto S. 2002, chaps. 4-5), the Yuqui had almost zero

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<sup>219</sup> Eventually, one of the NGOs developed a working relationship with the Yuqui and helped many of them gain full documentation (Equipo CERES/CPC 2006; Gironás Sotez 2006). Some had acquired birth certificates and ID cards from the RUN in the 1990s and were partially undocumented (Equipo CERES/CPC 2006, 107). Still, 39.6% of the Yuqui polled in 2005 were fully undocumented (Gironás Sotez 2006, 57). Once the NGO team managed to earn their trust, the Yuqui were open to the idea that putting their documents in order was to their advantage, particularly at a time of expanding cash-transfer programs (Yuqui testimonials, 2009-2010). Overtures to Ese’Ejja communities did not come to fruition, even though some of their members had interest in documentation (León interview 2011c).

contact with Bolivian society before the 1960s (Lema 1998, 154-155; Stearman 1984, 632).<sup>220</sup> Diverse historical trajectories can help account for the variation in the timing and degree of insertion in the social and institutional circuits that made documents relevant. The late “contacting” of the Yuqui, for example, contrasts with the enduring connection of the Mojeños to the semi-urban environment of their old mission towns.<sup>221</sup> At the same time, certain national and regional developments were common to most lowland groups, even if their impact was mediated by particular historical trajectories and local environments. The LPP was one of them, and so were the efforts of ethnic organization in response to growing territorial pressures. It appears that decentralization contributed to stimulate interest in identity documents among many lowland groups that, as a result of their own efforts of political organization, had already begun to see them as a valuable resource. In most cases, indigenous organizing preceded the LPP, but this Law facilitated the formalization of local-level ethnic organizations, gave them an institutionalized role in local government, and brought the state closer to their everyday.

The LPP was the product of the convergence of different factors. International financial institutions promoted decentralization in the 1990s as a way to increase state efficiency and citizen participation. As a large recipient of foreign aid, Bolivia was naturally exposed to these global development trends. At the domestic level, urban citizen organizations had been calling for a greater devolution of power for most of the 1980s, while indigenous groups demanded greater autonomy. The LPP was a response to all these pressures (Postero 2007, 127-132; Van Cott 2000, chaps. 5-6). It brought the state out of cities and closer to a rural population that was

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<sup>220</sup> Most Yuquis lived in voluntary isolation until the 1980s. Only in the mid-1960s, after years of unsuccessful attempts, did the first band of Yuquis accepted to engage missionaries from the New Tribes Mission, and were later on resettled (Stearman, 1984: 632). Some additional Yuqui bands came out of isolation in 1986 and 1989, and were similarly resettled. There have been reports of at least another group of Yuqui still living in isolation (Diez Astete, 2011: 310; Lema, 1998: 154-155).

<sup>221</sup> Even rural Mojeños have generally maintained strong ties to the mission towns from which their families originate (Molina A. and Soletto S. 2002, chap. 5).

largely indigenous (Zuazo 2009a). Yet, this does not mean that the interests and needs of indigenous and peasant communities always became a priority for local governments. There was a large degree of variation in the extent to which decentralization disrupted or reinforced the local power structures and social hierarchies that kept indigenous peoples at the bottom (Avilés 2011; Molina A. and Soletto S. 2002). Certainly ambitious in its goal of promoting citizen participation and local democracy, the LPP often fell short in its implementation, and has an uneven record in this regard (Avilés 2011; Faguet 2012; Postero 2007; Molina A. and Soletto S. 2002). For indigenous organizations, municipal decentralization did not necessarily meet their aspirations (Postero 2007, chap. 4; Ticona, Rojas, and Albó 1995, chap. 5). All its limitations notwithstanding, the LPP made the state much more relevant to life in the Bolivian countryside. This effect was not uniform and consistent throughout the national territory, but was real. By means of the municipal governments, the state was now closer and investing more heavily in basic social infrastructure and services at the local level (Faguet 2012; Gray-Molina 2001, 70, cited in Postero 2007, 142). One of the byproducts was that interest in and familiarity with identity documents grew in rural areas.

c) *Education reform*

Two other pieces of reformist legislation that contributed to make the state and its institutionality more relevant to life in rural areas were the *Ley de Reforma Educativa* of 1994 (LRE hereafter),<sup>222</sup> and the *Ley del Servicio Nacional de Reforma Agraria* of 1996 (better known as INRA Law).<sup>223</sup> In the early 1990s, the Bolivian education system was still largely functioning within the framework and principles of the post-revolutionary 1955 Education Code (Cajías de la

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<sup>222</sup> Law 1565/1994.

<sup>223</sup> Law 1715/1996.

Vega 2006, 9-13; Contreras 1999, 491; Contreras and Talavera Simoni 2003, part 2).<sup>224</sup> The governments that followed the 1952 Revolution made a great effort to expand basic education and bring indigenous peasant children into the school system. In 1951, 25.8% of the relevant-age population was enrolled in primary school. By 1966 the figure had more than doubled to 59.9%. In 1985 it was 84.3% (Contreras 1999, 484). Despite the progress in coverage, serious deficiencies remained, particularly in rural education. As the 1990s began, only 1.4% of rural males and 0.7% of rural women were finishing high school (Data from ETARE 1993, 6, cited in Cajías de la Vega 2006, 10). A 1993 World Bank report described the situation of education in Bolivia in these terms:

“a. Until recently, two subsystems, one for rural and one for urban education existed side by side –both with heavily over centralized inefficient administrations in La Paz.

b. Dropout and repeat rates are high because children are taught in Spanish and not their native language, because they are malnourished and often cannot walk the long distances to get to a school and because they are taught an irrelevant and overly academic curriculum...” (World Bank 1993, 39, cited in Contreras and Talavera Simoni 2003, 11).

The education model of the 1950s was part of the MNR’s project of nation-building. It emphasized turning the indigenous population into productive peasants and Spanish-speaking members of the *mestizo* Bolivian nation (Contreras 1999, 490). The education system reached deeper into the countryside, but treated the indigenous population as lesser citizens. It was a bifurcated system with separate curriculums, institutional structures, and teacher training systems and standards for urban and rural areas, to the disadvantage of the latter (Choque Canqui and Quisbert Quispe 2006, 185-186; Contreras 1999, 490; Subirats and Nogales 1989). It relied on the recitation and memorization of information that had little relevance to life in the countryside (Contreras 1999, 490-491). Indigenous languages were only used in school to the extent that they

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<sup>224</sup> The 1955 Education Code defined the education system for several decades. There were other pieces of legislation, such as *Decretos Supremos* 8601/1968 and 10704/1973, but the general contours of the education system remained largely unchanged until the 1990s (Cajías de la Vega 2006, 11; Contreras 1999, 491; Contreras and Talavera Simoni 2003, part 2).

could serve as a tool to accelerate Spanish language literacy. The education system devalued indigenous culture and language, and hindered the school progress of indigenous children (Cajías de la Vega 2006, 10; Choque Canqui and Quisbert Quispe 2006, 187-193). Also, in spite of its proclaimed goal of universalizing basic education, the Education Code of 1955 did not pay particular attention to the promotion of female enrollment (Contreras 1999, 490).<sup>225</sup>

Efforts at education reform during the 1960s, 1970s, and 1980s were largely ineffective. In the late 1980s and early 1990s, reforms proposals began to accumulate again. The inclusion of education reform as part of the modernization agenda negotiated by the major parties finally gave the issue the impulse it needed (Contreras 1999, 491-493; Contreras and Talavera Simoni, 2003, part 2; López 2005, chaps. 2-4). Funding and technical assistance to draft and later implement the education reform came from international donors, particularly the World Bank (Contreras and Talavera Simoni 2003, 13-18 and 53-55; Gustafson 2009, 13 and 135-141). Yet, the LRE also incorporated many of the demands that indigenous activists and their supporters had been putting forward (Gustafson 2009; López 2005, chaps 2-4). The ambitious reform touched on multiple aspects of education, such as pedagogical principles, school curriculum, teacher training and career, and parents' participation, among many others (Contreras and Talavera Simoni 2003, 17-18).

Fundamental to the LRE was the idea of expanding the coverage and quality of primary education, and narrowing the gap between “men and women, rural and urban areas, and Spanish- and vernacular-language [indigenous-language] speakers” (Contreras and Talavera Simoni 2003, 15-16). With all the progress since the 1950s, primary school coverage remained a challenge. In 1992, only 85.8% of children in the 6-11 age group were attending school nationwide. The figure

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<sup>225</sup> Even so, there was significant progress in female school attendance, and the gap between girls and boys in primary school enrollment decreased, especially in the 1970s and 1980s.

for rural areas was 79.2% (INE 2015, 39). Small rural communities were rarely well served. Their children often had to walk long distances to reach their assigned school, and when they had a school in their community, it seldom offered all the grades necessary to complete the eight years of mandatory education (World Bank 1993, 39, cited in Contreras and Talavera Simoni 2003, 11; Subirats and Nogales 1989, 25-27). Following the LPP, there was a significant expansion in the number of primary schools and teachers (Contreras and Talavera Simoni 2003, 57 and 73; Montellano 2011, 24-25).<sup>226</sup> The ensuing gains were noticeable, especially in the countryside. Between 1992 and 2001, school attendance for the 6-11 age group grew much faster in rural areas (from 79.2% to 89.2%) than in urban ones (91.5% to 95.4%). The rural-urban gap also narrowed for the 12 to 19 age group, with attendance rates increasing in rural areas from 46.4% to 60%, while falling in urban areas from 76.2% to 72.9% (INE 2015, 39).

There was more than new buildings and teachers to these gains. The LRE also changed the principles and goals of education in Bolivia. In an attempt to make school more pertinent and auspicious to the indigenous population, it embraced the ideas of Bilingual Intercultural Education, promoting the teaching and valorization of indigenous languages and cultures. Indigenous languages were not seen just as instruments for the teaching of Spanish anymore, but as primary languages of education (Cajías de la Vega 2006, 25-29; Contreras 1999, 491-493; Contreras and Talavera Simoni 2003, 37-40; Gustafson 2009, chap. 4; López 2005, chap. 4). The LRE also institutionalized the participation of indigenous organizations in the formulation and implementation of education policy through the *Consejos Educativos de Pueblos Originarios*

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<sup>226</sup> Between the mid-1990s and 2001, the number of school buildings in Bolivia increased from 12,041 to 14,758 (Montellano 2011, 24-25), and the number of primary school teachers from 61,828 to 70,177 (Contreras and Talavera Simoni 2003, 73). Infrastructure conditions also improved. In the early 1990s, 20% of schools had electricity and 9% running water. In 2001, the figures were 38.1% and 19.7%, respectively (Contreras and Talavera Simoni 2003, 73).

(art. 6), and significantly expanded efforts to train indigenous teachers (Cajías de la Vega 2006, 21 and 25-26; Contreras and Talavera Simoni 2003, 37-40 and 48; López 2005, chaps. 4-5).

In many ways, the LRE fell short. The roll out was slow and contentious, human resources unprepared, and training materials unavailable (Cajías de la Vega 2006, 36-54; Contreras and Talavera Simoni 2003, parts 3-4; Gustafson 2009, part 2; López 2005, chaps. 4-5). In a country with deep asymmetries in the social valuation of its different cultures, Bilingual Intercultural Education would remain bilingual, but lose much of its intercultural potential. Despite its limitations, the LRE represented a step forward in the recognition of indigenous cultures and languages, and the accessibility and pertinence of rural schooling (Choque Canqui and Quisbert Quispe 2006, 193-199; Contreras and Talavera Simoni 2003; López 2005). At the institutional level, rural education stopped being the separate, ugly sister of urban education, and the two were unified under a single system (Contreras 1999, 491-493; Contreras and Talavera Simoni 2003).<sup>227</sup> After 1994, the gains in enrollment, retention, and graduation rates for primary education were much greater in rural areas than in the cities. The lower starting point in part explains the larger rural gains, but the LRE unquestionably helped narrow the rural-urban gap in educational achievement (Contreras and Talavera Simoni 2003, part 4).<sup>228</sup> Focused on the universalization of primary school, the LRE did not pay as much attention to secondary and pre-school education (Cajías de la Vega 2006, 17 and 41-46; Contreras and Talavera Simoni 2003, 61). Still, in the case of secondary education, there were important spillover effects. High school enrollment increased from 44.4% in 1992 to 67% in 2001, largely a byproduct of the gains in primary school graduation rates. On the other hand, high school retention remained a problem,

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<sup>227</sup> This does not mean that the same policies applied to all schools. In 2001, for example, the Education Ministry began to offer economic incentives for teachers to remain in rural areas (Contreras and Talavera Simoni 2003, 46).

<sup>228</sup> The data in Cajías de la Vega (2006, 41-42) paints a bleaker picture, but still shows noticeable gains.

and graduation rates were only 62% in urban areas and 47% in rural areas in the mid-2000s (Montellano 2011, 24-28).

The LRE also made the promotion of gender equality one of its explicit goals (art. 2). To comply with this mandate, the new school curriculum and education materials incorporated a more gender sensitive approach (Contreras and Talavera Simoni 2003, 36). As for the gender gap in school participation, it continued to narrow following a trend that preceded the new Law. In 1976, the gender gap for the 6-11 age group was 6.4 points overall (77.2% attendance for boys and 70.8% for girls) and 9.6 points in rural areas (70.6% attendance for boys and 61% for girls). By 1992, the gender gap for this age group had fallen to 1.6 points overall (86.6% attendance for boys and 85% for girls) and 3.5 points in rural areas (80.9% attendance for boys and 77.4% for girls). Gender differences were more persistent for the 12-19 age group. In 1992, the gap was 7.1 points overall (63.9% attendance for males and 56.8% for females) and 12.2 points in rural areas (52.2% attendance for males and 40% for females). In 2001, the gap was still 4.6 points nationwide (70.7% attendance for males and 66.1% for females), and 7.3 points in rural areas (63.4% attendances for males and 56.1% for females). The gap for the 12-19 age group would finally close in the 2000s. In 2012, attendance rates were similar for males (80.9%) and females (81.1%) at the national level, and slightly higher for males (75.8%) than females (74.4%) in rural areas (INE 2015, 39).

As the previous chapter discussed, it has been common for Bolivian schools to request the birth certificates of new students since at least the early 1980s (Rodrigo Gazau, email communication to author, January 22, 2016). At the same time, rural schools have traditionally been flexible with the requirement (González interview 2013; Martínez interview 2013; Urzáiz interview 2011; Velarde interview 2013). Yet, even in rural areas, longer years of education

generally meant a greater likelihood that a birth certificate would become necessary to continue in school. After the third or fifth grade,<sup>229</sup> children from small rural communities often had to move from small schools nearby to bigger schools further away. These moves increased the chances that a birth certificate would be required. So did the transition from primary to secondary school, and from secondary school to the university. While it was not impossible to complete high school without a birth certificate (García interview 2011; Requena interview 2013), longer years of education incentivized birth registration (del Toro interview 2011; González interview 2013; Guerra interview 2011; Hidalgo interview 2013). Focus groups in rural areas underlined school registration as one of the key reasons for securing a birth certificate (Foley et al. 2007, 30). To the extent that LRE contributed to increase schooling, particularly in the countryside, it contributed to increase the demand for documents.

*d) New Agrarian Reform Law (INRA Law)*

In 1996, 43 years after the Agrarian Reform Decree of 1953, Bolivia issued a new agrarian reform law: the INRA Law. Pressure for new agrarian legislation had been building for years. The peasant federation CSUTCB presented in 1983-1984 a proposal for a new agrarian law, which emphasized, among other things, communal institutions and property rights (Colque, Tinta and Sanjinés 2016, 80-81; Romero Bonifaz 2008, 157-166; Urioste 2005, 10-11; Van Cott 2000, 135-136). In 1992, the lowland indigenous federation CIDOB presented its Indigenous Law Project. The territorial demands of lowland indigenous peoples were not easy to accommodate within the framework of the 1950s agrarian legislation, and CIDOB called for a specific Indigenous Peoples Law. (Balza 2001, 36-41; Romero Bonifaz 2008, 166-168; Postero 2007, 51; Van Cott 2000, 136). Meanwhile, the reorganization of the Bolivian economy continued, and it

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<sup>229</sup> In 2003, even after the expansion brought about by the LRE, 55% of rural schools still only had grades 1 through 3 (Ministerio de Educación 2003, cited in Cajías de la Vega 2006, 38-39).

came the turn of adapting the agrarian legal framework in accordance with the Neoliberal development ideas prevalent at the time (Romero Bonifaz 2008, 168-177). Like much of the legislation of the mid-1990s, the INRA Law would mix Neoliberal and indigenous rights concerns (Postero 2007).

In 1992, a corruption scandal pushed the government to put the two agrarian reform state agencies under special administration. The auditing of the agencies unveiled years of corruption and chaos in the titling and distribution of land, helping build momentum for a new agrarian law. The initial bill focused on improving institutional efficiency and transparency, in order to promote legal security in land ownership (Assies 2006, 590-591; Romero Bonifaz 2008, 177-182; Colque, Tinta and Sanjinés 2016, 78-84). Highland and lowland indigenous organizations marched together against the bill. Ultimately, CIDOB withdrew its objections after the government agreed to some of its demands, and in 1996, the INRA Law passed despite the opposition of the CSUTCB and the CSCB<sup>230</sup> (Assies 2006, 590-591; Romero Bonifaz 2008, 179-183; Colque, Tinta and Sanjinés 2016, 84-88; Van Cott 2000, 198-199).

In line with the claims of CIDOB, the 1994 constitutional reform had recognized the protection of indigenous territories. The INRA Law established procedures for their surveying and titling. Also, it confirmed the indigenous territories established by decree in previous years, approved the recognition of 16 additional ones, and defined the legal process for presenting new claims in this regard. On paper, therefore, the INRA Law met many of the demands of lowland indigenous groups. It did not meet the aspirations of the land-hungry peasants of the Andes and the colonization areas of the lowlands. Even though the INRA law incorporated provisions for the expropriation and redistribution of idle lands, the CSUTCB and the CSCB considered them

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<sup>230</sup> The *Confederación Sindical de Colonizadores de Bolivia* (CSCB) is the peak federation of unions representing Andean peasants that resettled in lowland areas, mostly as a result of government-sponsored colonization schemes.

far too weak. Moreover, these organizations were suspicious that the Law would encourage the expansion of market mechanisms and private property in the allocation of land (Assies 2006, 591-593; Romero Bonifaz 2008, 183; Colque, Tinta and Sanjinés 2016, 84-94 and 114-124; Hernáiz and Pacheco 2000, chap. 5; Yashar 2005, 217-218). The INRA Law also faced the opposition of the landholding elites of lowland Bolivia, who felt threatened by what became the most important component of it: the clarification of property rights through the auditing and regularization of land titles (Assies 2006, 591-593; Colque, Tinta and Sanjinés 2016, 84-94; Romero Bonifaz 2008, 183; Urioste and Kay 2006, 38).

The possibility of expropriating unproductive lands soon became mute. Medium and large holdings were considered productive as long as their owners paid the corresponding taxes, and the reduction of land taxes made it easy to comply with the requirement. Similarly, the INRA Law failed to reverse the fraudulent acquisition of land by politically connected individuals, which had been common in the lowlands. By the mid-2000s, the auditing of the legal origins of large and medium holdings had barely taken off the ground, leaving the INRA law with little to show in terms of the expropriation and redistribution of land (Assies 2006, 592-593; Colque, Tinta and Sanjinés 2016, 120 and 161; Urioste 2005, 26; Urioste and Kay 2006, 41). Nevertheless, even if the regularization of land rights proceeded slowly for medium and large holdings, it progressed faster for indigenous territories, community lands, and, to a lesser extent, small holdings (Colque, Tinta and Sanjinés 2016, 136-161; Romero Bonifaz 2008, 225-229; Urioste and Kay 2006, 38-41). With the regularization and titling of these other categories of land came incentives for securing identity documents.

Apart from state-owned lands, the INRA law recognized six types of agrarian properties: medium size properties, commercial agribusiness enterprises, small holdings, residential peasant

plots, community properties, and indigenous territories. The first two, corresponding to medium and large holdings, were subject to land taxes and could be sold and mortgaged. The other four were tax exempt and had special legal protections. Small holdings and residential peasant plots were individual family properties that could only be sold under certain conditions, but never mortgaged or subdivided. Community properties and indigenous territories were the collective properties of peasant communities and indigenous peoples, and could never be sold, mortgaged or subdivided (Assies 2006, 591-592).<sup>231</sup> Within this framework of property types, the INRA Law launched the most ambitious titling process Bolivia had seen since the 1950s-60s. The clarification and formalization of land rights was supposed to last ten years (art. 65), but by 2006 only about 12% of the target surface had been surveyed and titled. Work was underway in lands equivalent to another 15%, and it had not begun for the remaining 73%. Although the results were modest, they were far from irrelevant: 12.4 million hectares titled between 1996 and 2006, benefiting over 220.000 people. Most were indigenous Bolivians who gained access to land titles as individuals or as members of indigenous and peasant communities (Colque, Tinta and Sanjinés 2016, 153-161). Since another 15.9 million hectares were in the process of being surveyed and titled, many more people had been engaging state authorities one way or another, directly or indirectly. Participating in the titling process normally required an identity card (Blanco interview 2013).

All of the four titling options available to the indigenous and/or peasant populations of Bolivia involved the use of identity cards at some point of the regularization process. The titling

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<sup>231</sup> Two clarifications are in order here. First, limitations to sell, subdivide, or mortgage affected the legal market in land, but informal transactions of this sort continued to happen, particularly for family properties. Second, although the INRA Law conceived indigenous territories primarily for lowland indigenous groups, it did not exclude the possibility that highland communities with strong ethnic identities (*originarios*) could also request the recognition of their lands as indigenous territories (art. 41). Many Andean communities followed this route, and by 2006 authorities had titled 132 indigenous territories in lowland and highland Bolivia (Colque, Tinta and Sanjinés 2016, 155 and 159).

of small holdings and residential peasant plots required that the owners provided proof of identity. For new community properties and indigenous territories, the peasant or indigenous organizations of reference had to provide lists of members with names and ID numbers (Blanco interview 2013).<sup>232</sup> The incentives for documentation were stronger for individual property types, as undocumented members of indigenous groups and peasant communities could still gain access to land within the collectively titled community properties or indigenous territories (Cedrillo interview 2013). Yet, incentives did also exist in the collective property types. Among other things, the amount of land titled was a function of population size,<sup>233</sup> making member lists quite consequential. Carlos Blanco remembers how his NGO first got involved in documentation issues: “We could not support indigenous peoples in the titling of their territory if they did not have identity cards, if they did not exist as citizens” (interview 2013).

The contribution of the INRA Law to the demand for documents was tempered by its slow and uneven application. Surveying and titling came to largely depend on the influx of international funds, and the priority for both the Bolivian government and foreign donors were the lowlands, especially indigenous territories and agro-exporting areas (Colque, Tinta and Sanjinés 2016, 136-153). Ten years after the passing of the Law, progress had been greatest in the titling of lowland indigenous territories. In most agro-exporting areas titling proceeded slowly due to the opposition of the landholding elites. As for the Andean West, there was little international interest in financing the surveying there (Colque, Tinta and Sanjinés 2016, 153-161; Romero Bonifaz 2008, 225-229; Urioste and Kay 2006, 38-41). In the highlands, opposition to

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<sup>232</sup> The highland community of Titikana Takaka illustrates quite well the greater relevance identity documents acquired under the INRA Law. Titikana Takaka applied for collective community titles in 1974. One of the first steps was to compile a list of community members. The list did not include ID numbers. Titling was still pending when the INRA came in 1996. In 2000, Titikana Takaka applied for collective titling under the INRA Law as part of a broader indigenous territory. The new list of community members included ID numbers (Barragán 2007, 98-111).

<sup>233</sup> See for example art. 281 of *Decreto Supremo* 24784/1997 or art. 261 of *Decreto Supremo* 25673/2000.

the INRA Law remained strong until 2004, and the regularization process barely advanced (Urioste 2006, xxxvii-xxviii). In the Andean valleys, the titling of community properties and family holdings progressed better (Urioste and Kay 2006, 44), but was still hindered by funding problems and the limitations of the legal framework (Colque, Tinta and Sanjinés 2016, 160-161; Pacheco and Valda 2003, 3.2). Nevertheless, it would be a mistake to measure the impact of the INRA law on the demand for documents purely as function of its titling results. The number of people that took steps to initiate the land regularization process far exceeded the number that actually managed to see it through (Jiménez Zamora 2003, 402).

*e) The non-contributory universal old-age pension Bonosol*

The 1990s also saw some important social policy innovations that critically contributed to expand the popular demand for documents. First and most significant was the non-contributory old-age pension Bonosol. Originally, Bonosol came into being as a way to build popular support for the privatization policies of the MNR under Gonzalo Sánchez (Müller 2009, 163-166). Instead of selling state companies outright, the government allowed private investors to gain a 50% stake in them and control their management. The Capitalization Law of 1994<sup>234</sup> tied this process together with the privatization of the pension system. The 50% of the privatized companies that was not in private hands belonged to the adult population of Bolivia. The stocks would be held in trust by soon to be created private pension funds, but all adult Bolivians would benefit from them in way yet to be determined (Gamarra 1998, 78-81; Molina 2012, 63-64; Müller 2009, 164-166). With privatization still facing opposition and the 1997 elections approaching, the Pension Law of 1996<sup>235</sup> confirmed the move to a privately managed pension system based on individual retirement accounts. Simultaneously, it introduced a universal non-

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<sup>234</sup> Law 1544/1994.

<sup>235</sup> Law 1732/1996.

contributory pension for all Bolivians 65 and older: the Bonosol. Funding for the Bonosol would come from the dividends generated by the shares of the privatized companies that the pension funds held in trust for Bolivian adults<sup>236</sup>. The elderly had now a stake in the privatization of state-owned companies and the pension system (Gray-Molina, Pérez de Rada, and Yáñez 1999, 46-48; Molina 2012, 63-64; Müller 2009, 163-166).

Conceived as one annual payment of about USD 248, the Bonosol began disbursements in May 1997, not long before the general elections that year (Gamboa Rivera 2006, 63-67; Müller 2009, 165-166). The measure did not survive the MNR's electoral defeat. In 1998, Congress put an end to the Bonosol and substituted it with the less generous Bolivida,<sup>237</sup> which contemplated an annual payment of approximately USD 60 for all Bolivians over the age of 65 (Gamboa Rivera 2006, 67-70; Molina 2012, 63-64; Müller 2009, 166). Between 2000 and 2002 the country saw the payment of four Bolividas, covering the years 1998 through 2001 (Gamboa Rivera 2006, 67-70). Gonzalo Sánchez and the MNR returned to power after the 2002 elections, and brought the Bonosol back.<sup>238</sup> As a popular policy from its previous administration, Gonzalo Sánchez had made recovering the Bonosol one of his key campaign promises (Müller 2009, 166). The Bonosol would be paid every year between 2003 and 2007 at a rate of about USD 235 (Gamboa Rivera 2006, 70-71; Müller 2009, 166-167).

Meager as it may sound, the USD 248 of the first Bonosol represented 27% of Bolivia's 1997 per capita income and 42% of the annual minimum salary (Ballivián 1997, cited in Müller 2009, 168). Since only a quarter of the Bolivian elderly received a contributory pension at the time, the Bonosol became an important lifeline (Müller 2009, 168). The 1997 Bonosol was

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<sup>236</sup> According to Law 1732/1996, the dividends would also be used to cover the funeral expenses of Bolivian adults, in the form of a cash benefit for a set amount.

<sup>237</sup> Law 1864/1998.

<sup>238</sup> Law 2427/2002. This Law also reinstated the funeral expenses benefit that Law 1732/1996 had originally instituted.

payable upon presentation of an identity card issued by the Police or the RUN<sup>239</sup>. The incentives this created for documentation do not need much elaboration. Given the difficulties many old men and women had to secure identity documents, civil society organizations and the Catholic Church lobbied the government for flexibility. Decreto Supremo 24625/1997 created a simplified procedure for the undocumented elderly to obtain an ID. Instead of having to produce a birth certificate, Bolivians over the age of 65 could secure a provisional ID with the help of two witnesses attesting to their age (HelpAge International 2004, 42-43). The ID issued under these conditions would be valid for one year, and just for the purpose of receiving the Bonosol and joining the new free health care insurance for the elderly. In the end, 364,000 people received the 1997 Bonosol, exceeding the 295,000 beneficiaries anticipated by government (Gamboa Rivera 2006, 64-65; Müller 2009, 166).<sup>240</sup>

Requirements for the Bolivida were different. Qualified citizens had to be part of a database built based on the electoral roll.<sup>241</sup> Since electoral registration was possible with ID cards, passports, and “military service booklets”, these were the documents that gave access to the Bolivida. Additions and corrections to the database were only possible until May 31, 2001. After that date the database closed, excluding from the Bolivida qualified people who had not registered, or whose information did not accurately match the one in their identity documents

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<sup>239</sup> See *Decreto Supremo* 24572/1997. Art. 1 defined that the Bonosol would be paid upon the sole presentation of an identity card. Art. 2 made expired ID cards valid for collecting the Bonosol. Art. 3 established that whoever claimed the funeral expenses benefit recognized in Law 1732/1996 had to produce the identity card of the deceased person, giving family members of old and sick people an incentive to encourage their documentation.

<sup>240</sup> There were cases of fraud, such as younger Bolivians and foreign nationals using fraudulent documents to receive Bonosol payments, or people with two IDs cashing it twice (Gamboa Rivera 2006, 66 and 71; Miranda M. 1999b; Velarde interview 2013). At the same time, qualified Bolivians failed to receive their Bonosol due to the lack of information, the lack of documents, or the distance between their place of residence and the payment offices (Müller 2009, 168).

<sup>241</sup> See law 2152/2000.

(Defensor del Pueblo 2003, 111-112).<sup>242</sup> With the restitution of the Bonosol came the creation of a new database based on the latest version of the electoral roll. The new database did not have a closing date, and there were procedures for adding new entries or correcting old ones, as long as requests could be substantiated with the appropriate documents.<sup>243</sup> Still, the complexities and gaps of Bolivia's documentation systems continued to exclude plenty of qualified individuals (Foley et al. 2007, 31-32).<sup>244</sup> Even so, the Bolivida and the Bonosol reached hundreds of thousands (Gamboa Rivera 2006), creating strong incentives for the documentation of the target group.<sup>245</sup> Pablo Quispe explains: "the Bonosol forced old people who did not have documents to start acquiring them" (interview 2013).

f) *Free health care insurance programs*

The *Seguro Nacional de Vejez* started functioning in 1997 as a free health care insurance for the elderly, serving uninsured Bolivians 65 and older.<sup>246</sup> Renamed *Seguro Médico Gratuito de Vejez* (SMGV) in 1998, it expanded coverage to include uninsured people over 60 years of age.<sup>247</sup> Registration for the program was handled at the municipal level, and required an identity card or a "military service booklet".<sup>248</sup> Funding of the SMGV came from the national government and the municipalities. From day one, the funding system showed serious

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<sup>242</sup> In a 2002 survey, 28% of interviewees 65 and older declared they were not receiving the Bolivida (Rofman 2006, 403, cited in Müller 2009, 168).

<sup>243</sup> *Decreto Supremo* 27090/2003 made clear that all modification had to be appropriately substantiated with identity documents issued by the Police, the RIN (which succeeded the RUN), or the Civil Registry.

<sup>244</sup> References to the link between documentation and access to the Bolivida/Bonosol, as well as to the exclusion of qualified people from these benefits due to undocumentation or underdocumentation, are a constant in the reports of the Bolivian Ombudsman throughout the early and mid-2000s (Defensor del Pueblo 2001, 77; 2002, 79; 2003, 111-113; 2004, 64, 74-75, and 270; 2005, 30-31 and 128-129; 2006, 64-65, 146-147, and 306; 2007, 129-130; 2008, 35, 92, 107).

<sup>245</sup> Casas interview, 2011, Choque interview, 2011, García interview, 2011, and Páramo interview 2011, among others.

<sup>246</sup> *Decreto Supremo* 24448/1996.

<sup>247</sup> Law 1886/1998.

<sup>248</sup> *Decreto Supremo* 25186/1998.

limitations. Delays in national government transfers were frequent, and municipal authorities often failed to appropriate resources. As of 2002, one third of municipalities were not registering local SMGV beneficiaries, so to avoid contributing to their premiums (Defensor del Pueblo 2003, 130). Without insurance providers receiving the publicly financed premiums in a timely manner, health facilities became frequently overloaded and in some cases temporarily suspended services for SMGV insurance holders. Things improved somewhat over time, but with many municipalities, insurers, and health care providers trying to dodge their obligations, the quality of customer service and care remained a problem. Another issue was the lack of insurer-connected health care facilities in many rural areas (Defensor del Pueblo 2003, 129-132; 2004, 27 and 68-69; 2005, 31, 129-131, and 155; 2006, 150). Unquestionably, the SMGV provided one more incentive for the documentation of the elderly, although with all the implementation problems its effects were certainly more modest than those of the Bonosol.

The *Seguro Nacional de Maternidad y Niñez* (SNMN) came into being in 1996 as a publicly funded health care insurance for expecting mothers and children under five.<sup>249</sup> It offered a set menu of very basic free health care services during pregnancy, delivery, postpartum, and early childhood. In 1998, it was subsumed into the *Seguro Básico de Salud*.<sup>250</sup> For the general population, this new free health insurance scheme covered family-planning services and the diagnosis and treatment of certain infectious diseases. For mothers and children under five, the *Seguro Básico* built upon the SNMN and expanded the menu of free health care services. In 2002, a separate free health care insurance for expecting and recent mothers and young children was introduced again.<sup>251</sup> Modelled after the SNMN, the *Seguro Único Materno Infantil* (SUMI) represented a much more generous version of the former. The menu of covered procedures for

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<sup>249</sup> Decreto Supremo 24303/1996.

<sup>250</sup> Decreto Supremo 25265/1996.

<sup>251</sup> Law 2426/2002.

mothers and children increased from 32 in the SNMN, to 92 in the *Seguro Básico*, and 457 in the SUMI (Acosta, Esquivel, and Landa 2006, 24-36).

Both central and local governments contributed funds for these three insurance schemes. However, their funding was less problematic than that of the SMGV. Municipal contributions did not depend on local appropriations, as the central government earmarked a portion of the funds it had to transfer to each municipality to pay for these programs (Acosta, Esquivel, and Landa 2006, 24-36). Still, reimbursements to health care providers did not always go smoothly, and some health care facilities responded with discriminatory practices, sub-par services and occasional shut-downs targeting program beneficiaries. Reports of these kind of problems decreased over time, and largely disappeared after the SUMI was instituted in 2002 (Defensor del Pueblo 2000, 163 and 282; 2001, 250; Dmytraczenko et al. 1998; Acosta, Esquivel, and Landa 2006). Overall, these free insurance schemes contributed considerably to increase health care access for women and children. The impact was greatest for poor families living in urban and rural areas with easy access to health care facilities. In distant rural areas the effects were more limited due to the lack of information about the programs<sup>252</sup> and distance to health care facilities (Acosta, Esquivel, and Landa 2006).

None of these free health care insurance schemes for women and children required identity documents for registration. In the case of women, health facilities would issue an insurance card during the first visit. In the case of children, only the regulations for the SUMI made reference to the use of documents for registration (birth certificate, certificate of live birth, or baptismal certificate). Yet, undocumented children could also register with the help of two witnesses.<sup>253</sup> Despite the flexibility of the registration procedures, there is evidence of some hospitals using

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<sup>252</sup> Only about 53% of the rural women interviewed by Lugo and Gutierrez (2001) knew about the *Seguro Básico* (cited in Acosta, Esquivel, and Landa 2006, 30-31).

<sup>253</sup> See *Decreto Supremo 26874/2002*.

the lack of a birth certificate as an excuse to refuse attention to children covered by the SNMN (Dmytraczenko et al. 1998, 18-19), and different sources mention the SUMI as a key incentive for birth registration (González interview 2013; Hinojosa Zambrana 2009c, 177; TSE-SERECI 2013: 13). The contribution of these insurance schemes to documentation, therefore, should not be disregarded. With access to health facilities substantially increasing (Dmytraczenko et al. 1998; Acosta, Esquivel, and Landa 2006), more and more women and children came into contact with bureaucratic spaces where identity documents were common. At a time when many other state policies were sending similar signals, this should have contributed to reinforce knowledge about documentation and its value. On the other hand, the contribution of these health care insurance programs to the demand for documents was probably lowest where it was needed the most: in the more distant rural areas.

The reforms of the 1990s and early 2000s brought incentives like Bolivia had never seen before for the documentation of traditionally disadvantaged sectors of the population. The poor, rural dwellers, indigenous peoples, women, all categories that often overlapped, now had a greater stake in the acquisition of documents. Policy innovations and institutional reforms impacted different groups differently, but in every case documentation became more advantageous and knowledge about it spread as the state's institutionality expanded in mutually reinforcing ways through new services and benefits. For the elderly it was the Bonosol and the SMGV. For children and youths the impulse education received. For adult citizens the more strict voter registration requirements. For Andean indigenous groups the LPP and the INRA Law. For lowland indigenous groups the INRA Law and the LPP. For women the SUMI and, above all, the evolution of social roles, reflected in and strengthened by the reformist legislation of the era and

its language of gender equality. Women continued to become more educated and more present in the public sphere.

The LPP, Education Reform, and the INRA Law incorporated provisions that promoted the recognition of indigenous organizations, cultures, and territories. The multicultural trend also found its way into the Constitution, and from 1994 on Bolivia defined itself as a multiethnic and pluricultural republic (art. 1). Symbolically and practically, the reforms of the 1990s harnessed the indigenous population closer to the state, even if their aspirations were far from fully satisfied (Lucero 2013; Postero 2007). By the mid-1990s, access to identity cards had become an important claim for indigenous organizations (CSUTCB 1996, 35; González interview 2013; Requena interview 2013; Yashar 2005, 217). With the RUN making identity cards more easily available and attention turning to other political priorities, identity documents soon faded from the national agenda of the indigenous movement (León interview 2011; González interview 2013; Velarde interview 2013). At the local and family level, however, the expansion of state benefits and services continued to stimulate the demand for documents among the indigenous population (Choque interview 2011; Guerra interview 2011; Hidalgo interview 2013). With information about and delivery of these benefits and services precarious in many areas, interest in identity documents did not reach all corners of the country. Nevertheless, the demand for documents underwent an important growth spurt. Supply would now remain the greatest bottleneck for documentation.

## **2. The contradictory supply of identity documents**

Even as demand for documents grew, the inefficiencies and complexity of civil registration and the identity card system kept countless Bolivians undocumented or underdocumented. The open and hidden costs of achieving full documentation discouraged many citizen from trying.

Others tried and failed. The result was the existence of an active yet frustrated demand for documents, but also of a latent one, made of people waiting for easier opportunities to improve their documentary situation. Existing barriers left some Bolivians completely undocumented. More commonly, people remained underdocumented, unable to complete the documentation cycle by securing both a birth certificate and an ID card, or correcting deficiencies in the ones they held. The RUN greatly reduced the number of fully undocumented people, but underdocumentation expanded. Only in 2002, after substantial social pressure, did authorities begin to take meaningful steps to fix some of the inadequacies of the Civil Registry. Overhaul of the national ID system would have to wait even longer. In the meantime, people with less social, cultural, and economic resources to navigate the complexities of documentation continued to be the most exposed.

a) *Civil registration in the late 1990s and early 2000s*

The Civil Registry of Bolivia underwent an important process of modernization after it came under the authority *Corte Nacional Electoral* in 1992. As the electoral arbiter of the land, however, the CNE was initially more concerned with maintaining a clean electoral roll than with building an inclusive Civil Registry. As a result, most of the reforms the CNE implemented early on emphasized improving the reliability of the civil registration system, even if it came at the cost of making it less accessible for many citizens. The first step was to collect all the civil registration books in the country and start reviewing them (Pérez interview 2013). The process uncovered large amounts of civil records with overwritten fields, erasures, incomplete information, and similar problems. In order to purge substandard records, authorities put them on hold. No new birth certificate copies based on those records would be issued until the affected citizens took the steps to legally correct them (Paravicini 1997). Since the modification of

existing records required a court order, the approach put a big burden on the citizenry. The CNE opened an avenue for the administrative, non-judicial correction of records, but kept it so narrow that few managed to benefit (Roca Serrano 2006, 136-142). More concerned with preventing the fraudulent modification of birth records than with easing the burden on citizens, the CNE was too timid to simplify the correction process in any meaningful way.

The modest early measures the CNE took to reduce judicial involvement in the correction of birth records were part of a broader push to update Civil Registry regulations. *Decreto Supremo* 24247/1996 gave the civil registration system a new regulatory framework that provided a greater degree institutional coherence. Nevertheless, in terms of making civil registration more accessible to the population, the relief the Decree offered was marginal. Accessibility came through the backdoor by means of the RUN Project. The RUN offered an easy avenue for the birth registration of rural adults, with the only requirement that two local witnesses attested to the identity of the person in question.<sup>254</sup> After 1997, however, with the RUN Project over and *Decreto Supremo* 24247/1996 in effect, the judicialization of late registration came back in full force as well. Moreover, during its years of activity, the RUN re-registered thousands of people who already had birth records. Double registration would eventually come back to haunt the affected citizens when the Civil Registry blocked all duplicated records (Hidalgo interview 2013; Páramo interview 2011; Quispe interview 2013). Ultimately, the growing demand for documents began to clash with the rigidities of the civil registration system, creating pressure for reform.

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<sup>254</sup> See *Decretos Supremos* 22773/1991, 23360/1992, 23701/1993 and 23761/1994, and Law 1660/1996 for details on the simplified late birth registration procedures in the context of the RUN. *Decreto Supremo* 23761/1994 extended simplified late registration procedures beyond the RUN, but it was only in effect for a short period of time.

In the second half of the 1990s, the inadequate functioning of the Civil Registry continued to represent an important barrier to the documentation of the population. Efforts at regulatory modernization alleviated things little, but despite some improvements in training and supervision (Pérez interview 2013; Rada Laguna 1999), control over the work of civil registration officials remained precarious (CAMN-CERES-CPC 2009, 10-11; Hinojosa Zambrana 2009c, 174 and 191; Guillén interview 2011; Urzáiz interview 2011). Registrars still made countless mistakes, and the burden of fixing them fell on citizens, irrespective of their ability to do so. Under this circumstances, pressure from below started to build up (del Toro interview 2011; Hidalgo interview 2013; Velarde interview, 2013). Reporting on a 1999 public opinion poll, the Bolivian Ombudsman's Office<sup>255</sup> writes: "Responses show a concerning dissatisfaction and mistrust of public institutions... This perception increases among the lower socioeconomic strata, and particularly refers to institutions such as the Civil Registry, the municipal governments, and the prefectures" (Defensor del Pueblo, 1999 chap. 4 and 24-25, my translation). Press reports describe a similar picture of frustration: long lines of people endlessly waiting outside the *Dirección Departamental de Registro Civil* in La Paz to secure copies of their birth certificates or amend flawed records, with the situation at times escalating into shouting matches and physical threats to attending officials (Z. Hinojosa 1999b; Rada Laguna 1999).

Beyond the wait times and bureaucratic complexities, corruption contributed to the high levels of dissatisfaction with the Civil Registry. Although overcharges and other illegal practices by registration officials in the field did not disappear (Paravicini 1997; Gutiérrez Castro 1999), greater centralized control over birth records and the issuance of certificates reduced opportunities for bribery and informal flexibility at the lower end of the system. At the same

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<sup>255</sup> The Bolivian Congress elected the first Ombudsman in March of 1998, and the Ombudsman's Office started functioning shortly after.

time, new possibilities for irregular dealings opened up at the Departmental Electoral Courts and the associated *Direcciones Departamentales de Registro Civil*. Citizens willing to grease the wheels had to now work the departmental end of the system if they wanted to secure a favorable outcome and avoid the dreaded judicial route. It was the departmental level that decided on requests for birth certificate copies, examining them against existing birth records. It was also the departmental level that handled the administrative correction of records, determining which cases met the narrow criteria to qualify, and which ones required the intervention of the courts (Paravicini 1997; Rada Laguna 1999). Under the CNE, the reliability of the civil registration system increased, but it was far from perfect. Mechanisms for informal flexibility moved up to the departmental level, and in the process, the bar for obtaining informal relief from the rigidities of the civil registration system moved up as well. In the past, citizens had been able to sort things out with their local registration officials directly, both in rural and urban areas. Now, informal arrangements were mostly an urban affair, and generally involved intermediaries, such as lawyers or professional “handlers” that preyed on the weak. Manuel Páramo explains his experience working for a ring of “handlers”:

“We were very unfair with the people from the countryside... Initially, my job was to go to the [Departmental Electoral] Court and hand out flyers: come with us, if you have an administrative case, a judicial case, we help you fix it... it was a dirty job I got involved in... The lawyer I worked for would turn administrative cases into judicial ones, charge as if it was judicial, and handle it administratively... I would have the administrative case solved in a week, and hold on to the documents for a month, so that the supposed judicial proceedings had time to be completed... people that have had to suffer through a series of things to have to come fix their documents to the big city... It was all a mafia. I don't know if a mafia, but all a strategy we had with the officials at the counter attending to the public. We did not have to stay in line, we filed our cases directly, and paid them their share under the table, and they handled our cases fast” (interview 2011).

With the importance of identity documents growing and citizen frustration boiling, civil society organizations took upon themselves to campaign for the registration rights of vulnerable sectors of the population. In the previous section, I discussed how the Catholic Church and civil society groups of and for the elderly lobbied the government for an easy alternative that allowed

undocumented seniors to certify their age and access the 1997 Bonosol (HelpAge International 2004, 42-43). Children's rights groups similarly lobbied for changes to make the civil registration system more family-friendly. Pursuant to Bolivia's ratification of the 1989 UN Convention on the Rights of the Child, Congress approved the 1992 Code of the Minor,<sup>256</sup> which in line with the Convention incorporated the idea of free birth registration. Free registration without a free birth certificate was little more than a fiction, and references to the limitations of the country's civil registration system became a constant in follow up reports evaluating the progress of Bolivia with regard to the implementation of the Convention (Comité de los Derechos del Niño 1992, 78-83; 1997, 183-188). In 1994-1995, NGOs promoted the first free birth registration campaign for children. With UNICEF funding, and in coordination with the CNE, the campaign managed to reach 50.000 children, short of its target of 100.000 (Comité de los Derechos del Niño 1997, 188).

A window of opportunity came in 1997, when the Bolivian legislature began to work on a new legal code on the rights of minors. From the start, children's rights groups managed to position birth registration as a key issue. The initial bill included a long transitional period in which all minors would benefit from free and easy access to birth registration and the first birth certificate (Roca Serrano 2006, 123-124). It was clear that the existing window for the timely registration of births was insufficient, and that systematically referring late registration cases to the courts was unproductive. To maintain the momentum, Children's rights groups came together in the *Red Social de Defensa de los Derechos de la Niñez y Adolescencia* in 1998. The network included national and international NGOs, and had the support of the Ombudsman's Office and UNICEF. The birth registration rights of children became one of the most visible issues in the public agenda of the network (Defensor del Pueblo 2001, 71-73; González interview 2013).

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<sup>256</sup> Law 1403/1992

In this context, the government issued *Decreto Supremo* 25230/1998, which tackled some of the most glaring obstacles affecting the registration of children and the elderly.<sup>257</sup> The Decree expanded the window for the timely registration of births to seven years, a time frame that fitted better with the custom of waiting until children had to enter primary school to register them (Roca Serrano 2006, 120-121). It also opened a non-judicial route for the registration of people born before 1943,<sup>258</sup> allowing them to register with just a baptismal certificate, civil/religious marriage certificate, “family booklet”, “military service booklet”, or ex-combatant papers from the Chaco War. The Bonosol had made clear how difficult it was for the older generation to jump through the hoops of the regular late registration procedures.

Congress approved the new Children’s Code in late 1999.<sup>259</sup> At the legislative level, the Code represented a victory for children’s rights groups, insofar as it codified the right of minors to register and obtain their first birth certificate free of charge and in an expedient way. Since birth registration was already free, the real innovation was to declare the first birth certificate copy free as well. The provision applied to all minors, going beyond the legal window for timely registration, and therefore challenging the notion that late registration should require long and expensive judicial proceedings. Legislative victories, however, rarely are the end of the road, and implementation of the birth registration provisions of the Code proved challenging. Issuing birth certificates free of charge went against the organizing principles of the civil registration system. Unsalaries civil registration officials made their living off the fees that they charged to the

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<sup>257</sup> The provisions of *Decreto Supremo* 25230/1998 were initially supposed to be temporary one-year measures. Later decrees repeatedly extended them, keeping them in place until 2004.

<sup>258</sup> *Decreto Supremo* of 29 December, 1939 made birth registration mandatory for all people born after January 1940, and regulated the funding and organization of the Civil Registry. However, it was a *Decreto Supremo* 196 of 1943 that gave the Civil Registry the push it needed to start functioning in most of the country. Even though *Decreto Supremo* 295/1945 extended the obligation to register to citizens born before 1940, many people never did.

<sup>259</sup> Law 2026 of 14 October, 1999. Also known as Law of the *Código del Niño, Niña y Adolescente*.

public, and the new Children's Code did not establish who was to pay for the free certificates for minors. Since the CNE relied on the revenues it derived from the Civil Registry to self-finance its electoral responsibilities, it was not willing to assume the costs either. In the list of institutional priorities of the CNE, the electoral function took precedence over civil registration. Only in 2003, and after some more lobbying by the children right's network and supporting organizations, did Congress issue legislation that made the registration provisions of the new Code effective (Defensor del Pueblo 2001, 71-73; 2002, 20-22 and 74-76; 2003, 88-89 and 92; 2004, 24 and 82-83; González interview 2013; Martínez interview 2013).

Civil registration had firmly entered the public agenda, and for the first time ever, the 2001 Census included an item on the matter. To the question of whether their birth had been registered, 7.3% of Bolivians answered negatively. Unsurprisingly, negative responses were higher in rural areas, and among women and indigenous peoples. Nevertheless, gender and ethnic differences in this deep form of undocumentation were not large anymore. The rural-urban gap and age disparities were more noticeable. Children under five<sup>260</sup> and adults over 60 displayed the lowest registration levels (INE 2002). These two age groups had been precisely the focus of civil society's efforts. The Census question did not capture the great number of Bolivians whose defective birth records kept them under-documented. While registration errors affected people from all walks of life, language barriers and the low education levels of rural registrars made indigenous populations living in the countryside particularly vulnerable (Foley et al. 2007; García interview 2011; Hidalgo interview 2013). The difficult process of record corrections, which generally required the intervention of the courts, reinforced social differences

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<sup>260</sup> Expanding the window for the timely registration of births can have contradictory consequences. On one hand, less children have to confront the difficult process of late registration. On the other hand, it reduces the urgency to register newborns shortly after birth (Pérez interview 2013; Roca Serrano 2006, 123).

in access to quality documents, to the detriment of the citizens without the relevant economic, social, and cultural resources.

Meanwhile, the everyday grind of dealing with citizen dissatisfaction in the context of a deficient civil registration system was taking its toll on many of the involved state employees. As a result, certain sectors within the Civil Registry started to advocate for reforms designed to build a more user-friendly service. As one insider explains: "... social pressure was necessary. Social pressure that manifested itself through the demand for better service. Of course, a Civil Registry without technology, with backwards and out of context regulations, necessarily required from the stimulus of social pressure to come up with alternatives for a better service" (Hidalgo interview 2013). In 1999, a group of high ranking officials at the La Paz Departmental Electoral Court and the Dirección Nacional de Registro Civil put forward a proposal for comprehensive civil registration reform (Rivero S. 1999). The proposal included the dejudicialization of late registration and most types of birth record corrections, the integration of the civil registration system through a nationwide computer database, and better coordination with the identity card system through the use of common personal identification numbers (Valverde Castaños 1999). The proposal did not progress, but many of its suggestions would be eventually adopted.

Digitalization and dejudicialization were key issues. Before 1998, several Departmental Electoral Courts, whose *Direcciones Departamentales de Registro Civil* had responsibility for the collection and custody of registration books in their jurisdiction, had already begun to build their own regional databases using different software systems (Herrera interview, 2011; Hidalgo interview 2013). By 1998, the need to use computer technology to improve civil registration had penetrated all the way to the CNE. With the electoral roll on more solid ground and citizen dissatisfaction mounting, the CNE began to pay more attention to the Civil Registry and took

command of the digitalization efforts (Herrera interview 2011; Hidalgo interview 2013; Z. Hinojosa 1999a). Building a digital database was coherent with the CNE's emphasis on reliability, and fit well with government plans at the time to integrate the Civil Registry and the identity card system into the RIN, which the next sub-section will discuss in more detail.

Dejudicialization was a different matter. While the need to reduce reliance on the judiciary had become clear for many in the departmental electoral courts and the *Direcciones de Registro Civil*, the CNE, further removed from the everyday grind, was more cautious.<sup>261</sup> Making late registration and the correction of records easier was seen as a potential threat to the integrity of the civil registration system, as it could facilitate deceitful identity changes. That this was an important concern for the CNE should come to no surprise, given its responsibility to minimize voter fraud and guarantee credible elections (Velarde interview 2013). Nevertheless, the cautious approach of the CNE could not be sustained forever. Civil registration officials continued to make mistakes, and the transcription of civil registration books to a digital database initially made things worse.

Between 2000 and 2003, with funding from the Inter-American Development Bank, millions of civil records were transcribed to a national digital database. The process did not go smoothly. First of all, the handwritten registration books that contained the original records were a source of problems. Illegible handwriting, erasures, incomplete fields, deteriorated pages, and the like made the transcription work difficult. Flawed records were flagged and blocked. If the affected person requested a birth certificate copy, she was in for a surprise: no certificate would be issued until she corrected the record following the judicial or administrative route appropriate for the specific type of case (Hidalgo interview 2013; Hinojosa Zambrana 2009a, 41-43). Once

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<sup>261</sup> With the exception of *Resolución* 140/1998, which validated the civil records that registration officials had logged on non-official paper sheets and notebooks before 1992, keeping these cases off the Courts, the CNE remained rather cautious with regards to the dejudicialization of civil registration until 2002.

again, the burden of fixing things was passed on to the citizenry. The deficient training and supervision of transcription teams further complicated things. Oftentimes, transcribers would flag records in an excessively casual manner, turning a small defect in the original record into a serious headache for the citizen (Hinojosa Zambrana 2009a, 41-43). Also, since the work of the transcribers was final, the mistakes they made (spelling or otherwise) became part of the official records. Without adequate coordination, not all transcription teams followed the same criteria in their work. Some teams transcribed the two mirror copies of the same registration book, creating duplicated records for the people in them (Hidalgo interview 2013). Since duplicated records were flagged and blocked, double transcriptions created a problem where there was none. Additionally, with a digital database, the carelessness of the defunct RUN came to light: the RUN had re-registered thousands of people who were already registered. These people found their birth records blocked until they secured a court order to void the redundant records (Quispe interview 2013; Hidalgo interview 2013; Fundación Tierra-Regional Valles 2009, 12 and 87-88; Urzáiz interview 2011).<sup>262</sup>

In 2011, the transcription of civil records to the digital database was not yet 100% complete.<sup>263</sup> Since computers only reached registrars in the field very slowly, the system kept producing new records to transcribe, making the database a never-ending project (Hidalgo interview 2013). In the words of a former member of the CNE, “it was like the story of the dog trying to bite its own tail, we could never meet the goal” (Velarde interview 2013). Still, with the bulk of the transcription work executed between 2000 and 2003, the difficulty of correcting civil

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<sup>262</sup> The haphazard nature of civil registration in Bolivia before 1992, as well as the RUN project later on, made double and even triple registration quite common (Quispe interview 2013; Fundación Tierra-Regional Valles 2009, 12 and 87-88).

<sup>263</sup> According to the CNE, the database was 98% complete in 2006 (Paredes Alarcón 2007, 1). Pedro Hidalgo still puts it at about 98% complete in 2011 (interview 2013).

records came once again under scrutiny.<sup>264</sup> In 2002, Congress instructed the government to issue a decree providing an administrative, non-judicial route for the correction of records, in cases in which the modifications did not affect the identity of the person in question.<sup>265</sup> Shortly after, the government issued *Decreto Supremo* 26718/2002, expanding the typology of correction cases that could be handled outside of the court system, and simplifying the administrative procedures for doing so.<sup>266</sup> Another decree in 2003<sup>267</sup> pushed the dejudicialization of corrections further, and Law 2616/2003 consolidated the gains (Roca Serrano 2006, 135-155).

In terms of making civil registration more accessible, Law 2616/2003 was a landmark piece of legislation.<sup>268</sup> First, like children's rights groups had been claiming for years, it made the first birth certificate for children under 12 free of charge.<sup>269</sup> For a three-year period, unregistered adolescents between the ages of 12 and 18 would also be able to secure their first certificate for free. This time around, Congress directed the Ministry of Finance to assign the CNE funding to make the provision effective.<sup>270</sup> Second, Law 2616/2003 put an end to the judicialization of late registration, making it an administrative affair to be handled outside of the court system. Moreover, it raised the window for the timely registration of births to 12 years of age. Third, Law 2616/2003 gave undocumented parents the possibility of registering their children with the support of two witnesses. Reversing course from *Decreto Supremo* 24247/1996, the move helped

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<sup>264</sup> According to a large database of documentation problems put together in 2002 by civil society organizations, the correction of birth records was one of the most demanded services, (CPC 2002, 30-35).

<sup>265</sup> Law 2346/2002.

<sup>266</sup> In its motivating statement, *Decreto Supremo* 26718/2002 acknowledged that the opening provided by *Decreto Supremo* 24247/1996 for the administrative correction of records had been largely ineffectual.

<sup>267</sup> *Decreto Supremo* 26975/2003.

<sup>268</sup> The CNE would develop the procedural details for the application of the provisions in Law 2616/2003 through a series of *Resoluciones*. See Roca Serrano for a more in depth discussion (2006, chap. 3).

<sup>269</sup> *Decreto Supremo* 26579/2002 provided a test-run of sorts for the provision, transferring two million bolivianos to the CNE to finance free birth certificates for children born after January 1, 2002. The measure only covered 88 civil registration offices (Leon et al. 2002, 8; Velarde interview 2013).

<sup>270</sup> Some of the funds, however, would come from international donors (Paredes Alarcón 2007, 2).

to limit the intergenerational transmission of undocumentation. Finally, Law 2616/2003 confirmed and expanded efforts to dejudicialize the correction of birth records.<sup>271</sup>

The period 2002-2005 saw important changes in Bolivia's civil registration system, which was finally becoming more inclusive and accessible. Citizen complaints, and the work of civil society and international organizations were finally paying off. More and more, political and civil registration authorities came to recognize that it was necessary to reform the way the Civil Registry operated. In addition, political polarization had grown in the country, and following a close presidential election in 2002, accusations of fraud reappeared in a way not seen since 1989 elections (BBC 2002; ANSA 2003). With its electoral management under scrutiny, the CNE assumed a more active stance on the civil registration front, supporting reformist legislation<sup>272</sup> and adopting a more hands on approach to the registration process (Velarde interview 2013). Law 2616/2003 was perhaps the clearest example of the new winds, but there were also changes at the operational level. For the first time since the RUN, the Civil Registry would go to the citizens, rather than just wait for citizens to come to it. With international donor funding, mobile registration teams took to the road to reach rural communities, beginning in 2002 (Velarde interview 2013).

Support for civil registration reform and other documentation efforts, however, was far from unanimous in the executive, the legislature, or even the electoral courts. In the lead up to the 2002 elections, a group of civil society organizations joined forces in the *Consortio por la Participación Ciudadana* and launched a large documentation project seeking to facilitate access to working birth certificates and identity cards. The coordinator of the project, Rosario León,

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<sup>271</sup> See Roca Serrano for a more detailed discussion of the different types of corrections this piece of legislation and previous decrees allowed without resorting to the courts (2006, 135-155).

<sup>272</sup> The CNE had the ear of the Legislature for most issues within its area of technical expertise (Ballivián 2009, 86)

remembers the angry reproaches she received from a Senator: “who do you think you are? You are going to change the electoral map on us, she said” (interview 2011). Along similar lines, Martha Miller, official of the British development agency in Bolivia, describes how the Ministry of Finance reacted to her decision to bankroll the project: “the Vice Minister responsible for foreign aid and donor coordination got very angry about it. I actually got a quite rude letter... they accused me, what I was doing, of being a donor-driven initiative” (interview 2013). The relations between the Consortium and the CNE were not good either. Rosario León complains the CNE did “everything in its power to kill the project” (interview 2011). The experience of Javier Velarde as part of the CNE’s Board around those years is also bitter, but somewhat more nuanced. It was a time when electoral authorities embraced a certain regulatory modernization of the Civil Registry and other innovations, such as the deployment of mobile registration teams, he recalls. Yet, when it came to other measures, such as undertaking a deep internal clean-up to stamp out corruption, support became more than tepid:

“...a group conceived their Civil Registry positions as immovable hunting grounds. It was a powerful group that was absolutely resistant to all changes, all innovation, all modernization efforts... There were a lot of [citizen] complaints... We discovered here in La Paz, and in other departments, networks of lawyers, [departmental electoral] court officials, judges... it had become a factory of judicial orders to change the age and names of people. We knew all of this was linked to illegal access to the Bonosol... things came to a breaking point. The affected people threatened with a breakup between the National Electoral Court and some of the departmental electoral courts. Some, not all. I was left alone hanging... I ended up leaving, because things were coming to a point where the threat of institutional breakdown was real” (interview 2013).

In many ways, the state was its own worst enemy when it came to the documentation of the population. It fell upon NGOs, international donors, and the affected citizens themselves to maintain the pressure for civil registration reform. The first half of the 2000s was a time of political upheaval in Bolivia, and the quick succession of elections functioned as a reminder of

the electoral importance of identity documents.<sup>273</sup> The initial focus of the *Consortio por la Participación Ciudadana*, for example, was one of reducing the barriers to electoral participation (Leon interviews 2011b; 2013; Leon et al. 2003; Miller interview 2013). Unlike other organizations working on the birth registration of children at the time, the Consortium focused primarily on the documentation of adults. It was also in the context of the 2002 elections that the CNE and foreign donors first came together to promote adult registration (Tamargo 2009, 26-27).

The 2002 elections showed the force of the rising MAS party, with Evo Morales coming second in the presidential race. The election did not reduce political tensions, which escalated further. In this political climate, documentation reentered the national agenda of indigenous organizations. In 2004, in order to lift ongoing peasant blockades in the highlands of La Paz, one of the conditions the CSUTCB negotiated with the sitting administration was the launch of a new documentation program to facilitate identity documents to rural populations. While a full-blown program never came into being, the government issued *Decreto Supremo 27195/2004*, which simplified birth registration procedures for undocumented indigenous adults, and declared their late registration and first certificate free of charge. The Decree specifically made reference to the agreement negotiated with the CSUTCB. In parallel, with the possibility of new elections in sight and the backing of foreign donors, the electoral courts intensified the use of mobile teams to carry out free birth registration campaigns for adults (Ballón Echegaray 2007; Roca Serrano 2006, 155-166). Many indigenous organizations reached out to civil registration authorities to benefit from the campaigns (Casas interview 2011; Roca Serrano 2006, 155-166).<sup>274</sup>

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<sup>273</sup> There were general elections in 2002 and 2005, municipal elections in 2004, and a national referendum in 2004.

<sup>274</sup> The *Consortio por la Participación Ciudadana* also included indigenous organizations such as CONAMAQ, OMAK, CEPEC, and later on, CIDOB, although they did not take a very active role (León interview 2011).

The CNE was beginning to recognize the particular needs of the indigenous population, and issued a series of targeted *resoluciones* in this regard. *Resolución* 020/2004 introduced special late registration procedures for indigenous adults, even before *Decreto Supremo* 27195/2004. Applicable only to members of indigenous communities, the *Resolución* lowered the burden of proof for adult registration, validating the use of two local witnesses to certify the identity of the person in question (Roca Serrano 2006, 131). *Decreto Supremo* 27195/2004 confirmed the differential treatment and expanded it, making the registration of indigenous adults free of charge. *Resolución* 074/2004 further contributed to facilitate adult registration, authorizing the use of collective registration mechanisms at the request of local communal authorities. The possibility did not apply to indigenous communities exclusively, but benefitted them the most (Hinojosa Zambrana 2009a, 52). The CNE also made the administrative correction of birth records easier for indigenous peoples. *Resolución* 497/2004 allowed indigenous communities to bundle and collectively initiate administrative correction procedures, rather than force their members to file individual cases. Last but not least, *Resolución* 616/2004 explicitly directed the Civil Registry to respect indigenous cultures when registering people with indigenous names.

As the 1990s and 2000s progressed, it became clear that the demand for documents was on the rise in Bolivia, and that inadequate documentation systems kept it repressed. In the table below, we can see the ebbs and flows of birth registration between 1993 and 2003. Spikes in registration whenever the Civil Registry introduced some measure of flexibility point towards an unsatisfied demand. The years of high RUN activity (1993, 1995, 1996, and 1997<sup>275</sup>) show large numbers of adult birth registration. Adult registration plummets in 1998 with the end of the

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<sup>275</sup> The combination of RUN Project activities and the Bonosol probably explain why 1997 displays by far the highest level of birth registration for the population 65 and older.

RUN. In November of 1998, *Decreto Supremo* 25230/1998 dejudicialized late registration for people born before 1943. Not surprisingly, adult registration starts to go back up in 1999, particularly for the 65 and older age group. That same Decree expanded the window for timely registration of births to seven years, explaining the tremendous jump in registration for the 1-11 age group in 1999. Birth registration numbers for this age group surge again in 2003, following *Decreto Supremo* 26579/2002, which made the first birth certificate free for children born in or after January of 2002.

<b>Births registered by age group, 1993-2003</b>					
	<b>Under 1 year</b>	<b>1-11 years</b>	<b>12-17 years</b>	<b>18-64 years</b>	<b>65 and older</b>
<b>1993</b>	173,114	28,946	7,816	84,314	7,376
<b>1994</b>	181,265	30,883	8,203	43,938	3,328
<b>1995</b>	189,121	51,146	14,207	81,669	8,086
<b>1996</b>	179,469	30,684	22,304	152,750	31,661
<b>1997</b>	178,200	38,402	12,418	80,824	74,489
<b>1998</b>	177,689	51,736	8,441	31,959	1,622
<b>1999</b>	165,735	166,511	10,972	46,397	10,801
<b>2000</b>	150,886	94,891	17,056	41,165	29,282
<b>2001</b>	149,098	72,717	16,599	34,604	23,844
<b>2002</b>	146,030	72,667	11,858	33,999	18,163
<b>2003</b>	160,965	194,537	17,649	40,263	30,173

(Source: Paredes Alarcón 2007, 3)

Despite the undeniable progress the civil registration system of Bolivia experienced in the early 2000s, severe deficiencies remained, particularly in rural areas. Control over fee-for-service registration officials was slow to improve, and they continued to make mistakes, overcharge, and engage in other fraudulent practices (Foley et al. 2007; Guillén interview 2011; Hinojosa Zambrana 2009c; Urzáiz interview 2011; Revuelta 2009). Citizens bore the burden of the system's flaws, and the most vulnerable were especially exposed. At the bottom of long-standing social hierarchies, the indigenous population in general, and rural indigenous women in particular, found themselves at a disadvantage. Not only because they often lacked the resources

to navigate the system, but also because discrimination did not disappear (Choque interview 2011; Foley et al. 2007, 28-29; Leon et al. 2003; Tamargo 2009, 18; testimonials in CPC 2006, 15; testimonials in CPC Santa Cruz 2006, 21-22). Moreover, the application of the new regulations favoring indigenous peoples was spotty at best. The forced hispanization of names did not fully go away (Arriaga interview 2011; Casas interview 2011; Revuelta 2009, 28; Tamargo 2009, 18). The possibility of adult registration with two witnesses was not always applied (Leon 2005b, 65; Hinojosa Zambrana 2009a, 51-53). And the free registration of indigenous adults, largely dependent on the influx of international funds, was only partially implemented (Hinojosa Zambrana 2009b, 125; Roca Serrano 2006, 131-132).

As for the dejudicialization of civil record corrections, while substantial, it did not go far enough. Many cases remained in the hands of the courts, and despite being simpler and cheaper than judicial corrections, administrative corrections still required significant time and money (CEPRA 2005; Hinojosa Zambrana 2009a and 2009b).<sup>276</sup> The slow and unequal penetration of computers did not help either. As late as 2011, many rural registrars continued to register by hand, increasing the possibility of error in at least two ways. First, mistakes could happen during the transcription of their books to the digital database. Second, registration books held 100 births, and in sparsely populated areas, it might take up to a year to fill a book and forward it for transcription.<sup>277</sup> In the meantime, parents could unwittingly re-register their children at a different location. Re-registration could even happen at offices that used offline computers, as their databases were only updated from time to time (Hidalgo interview 2013; Hinojosa Zambrana 2009a, 36-38). Civil registration officials, especially rural ones, continued to be the

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<sup>276</sup> A new piece of legislation in 2010, Law 018/2010, would show that there was still room to grow in this regard, but I will leave that to the next chapter.

<sup>277</sup> Civil registrars were supposed to take their registration books to the *Direcciones Departamentales* at least once a year,

weakest link of the system, making mistakes and offering citizens contradictory and unreliable information about registration requirements and correction procedures (Foley et al. 2007; Hinojosa Zambrana 2009a; 2009c; Revuelta 2009).

All in all, birth registration grew significantly in Bolivia in the 1990s and early 2000s, but having a valid birth certificate associated to an error-free birth record remained a challenge. The case of Félix Dalenz is paradigmatic.<sup>278</sup> Born in 1957 in a small town of the Department of La Paz, Felix's parents registered his birth on time, but the registrar made a mistake. For both Félix and his father, the last name he consigned in the birth record was Dalence instead of Dalenz. Since the certificate his parents received had the right last name, they did not realize the error. In 1975, Félix had to secure a new copy of his birth certificate to join the social security system for a mining job. Only then he realized the spelling mistake. Despite his record showing a different last name, the local registrar agreed to issue him a birth certificate to the name of Dalenz. For the time being, he avoided going to court to officially correct his birth record. Over the next 25 years he went on with his life, relying on the new birth certificate to conduct his business. His "military service booklet", ID card, social security papers, and the birth certificates of his children all bore his actual name of Félix Dalenz. In 2004, he had to request another birth certificate copy for social security purposes. The erroneous Dalence in his birth record came back to haunt him, and his pension rights were blocked. Although Félix only needed a two letter adjustment, his case did not qualify for administrative correction. He had to change the last name of his father as well, and filiation could only be modified by court order. Living then in Cochabamba, Félix had to take the case to the courts of his native La Paz Department. After 14

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<sup>278</sup> Here I present a summarized version of the case of Félix Dalenz. See CAMN-CERES-CPC (2009, 2-8) for the full account. His case is not extraordinary. According to the CNE, in 2006, seven out of every 10 Bolivians had problems with their birth records (CAMN-CERES-CPC 2009, 4).

months and 2,000 Bolivianos in lawyers, court fees, documents, and trips to La Paz, Félix managed to fix his birth record.<sup>279</sup> Without the help of an NGO he would have probably failed.

*b) Identity cards at the turn of the millennium*

Between 1992 and 1997, the RUN Project extended identity cards to hundreds of thousands of Bolivians, mostly in rural areas. According to some sources, the program handed out a total of 1.45 million cards during its period of activity (Miranda M. 1999b). In 1992, Bolivia had a population of 6.4 million, about half of them underage (INE 1993, 2). In terms of the sheer number of people reached, therefore, the RUN Project was an unquestionable success. On the other hand, in terms of the more ambitious goal of bringing about the comprehensive modernization of documentation systems, the RUN and its successor the RIN miserably failed.

The RUN had many of the characteristics of a modern personal identification system, including biometric identifiers and a digital database. Compared to the identity card system of the Police, which lacked a centralized computer database and the systematic use of mobile teams to reach rural areas, the RUN was both more reliable and inclusive. With the RUN, it was hardly a possibility for the same person to secure two ID cards, or for different people to have the same ID number (Soliz interview 2013). That was not the case with the system the Police administered (Herrera interview 2013; Soliz interview 2013). In terms of its relation with the Civil Registry and the identity card system of the Police, however, the RUN displayed serious deficiencies. Since only the RUN had a digital database, the information that citizens gave RUN teams about their civil registration status or whether they held an ID could not be easily cross-checked. Knowingly or unknowingly, RUN beneficiaries often misled operators. As result, RUN teams re-registered people who were already registered (Guarachi interview 2013; Hidalgo interview

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<sup>279</sup> For comparison, the Bonosol was paying 1,800 Bolivianos a year at the time.

2013; Urzáiz interview 2011), and provided RUN cards to individuals who already had Police-issued IDs (Choque interview 2011; Páramo interview 2011; Soliz interview 2013).

If the RUN had lasted long enough, these problems might have been solved. The creation of a digital Civil Registry database eventually made double-registration difficult, and the more advanced RUN cards could have in time phased out the IDs the Police issued. The very name of the RUN, *Registro Único Nacional*, spelled out the intention to ultimately supersede the identity card system of the Police. But the long-term ability of the RUN to fix its deficiencies is just pure speculation. The reality is that the RUN never gained enough political backing to secure a long-term future. From the very beginning, the RUN was mired in political controversy. As the main opposition party during Jaime Paz's presidency, the MNR severely criticized the RUN, going as far as saying the government was using it to pull off a "gigantic fraud for the general elections of 1993" (Informe R 1992, 4). Back in power after 1993, the MNR became a big advocate of the RUN, while the parties that had sustained Jaime Paz, now became suspicious of it (Camargo interview 2003; Miranda M. 1999d). The MNR lost the 1997 elections, and the new government of the ADN party put an end to the RUN and launched the *Registro de Identificación Nacional* (RIN hereafter). Even more ambitious than the RUN, the RIN would equally fail.

The law that created the RIN<sup>280</sup> directed both the RUN and the identification services of the Police to transfer their databases and resources to it. This law also put the Civil Registry under the control of the RIN. The goal was to create a unified and reliable personal identification system in which compatible ID card and civil registration digital databases fed of each other. Following in the footsteps of the RUN, the RIN was supposed to continue relying on mobile teams to reach rural areas (Miranda M. 1999a). Yet, amid political controversy and Police opposition, these plans soon began to fall apart. The idea of giving the RIN control of the Civil

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<sup>280</sup> Law 1864/1998

Registry was the first one to be abandoned. Within two months of the creation of the RIN, new legislation<sup>281</sup> reversed course and kept the Civil Registry under the authority of the CNE. The new law instructed the CNE to share information with the RIN, but the goal of putting the Civil Registry and the ID system under a single institutional umbrella had been downgraded to a more modest one of inter-institutional coordination. For the MNR, now out of government, the move was not enough to dispel concerns. It demanded to put the RIN itself under the authority of the CNE instead of the Ministry of Justice, to prevent its possible political manipulation (Miranda M. 1999d; Muñoz-Pogossian 2008, 134). In the end, it was the National Police that put the nails in the coffin of the RIN.

*Decreto Supremo* 25316/1999 regulated the RIN in more detail, confirming it would receive the assets of the RUN and the identification services of the Police. Since the Decree was silent with regard to operational details, police representatives could still advocate that the task of issuing ID cards should remain in the hands of the Police, even if under RIN supervision (Miranda M. 1999c). *Decreto Supremo* 25721/2000 dashed this hopes, authorizing the RIN to launch an international bidding process to outsource to a private company the services required for the biometric documentation of individual identity. The plan met with strong resistance from the Police, which even took the RIN to court (BoliviaPress 2000a). Police opposition was not to be taken lightly. Pedro del Toro, who worked for a human rights group at the time, explains the call he got from the head of the RIN: “he was under threat, [the Police] wanted him to quit and the institution [RIN] to disappear. Since not even the government would protect him, he was asking for help” (interview 2011). In April of 2000, amid social unrest, the government had declared the state of emergency. Police officers took advantage of the situation to mutiny in La Paz and extract important concessions. While wages were their primary concern, the RIN was

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<sup>281</sup> Law 1884/1998.

also a source of grievances. The Police derived legal (money for the Police mutual fund) and illegal (overcharges and bribes) revenues from the identity card system, and was not willing to let it go. This corporate hostility would ultimately kill all efforts to take the issuance of identity cards out of the hands of the Police (Arriaga interview 2011; BoliviaPress 2000a; 2000b; del Toro interview 2011; Quintana Taborga 2005, 185 and 207; Tellería Escobar 2003, 104).

Law 2152/2000 tried to assuage the concerns of both opposition parties and the Police. It put the RIN under the control of the CNE, and explicitly assigned the Police the task of issuing identity cards. The Police would remain in charge of the operational side of things, while the RIN would plan, direct, and oversee the work of the identity card system.<sup>282</sup> Neither the Police, nor the CNE found the arrangement satisfactory. Empowered by the success of their mutiny, police officers resisted the move to subject the identification services of the Police to the supervision of the CNE (BoliviaPress 2000b; Quintana Taborga 2003, 173). Faced with perspective of sharing responsibilities with a combative police force, the CNE refused to assume authority over the RIN (Camargo interview 2013; El Deber 2001). The government once again backtracked, and Congress put the RIN back under the control of the Ministry of Justice. Law 2283/2001 maintained the division of labor between the RIN and the Police, with the former planning and supervising, and the latter running of operations on the ground. In 2003, additional legislation finally dissolved the RIN,<sup>283</sup> leaving the Police unchallenged in its command of the identity card system.

In five years of existence the RIN never really took off the ground. It had very little activity and did not deliver a significant amount of identity cards (Herrera interview 2011; Leon

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<sup>282</sup> *Decreto Supremo* 26149/2001 provided more details about the arrangement. The identification services of the Police would keep their assets, and the RIN and the Police would split 30%-70% the revenues of the ID system.

<sup>283</sup> Law 2627/2003.

interview 2011b). After 1997, with the RUN over, the Police once again became the primary source of IDs in the country. I briefly described the limitations of the Police's work in the previous chapter, but it is appropriate to revisit them now. The identification offices of the Police were concentrated in a few urban centers, and decentralization to smaller towns was incipient at best (Orías 2010, 21). While mobile Police teams were sometimes assembled to do documentation work in rural areas, their reach was fairly limited.<sup>284</sup> For the rural population, getting or renewing an ID generally implied costly travel to the cities (Leon et al. 2003, 9). At the identification offices of the Police, more money was required in the form of official fees and, quite often, illegal surcharges (testimonials in CPC Santa Cruz 2006, 22-23; Choque interview 2011; del Toro interview 2011; PNUD Bolivia 2007, 419). The feeder documents necessary to secure an ID further added to the cost. The list included not only a valid birth certificate,<sup>285</sup> but also other documents such as baptismal certificates, "military service booklets", the marriage certificate of the parents, or the sworn affidavit of two witnesses (Hinojosa Zambrana 2009a, 78-80; Orías 2010, 21; Fundación Tierra-Regional Valles 2009, 100-111). Without access to the Civil Registry database, police officers did not fully trust birth certificates and demanded additional supporting documents (Hinojosa Zambrana, 2009a, 78-80; León, 2005b, 43; Vásquez Z. 2006, 30-31). Lacking standardized procedures, different Police offices requested different sets of documents, causing confusion (León 2005a; 2005b, 28-29 and 49).

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<sup>284</sup> In the 2000s, mobile Police teams became more common in the context of documentation projects sponsored by civil society organizations and international donors. Nevertheless, the identification services of the Police were underfunded and undermanned for this kind of rural work (León 2005a; 2005b, 43).

<sup>285</sup> Since the Police kept the birth certificates of ID applicants for filing, citizens had to secure new copies to remain fully documented (Fundación Tierra-Regional Valles 2009, 87; León 2005a). Also, the concept of what was a valid birth certificate changed over time. In the mid-1990s, the Civil Registry began to use embossed seals to signal that a birth certificate copy had been checked against the corresponding birth record before issuing. The Police generally required this new type of birth certificate for ID applications, although sometimes made exceptions (Leon 2005a). By the mid-2000s computer-printed birth certificates became the standard in many registration offices, creating confusion about the validity of hand-written certificates (Defensor del Pueblo 2006, 65; Foley et al. 2007).

Acquiring an ID, therefore, did not come cheap for rural peasants. The 2001 Census did not ask Bolivians about identity cards, but a 2002 countrywide household survey found that 13% of the population 18 and older had never had an ID (2002 Mecovi survey, cited in PNUD Bolivia 2007, 415, footnote 47). While it amounted to a 20-point drop compared to the 1992 Census, it still represented a significant share of the adult population. Obtaining an ID was not the end of the road. To keep it fully valid, the holder had to renew it every six years.<sup>286</sup> Domestic migrants, generally part of the rural indigenous poor, faced additional complications when it came to the renewal process. The identification offices of the Police did not share an interconnected database, and people normally had to travel to the office that had issued their cards in the first place in order to renew them. By the mid-2000s,<sup>287</sup> it was also possible to pay for fax or radio communications between identification offices, so that officers handling a renewal request at one end could cross-check the information with the office that had originally issued the ID. If everything cleared, they would go ahead and renew the card. The operation implied extra costs and wait times (Hinojosa Zambrana, 2009a, 81-82; León 2005a; Urzáiz interview 2011).

By and large, identification offices functioned independently of each other, and the lack of coordination was an important source of mistakes. Different offices, for example, sometimes assigned the same card number to different individuals (Herrera interview 2011; Leon 2005a). Basic errors in the personal information of the ID holder were even more common. In 2007, an NGO surveyed the documentation status of residents in several rural municipalities of two Andean departments. Almost half the people who held identity cards had errors in them. Incorrect or misspelled names were the most common type of error. Often, the mistakes were carry overs from flawed birth certificates (Fundación Tierra-Regional Valles 2009, 63-67).

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<sup>286</sup> Beginning in the early 1990s, some exceptions were introduced for the elderly.

<sup>287</sup> I am not sure when this possibility first became available.

However, the Police also made mistakes of its own in the transcription of personal information, generating errors in the name, date of birth, or place of residence of ID holders (Leon 2005a; PNUD Bolivia 2007, 412). Other less common mistakes included assigning the wrong sex to a person or swapping the pictures of ID applicants (Leon 2005a). Correcting these mistakes implied time, money, and supporting documents.

In principle, these mistakes could happen to people from all social and ethnic backgrounds. Yet, having the cultural, social and economic resources to navigate the confusing waters of Police bureaucracy made it easier to prevent them, or fix them if they happened. Not all Bolivians had the same capacity to negotiate their way around the complexities of the Police identification office. Historical social hierarchies informed the development of the state, the kind of abilities that a successful interaction with its representatives required, and what members of society could more easily acquire them. The 2007 UNDP Development Report on Bolivia captures it quite well:

“At the identification office...The resources that individuals have to make their way... reflect their socioeconomic and cultural position, and on the other hand structure the negotiations to achieve relative degrees of respect from the policemen. This way, dressing well, knowing how to express yourself in Spanish, knowing how to read and interpret the information on display in the walls (also in Spanish), being familiar with bureaucratic environments, or having a relative, friend or acquaintance, are the key to feel ‘more equal’ and ‘more included’, and, specifically, to leave the office having obtained the identity card” (PNUD Bolivia 2007, 405-406, my translation).

Mostly of indigenous extraction, police officers working at identification offices contributed with their attitudes to reproduce long-standing ethnic, gender, and rural-urban inequalities. For non-Spanish speakers unfamiliar with bureaucratic settings, the experience of getting an ID was a frustrating one (Choque interview 2011; PNUD Bolivia 2007, 405-415). More often monolingual, and at the intersectionality of gender and ethnic discrimination, rural indigenous women confronted the greatest barriers. As a result, they tended to be more reluctant

to initiate the documentation process, and more likely to abandon it when difficulties appeared (Choque interview 2011).

The Bolivia of the 1990s and 2000s does not fit the standard social science narrative of an intrusive state eager to expand documentation and an unwilling population reluctant to accept identity documents, making itself legible to the state. In a reversal of expected roles, the greatest barriers to documentation came from within the state itself, while common citizens, civil society organizations, and international actors provided the impetus to overcome them. Identity documents are as much about rights and social recognition as they are about state surveillance. Changes in the citizenship regime of the country made documentation increasingly advantageous for indigenous peoples and women, and the demand for identity documents grew as a result. Yet, the inflexible structures of the Bolivian state had a hard time keeping up with it. It was precisely the kind of “dangerous populations” the literature would expect the state to want to monitor (the rural indigenous poor) that had a particularly hard time jumping through the hoops of Bolivia’s documentation systems and securing working documents. Even as the country moved towards a more inclusive citizenship regime, old ethnic, class and gender hierarchies, as well as the social valuations associated with them, were hard to die. These hierarchies found expression within the very structures of the state, and institutional configurations are not easy to change. In so far as they empower certain actors to the detriment of others, past institutional choices limit the options available going forward, or at least make some more costly than others. The hold the Bolivian Police maintained over the ID card system of the country is a good example of the path-dependent nature of institutional development. In Bolivia, the special documentation treatment “dangerous populations” got from the state ran opposite to what the literature would expect.

## **CHAPTER 6. DEEPENING DEMAND, CHANGING SUPPLY: IDENTITY**

### **DOCUMENTS IN THE TIMES OF EVO MORALES**

“Now, identity documents are so sacred that some [Guarani] people wrap them in a nylon bag to make sure they don’t catch dust. Why? Because since a baby is born, since he is in the womb of the mother, she already has a right, a *bono*<sup>288</sup> of I don’t know how much. The mother has to be documented to cash in the [*Juana Azurduy*] *bono*. The school age child has to be documented to cash in the *Juancito Pinto bono*. The elder over 60 has to be documented to cash in the *Renta Dignidad*” (Casas interview 2011).

In the 2012 Census, 98% of Bolivians affirmed their births had been registered with the Civil Registry.<sup>289</sup> Less than 4% of citizens over the age of 20 declared they lacked an identity card. On the aggregate, gender and ethnic differences with regard to these documentation indicators had largely disappeared. Still, some lowland indigenous groups displayed significantly higher undocumentation rates than the national population as a whole (INE 2015, 25-28; 2017). How did Bolivia manage to finally reduce undocumentation to such low levels? Why is it that gender and ethnic difference in documentation largely disappeared, but the documentation rates of certain lowland groups continued to lag? These are the questions that the current chapter, the last one on the Bolivian case, will seek to address.

In the second half of the 2000s, the value of identity documents continued to increase in Bolivia, and the demand for documents kept growing as a result. In many ways, the institutional reforms of the 1990s had fallen short of the expectations. For most indigenous peoples, progress on the ground did not match the symbolic promise of equality and recognition, and women remained at a social disadvantage. Dissatisfaction with the traditional parties and their economic policies ran high, and the political pendulum began to swing. With a message that emphasized indigenous rights and leftist politics, the MAS party and its presidential candidate Evo Morales

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<sup>288</sup> *Bonos* are the popular name of the conditional and unconditional cash-transfer programs in Bolivia

<sup>289</sup> As I mentioned in Chapter 3, a high ranking Civil Registry official shared with me his doubts about these Census numbers. He estimated underregistration levels to be somewhere in the 2%-7% range (Pérez interview 2013).

won a resounding electoral victory in 2005. Once in government, Morales and the MAS moved away from the Neoliberal economic strictures of previous administrations. More generous social policies contributed to give content to the promise of advancing the interests of an indigenous population that, despite making up a majority of the country, continued to lag in all social and economic indicators. The *bonos* became the popular flagship of this new social orientation: cash-transfer programs for the elderly, school-age children, and pregnant and nursing mothers that provided very tangible incentives for the documentation of the target population groups.

On the supply side, the 2000s were a time of civil registration reform, both before and after the election of Morales. Pressure from civil society organizations, and the general dissatisfaction of the citizenry contributed to convince authorities that the Civil Registry needed to incorporate more flexible and economic procedures. At the same time, with the identity card system still in the hands of the Police, securing an ID remained difficult for many Bolivians, particularly those living in rural areas. To fill this gap, the Morales government launched in 2006 a documentation program that, following in the footsteps of the RUN, took to the road to deliver free identity cards following simple procedures. Unlike the RUN, the *Programa Cédula de Identidad Gratuita* (PCIG hereafter) did not issue a special type of ID, and the beneficiaries received the regular kind of national identity card. The PCIG allowed the MAS to deliver to its rural indigenous base, while boosting its electoral fortunes by bringing this supportive population into the voting roll in greater numbers. The Program was not free of implementation problems and political controversy, but it reached hundreds of thousands. Nevertheless, it represented another stop-gap measure that did not tackle the structural problems that plagued the identity card system, mainly the deficient and unaccountable way in which the National Police managed it. In

2011, the Police was finally relieved of its documentation responsibilities, and control over the issuance of identity cards was transferred to SEGIP, a newly created civilian agency.

Under the direction of the relatively well-funded SEGIP, the efficiency and territorial reach of the Bolivian identity card system improved markedly. Yet, the political decision to keep SEGIP institutionally separate from the electoral courts<sup>290</sup> and subject to the authority of the Ministry of Government did not contribute to facilitate synergies with the Civil Registry. To the detriment of citizens, with the identity card system and the civil registration system under different institutional umbrellas, coordination problems remained (Rojo interview 2013). Moreover, while SEGIP became something of a favored pet-project for the Morales administration, the Civil Registry, despite improvements, continued to suffer chronic underfunding (Pérez interview 2013). In these conditions, remote populations, particularly in the lowlands, remained underserved and dependent on occasional visits of civil registration teams. Despite advances over time, for the most isolated lowland indigenous groups, the Bolivian state was still a relatively distant presence. Cash-transfer programs and other public services had a hard time reaching remotes areas, and the periodic visits of the Civil Registry often depended on the availability of international financing. Even the comparatively well-funded and culturally aware SEGIP confronted many challenges to provide adequate service to the more geographically and culturally distant lowland indigenous groups:

“The more distant and less densely populated areas, what SEGIP calls ‘disperse area’, are the ones that have the greatest undocumentation problems. This is because of geographical factors (distance to civil registration and identification offices) and economic factors (mostly the indirect cost in money of travelling to the [civil registration and identification] offices), while being very poor areas. The most affected are [lowland] indigenous populations. In many cases these populations do not have a birth certificate, which becomes another barrier in it comes to providing

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<sup>290</sup> The 2009 Bolivian Constitution renamed the *Corte Nacional Electoral* (CNE) as Tribunal Supremo Electoral (TSE), and the *Cortes Electorales Departamentales* became *Tribunales Electorales Departamentales*. Under the 2009 Constitution, the TSE is the head of the Órgano Electoral Plurinacional, one of the four independent branches of the state, and constitutionally equal to the executive, legislative, and judiciary branches.

them with an identity card. Moreover, for these populations there is the added problem of the language of interaction with public officials, since they often don't speak Spanish. Relatedly, there is a cultural problem... they stumble against a bureaucracy with which they have difficulties understanding each other, both because of the language barrier and because of the requirements demanded from them. This generates frustration, and in many cases they go back to their communities without having solved their documentation problem. Once back, the word spread and other members of the community do not even try to fix their documents... The most difficult cases are the [lowland] populations that can only be reached by plane or boat, it is very expensive...if there wasn't coordination with other institutions, SEGIP wouldn't be able to afford it" (Carrasco interview, 2013).

## 1. Continuity and change in the supply of identity documents

### a) *Identity cards: politics, stopgap measures, and reform*

In December of 2005, Evo Morales won the Bolivian presidential elections with a record-setting 53.7% of the popular vote. The MAS party also secured control of the legislature, gaining an absolute majority in the Chamber of Deputies, and becoming the largest party in the Senate (Madrid 2012, 51).<sup>291</sup> Not long after taking office in January of 2006, and with elections for a Constituent Assembly scheduled for later that year, the Morales government launched the *Programa Cédula de Identidad Gratuita para todos los Bolivianos* (PCIG),<sup>292</sup> with the goal of providing free identity cards to undocumented Bolivians.<sup>293</sup> In the polarized political environment that followed the election of Morales, the PCIG proved controversial from the start. Managed by the Ministry of Government, instead of the Police or the CNE, and with the financial backing of the ideologically committed Venezuelan government of Hugo Chávez, the PCIG raised suspicions among opposition parties (EU EOM-Bolivia 2006, 13; EU EOM-Bolivia 2009a, 15-16; Herrera interview 2011; Orías 2010, 12-13). The Program only managed to issue

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<sup>291</sup> With 12 out of 27 seats, the MAS could still be outvoted in the Senate when opposition parties formed a united front, which they often did (Madrid 2012, 51).

<sup>292</sup> Decreto Supremo 28626/2006.

<sup>293</sup> Another interesting documentation measure came days before Morales' inauguration. The outgoing Congress passed Law 3335/2006, which mandated that all military service recruits receive an identity card free of charge upon the conclusion of their service. Limited to a small population group, this measure did not have the reach of the PCIG.

about 14,000 IDs before voter registration for the Constituent Assembly elections closed (EU EOM-Bolivia 2006, 13), but its activities would peak in later years.

The MAS party emerged from the peasant-indigenous union movement. Morales himself rose to prominence as leader of the coca-growers' unions (Harnecker and Fuentes 2008; Harten 2011; Madrid 2012, chap. 2). Given the peasant background of many of its leaders, it is not surprising that the MAS government was acutely aware of the documentation problems numerous Bolivians faced, particularly rural residents and recent rural-urban migrants of indigenous extraction. In fact, the very formation of the MAS as a political party was marred by documentation problems. In 1998, after a split in the peasant movement, Evo Morales and his supporters formed the *Instrumento Político para la Soberanía de los Pueblos* party (IPSP). The CNE rejected IPSP's registration as a political party three times on formal grounds. Eventually, with the 1999 municipal elections approaching, the leadership of the IPSP decided to borrow the legal registration of a pre-existing party, the *Movimiento al Socialismo Unzaguista* (MAS-U), later dropping *Unzaguista* from the party label (Harten 2011, 84-86; Santos Ramírez and Antonio Peredo, in Harnecker and Fuentes 2008, 97-99).<sup>294</sup> The legal registration of new political parties required documenting the support of a number of citizens equivalent to at least 0.5% of the votes casted in the previous elections,<sup>295</sup> and the CNE had the responsibility to verify that this and other conditions for registration had been met.<sup>296</sup> Three separate times the CNE refused to register IPSP as a party. Each time, the rejection was due to the fact that too many of the citizens signing in support of the party's registration bid did not have their identity cards in order:

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<sup>294</sup> The MAS-U was established in 1985 as a left-leaning splinter group of the *Falange Socialista Boliviana*, one of the oldest right-wing parties in the country, and by then a marginal player in Bolivian politics. Óscar Únzaga was a historical leader of the Falange party, and the *Unzaguista* label was adopted to signal the identification of the MAS-U with his political thought (Harten 2011, 86; Antonio Peredo, in Harnecker and Fuentes 2008, 98-99).

<sup>295</sup> See article 83 of Law 1246/1991.

<sup>296</sup> See Law 1253/1993.

“When the MAS was born... we had a campaign of about a month to collect all the signatures with the ID numbers to turn over to the Electoral Court. First result: inadmissible. Why? Because the bulk of the signatures, names and signatures, did not have identity card numbers, first thing, and were mixed up with those who had [regular] identity cards and RUN [cards]... Second attempt... all documented with [regular] identity cards or RUN [cards]. Rejected. Why rejected? [The CNE] objected that all RUN [cards] were not legally admissible by the Electoral Court, and that they had to stick exclusively to the report of the National Police [that validated identity card numbers], that is, [regular] identity cards. Third time, we did it again. We had a [signature] rejection rate of 7%, again in excess of the [allowable] 5%, because of many duplicated identity card numbers, and some others were [considered by the Police as] non-existent [identity card numbers]. Bottom line, [we receive the] donation of [another party] name [and registration] and we stop messing around” (Calle interview 2011).

Beyond the history of the party and the background of its cadres, the MAS had powerful strategic considerations to ease access to identity cards once in government. The election of Morales generated a conservative political backlash centered on the pro-regional autonomy departments of Eastern Bolivia (Farthing and Kohl 2014, chap. 3; Harten 2011, chap. 8; Rojas Ríos 2015, 51-65). With political tensions between the government and opposition forces high, Bolivians went to the polls four times between January of 2006, when Evo Morales assumed office, and December of 2009, when he won re-election under a new Constitution. These were all high stakes electoral contests that included the election of a Constituent Assembly,<sup>297</sup> a recall referendum on the continuity of both the President of the country and the heads of the regional executives, a referendum on a new Constitution, and presidential and legislative elections (Madrid 2012, chap. 2). In this context, the government of the MAS had strong incentives to provide the rural indigenous population, one of the key constituencies of the party,<sup>298</sup> with an

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<sup>297</sup> In July of 2006, simultaneously with the elections for the Constituent Assembly, Bolivians voted in a referendum on whether to grant greater political autonomy to the regions of the country. While a majority of voters nationwide rejected the proposal for greater autonomy, the voters in four Eastern departments supported it. Authorities in these departments put their respective statutes for departmental autonomy to a popular vote in 2008. Despite the national government denouncing these referendums as illegal, the vote went ahead in the departments of Santa Cruz, Tarija, Pando, and Beni (EU EOM-Bolivia 2009a; EU EOM-Bolivia 2009b).

<sup>298</sup> According to Madrid, by 2005, the MAS had increased its appeal beyond its original peasant basis, and carried a significant share of the vote among the white and mestizo urban working and middle classes. However, people who self-identified as indigenous or who spoke an indigenous language were still significantly more likely to vote for the MAS than those who did not. After controlling for self-identification, maternal language, and other variables, Madrid does not find urbanization a good predictor

easy route to secure an identity card, facilitating in this way their electoral registration. The PCIG did just that.<sup>299</sup>

The PCIG provided free identity cards to approximately 400,000 Bolivians between 2006 and early 2009, mostly in rural areas (EU EOM-Bolivia 2009a, 15-16; Tamargo 2009, 28-31).<sup>300</sup> Its operations continued until 2011, when SEGIP was created and absorbed the identity card responsibilities of both the National Police and the PCIG. According to some sources, the PCIG would have benefitted one million people overall.<sup>301</sup> In many ways, its organization was similar to that of the RUN. The PCIG focused on planning, logistics, and back-office support, and relied on police officers for most of its work on the field. Unlike the RUN, however, the PCIG did not issue a special type of identity card. The PCIG worked through the identification services of the Police not only to reach people in the field, but also to issue the IDs that would be delivered back to them. The logic of the PCIG's operations was one of responding to local demand. After receiving a petition from community leaders or municipal authorities, the PCIG coordinated with them and the Police to organize a documentation drive, and provide the logistical, technological, and financial muscle to make it happen (Tamargo 2009, 28-31). Police teams would then enter

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of voting patterns (2012, chap. 2). Still, it is important to remember that in Bolivia, rural residents are more likely than urban residents to self-identify as indigenous and speak an indigenous language (INE 2003, 27; 2015, 29-36).

<sup>299</sup> I have kept the name *Programa Cédula de Identidad Gratuita* and the corresponding PCIG acronym for reasons of consistency and simplicity. Nevertheless, the program in question would eventually be renamed as *Programa Nacional de Cedulación Gratuita Existo Yo, Existe Bolivia* (Tamargo 2009, 28).

<sup>300</sup> This figure included minors (EU EOM-Bolivia 2009a, 15-16).

<sup>301</sup> The newspaper *La Razón* talks about one million beneficiaries (Mealla 2012), but I have not been able to confirm the figure. Still, it would be in line with the declared goal of the head of the PCIG of documenting 900,000 people by the end of 2009 (Tamargo 2009, 30). On the other hand, EU EOM-Bolivia talks about 177,480 documented between 2006 and October of 2009 (2009b, 14, footnote 32). The number seems extremely low, and it is probably a mistake. It is not only in contradiction with other sources that put the number of beneficiaries at 353,000 in mid-2008 (Tamargo 2009, 30), but also with previous reports from EOM Bolivia-2009 stating that the PCIG had reached 400,000 people by early 2009 (2009a, 15). Moreover, it does not match claims in the same report that the PCIG was one of the driving forces behind the 27% growth in the electoral roll between January of 2009 and December of 2009, which amounted to more than one million additional voters (EOM Bolivia-2009 2009b, 14).

the local community to collect the personal information and feeder documents of residents who lacked an ID. Next, the Police reviewed the documents provided and issued the corresponding identity cards, which would be later delivered back to the local community members.

The PCIG did not challenge or attempt to reform the national identity card system run by the Police. Once again, the Program represented more a stop-gap measure than a long-term solution to the deficiencies of the identity card system. The PCIG operated independently of the CNE and with little coordination with it, reproducing the gap between the Civil Registry and the state structures charged with providing identity cards to the population (EU EOM-Bolivia 2009b, 14, footnote 32; Tamargo 2009, 28 and 31). Only when local authorities requested it, would the PCIG and the CNE coordinate their field actions (Tamargo 2009, 28). The RUN Project, despite its disagreements with the CNE, had also mobilized civil registration officials to advance birth registration. The PCIG did little of that, leaving the CNE to continue its own independent rural drives, with little connection between the parallel efforts of the two state institutions (Hidalgo interview 2013). In issuing identity cards for the PCIG, the identification services of the Police normally reviewed the civil registration information of the people in question. For the most part, that was the extent of the interconnections between the PCIG and the civil registration system (Tamargo 2009, 31). On the other hand, the PCIG did try to support the work of the Police with technological tools that could help improve it. The PCIG not only made sure to keep a digital backup of the IDs handed out through the Program, it also started the process of digitizing the millions of ID records that existed in the archives of the Police (Herrera interview 2011; Tamargo 2009, 29-30). Still, by 2011, when SEGIP assumed control of the identity card system, the Police had not yet managed to bring into being anything resembling an integrated ID digital database (Herrera interview 2011; Hinojosa Zambrana 2009a, 81-82; Rojo interview 2011).

Despite its limitations, the PCIG did offer a flexible and inexpensive route for thousands of Bolivians to secure an identity card. It targeted rural areas, benefitting peasant and/or indigenous populations in particular.<sup>302</sup> The government was not shy to recognize the electoral dimensions of the PCIG. In fact, the 2006 Decree that created the PCIG underlined electoral registration as one of the key goals that justified launching a documentation program of that nature.<sup>303</sup> With the January 2009 constitutional referendum approaching, the work of the PCIG gained steam (EU EOM-Bolivia 2009a, 15-16). The Program contributed to solidify electoral support for the new Constitution sponsored by the MAS, bringing to the polls undocumented peasant/indigenous sectors that could not have voted otherwise (Arriaga interview 2011). Nevertheless, while the electoral implications of the PCIG are crucial to understand it, the program also extended identity cards to many underage Bolivians that could not have possibly voted in the January of 2009 referendum or the general elections of later that year (EU EOM-Bolivia 2009a, 15-16; Martínez interview 2013). In any case, at a time when political tensions ran high, the PCIG did not escape political controversy.

The very flexibility with which the PCIG extended identity cards was a red flag for opposition parties. Normally, PCIG-sponsored documentation teams demanded that program beneficiaries produce supporting documents like the ones required from citizens applying for an ID at the identification offices of the Police, namely a birth certificate (Tamargo 2009, 30). The Decree that created the Program established that the PCIG would use the Civil Registry database to cross-check the identity of applicants, instead of requesting physical copies of their birth certificates.<sup>304</sup> However, the identification services of the Police never gained direct access to the

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<sup>302</sup> One of the goals the PCIG set for itself was to reach Bolivia's most distant communities (Tamargo 2009, 29).

<sup>303</sup> *Decreto Supremo* 28626/2006, article 2 and motivating statement.

<sup>304</sup> *Decreto Supremo* 28626/2006, article 8.

Civil Registry database. As a result, the Police, in its work with the PCIG, reverted back to the standard procedure of asking ID applicants for their birth certificates (La Prensa 2009). Yet, in the rural settings that the PCIG targeted, people often lacked a working birth certificate. Under these circumstances, and in order to maximize the impact of the Program, the documentation teams of the PCIG resorted to the use of local witnesses to certify the identity of applicants who could not produce a valid birth certificate (EU EOM-Bolivia 2009a, 15-16; La Prensa 2009). In the political climate of the time, these type of practices did not contribute to build trust for the Program. The lack of transparency under which the PCIG operated did not help it gain good will either (EU EOM-Bolivia 2009a, 15-16). The questioning of the Program went beyond opposition parties. Rosa Martínez, for example, recalls how the initial open collaboration between the international NGO in which she worked and the PCIG unraveled. The flexibility of the PCIG made it difficult to guarantee that the Program was not being used for the purpose of voter fraud:

“The first phase [of collaboration] was very open because we wanted [to document] the mother and father [of child beneficiaries]. Then we realized [the PCIG] might have political undertones and that it was badly handled. Therefore, we restricted things and continued to work [with the PCIG] ... but only with minors under 18... Since they [the PCIG] did not ask for all [supporting] documents, we were really at risk of issuing IDs to ‘ghosts’... without a birth certificate... In communities where, let’s say, 40 people existed, 65 appeared” (Martinez interview 2013).

Suspicions over the PCIG’s flexible approach to documentation came up in full force in the run-up to the December 2009 general elections, the first under the new Constitution. To break a political impasse between the government and the opposition regarding the credibility of the electoral roll, Law 4021/2009 directed the CNE to create a biometric electoral registry from scratch ahead of the 2009 elections (EU EOM-Bolivia 2009b, 14-16; Peñaranda and Candía 2009). The CNE completed the task in record time, but that was not the end of the story. In order to register in the new electoral roll, citizens had to present a national identity card, a RUN card, or a “military service booklet”. The identity of each citizen would then be checked against the Civil Registry database. Two weeks before the elections, the CNE announced that 400,000

people, about 8% of the total applying for electoral registration, had no birth records in the civil registration system (EU EOM-Bolivia 2009b, 14-16). Almost immediately, opposition figures began to claim that the irregular practices of the PCIG were responsible for the existence of these questionable electors, and that the discovery of the CNE validated their previous complaints against the Program (La Patria 2009; La Prensa 2009). Some of the cases were certainly attributable to the PCIG issuing identity cards without always demanding a birth certificate. On the other hand, the CNE soon made clear that there were other types of situations as well: women who had obtained an ID under their married name without modifying the last name in their birth records,<sup>305</sup> citizens born before 1943 who had secured an ID card or a “military service booklet” with their baptismal certificates, or persons whose ID and birth record names did not fully match because of transcription errors.<sup>306</sup> Ultimately, the CNE allowed all these people to vote. For some types of cases, it imposed the condition that the affected individuals presented a valid birth certificate to the electoral authorities at a later date (EU EOM-Bolivia 2009b, 14-16).

Evo Morales won reelection in December of 2009 by record margins, obtaining over 64% of the popular vote. The MAS also secured an absolute majority in both legislative chambers. Coming in the wake of a recall referendum in which 67% of Bolivians voted to retain Morales as President, and a constitutional referendum in which near 62% supported the MAS-sponsored new Constitution, the resounding victory in the general elections confirmed that the MAS’s political dominance was secure (Madrid 2012, chap. 2). If the Morales administration had not dared to challenge the Police over its control of the identity card system before, by 2010-2011 it was ready to take the step. Morales and the MAS were in a very strong political position, and the institutional power of the Police had progressively eroded (Arriaga interview 2011; Leon

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<sup>305</sup> Or women who had, through divorce or widowhood, secured IDs with their maiden names, while keeping their married names in their civil registration records.

<sup>306</sup> Also, I would add, Police corruption made possible to secure an ID without a birth certificate, for the right price.

interviews 2011a; 2013; Mamani interview 2013). Serious discussions about the reform of the identity card system began in government and legislative circles in 2010 (Herrera interview 2011; Mamani interview 2013),<sup>307</sup> and whatever little public credibility the Police had left, disappeared in early 2011. Police General René Sanabria, former national head of anti-narcotics operations, was arrested on drug-trafficking charges in Panama (BBC 2011; Los Tiempos 2011a). In June of 2011, the Bolivian Congress issued Law 145/2011, creating the *Servicio General de Identificación Personal* (SEGIP), and giving it sole responsibility for issuing identity cards. After more than eighty years of Police control, the identity card system was finally in the hands of a civilian state agency.

Even in these very favorable circumstances, Law 145/2011 included an important deal-sweetener for the Police, designed to lessen the blow and buy compliance. SEGIP had to compensate the Police every year for the loss of revenues. To this day, the fees that citizens pay for their IDs are not for SEGIP to keep,<sup>308</sup> and between mid-2011 and mid-2013 the agency transferred approximately USD 25 million to the Police. This figure included compensation for the lost legal revenues associated with both the identity card system and the issuance of driver's licenses, another Police service that ended up in the hands of SEGIP (La Razón Digital 2013).<sup>309</sup> The arrangement of course represents a heavy burden that curtails the ability of SEGIP to self-finance its operations. As a SEGIP official explained to me in 2013, "if we did not have to make

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<sup>307</sup> Passed in June of 2010, Law 108/2010, for example, directed the government to design a plan for restructuring the identification services of the Police within 90 days.

<sup>308</sup> According to Law 145/2011, the fees that SEGIP collects have to be transferred to the Bolivian Treasury. The National Police then receives an amount equivalent to the average revenue it obtained from the ID system in the three years prior to the passing of the law. The Treasury keeps any leftover money.

<sup>309</sup> Law 145/2011 also created the *Servicio General de Licencias de Conducir* (SEGELIC), assigning it the responsibility to issue driver's licenses, another task previously handled by the Police. The Law established mechanisms for compensating the Police similar to those described in the previous footnote. SEGELIC never became an independent agency, and SEGIP was charged with administering SEGELIC and therefore issuing driver's licenses. This arrangement, which Law 145/2011 conceived as transitory, seems to have become permanent for now.

these transfers to the Police, SEGIP would have all the resources it needs; we would be able to open 70 permanent offices”, as opposed to the 44 she explained existed at the time of the conversation (Rojo interview 2011). Still, with the responsibility to issue identity cards and driver’s licenses in the hands of SEGIP, police officers also surrendered two important sources of illegal revenues, for which they were not compensated. SEGIP received the assets of the PCIG and the identification services of the Police, and started functioning in July of 2011 with the human resources of the former, and the temporary support of the latter’s personnel. Despite some isolated instances of sabotage,<sup>310</sup> presumably from police officers, there was not a strong corporate reaction on the part of the National Police as it had been feared (Rojo interview 2011).<sup>311</sup>

SEGIP initially faced the growing pains inevitably associated with getting a new state agency off the ground. Long lines, confusion, and some instances of corruption were all problems in the early days (El Deber 2011; Rojo interview 2011). Yet, there were soon promising signs of improvement vis-à-vis the status quo ex-ante. Compared to the work of the Police, SEGIP launched from the very beginning a deliberate effort to systematize and unify the procedures that organized the functioning of the identity card system, in ways that increased both its reliability and accessibility. The Police had been running nine different largely manual archives, one in each departmental capital, with paper files that as a result of mice, humidity, and other environmental hazards were rapidly deteriorating (K. Vásquez 2011b; Rojo interview 2013). The organization of these archives, consisting of piled up boxes, was too precarious to

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<sup>310</sup> Laura Rojo, a high ranking official of SEGIP in these early days, mentions for example the destruction of printers and CPUs (Rojo interview 2011).

<sup>311</sup> It is remarkable that legislators felt the need to warn police officers in Law 145/2011 about the “executive, administrative, civil, and criminal responsibility” associated with any actions to “block, hide, impede, subtract, damage, alter, or destroy” files and information associated with the ID system or the driver’s license system.

even consider them true manual database (Rojo interview 2013).<sup>312</sup> SEGIP consolidated all identity card records in a single national digital database (Herrera interview 2011). One of the things that became apparent as a result of the initial consolidation of records was that there were 400,000 people in the country who did not have unique ID numbers.<sup>313</sup> The Police had mistakenly assigned the same ID number to different people (Arancibia Guillén 2011; Herrera interview, 2011; K. Vásquez 2011a). SEGIP set up a simple and expedient procedure for the affected citizens to fix the problem (K. Vásquez 2011a).

In time, the consolidation of an online national ID database made it possible for citizens to renew their identity cards with ease at any SEGIP office around the country, instead of having to return to the office that had first issued their cards. SEGIP also rapidly expanded the number of offices where citizens could obtain or renew their identity cards. Within a year, SEGIP was operating 42 offices, 18 of them in the departmental capitals and the rest in smaller towns and cities (SEGIP 2012, 28). This represented more than double the number of operative offices the identification services of the Police had had before the transfer of responsibilities.<sup>314</sup> By mid-2013, SEGIP had 44 permanent offices (Rojo interview). Alberto Requena explains how having a SEGIP office in the nearby town of Concepción and avoiding the big city of Santa Cruz eased the burden and incentivized documentation among the Chiquitano population of that area: “it is not the same to go from San Ignacio to Santa Cruz than to go to Concepción, or to go from San

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<sup>312</sup> During one of my visits to the central offices of SEGIP in La Paz, officials there showed me dozens of pictures that put in full display the deplorable state of the archives SEGIP received from the identification services of the Police.

<sup>313</sup> The numbers ultimately rose. According to SEGIP’s final recount, 300,000 ID numbers were shared by two or more people, for a total of 630,000 individuals who lacked a unique ID number (SEGIP 2011a).

<sup>314</sup> I do not know the precise number of personal identification offices the Police had, but according to my estimate it would have been less than 20. Although the 2000s saw the creation of several *Direcciones Regionales de Identificación Personal* to complement the *Direcciones Departamentales*, the decentralization process was rather incomplete, and only reached a handful of intermediate cities. Moreover, the regional offices did not operated fully autonomously, and depended on the main offices at the departmental capitals for certain ID services (Hinojosa Zambrana 2009a, 51-52).

Ramón to Concepción... it facilitates to be well documented, it takes care of people's economy. Besides, there is a lot of crime in Santa Cruz, many have come to get their documents and had their money taken away, leaving without money or documents" (interview 2013).

SEGIP also relied on mobile teams to reach the more distant rural areas. In the first five months of operations of the institution, SEGIP teams visited 61 rural communities in five departments, documenting 1,711 people with new cards, and renewing the IDs of another 1,107 (SEGIP 2011b). These were modest numbers that nonetheless indicated the intentions of SEGIP to take to the countryside from day one. SEGIP quickly expanded its mobile capabilities, and in 2012 was running 10 teams that permanently rotated through the rural areas of the country. With satellite connections and electric generators, the teams could function in a fully autonomous way, and issued 64,000 IDs in 2012 alone. With the addition of three more teams, SEGIP was on track to improve that number in 2013, and in the first six months of the year mobile teams had already issued 40,000 IDs (Carrasco interview 2013). In 2013 SEGIP also developed a new approach to serve small towns and surrounding rural areas: semi-permanent offices (Carrasco interview 2013; Rojo interview 2013). The idea behind semi-permanent offices was to permanently and predictably rotate among 5 or 6 municipalities, setting shop for two months a year in each one of them. Unlike mobile teams, these semi-permanent offices would operate in the same areas during roughly the same months, year after year. The first six semi-permanent offices began functioning in April of 2013, and there were plans to open 10 more (Carrasco interview 2013).

Of the 339 municipalities Bolivia had in mid-2013, SEGIP had a permanent presence in 38 of them. An additional 140 municipalities would receive a visit from a mobile team at some point of the year in 2013. Once the 13 semi-permanent office were operational, SEGIP would cover 95 additional municipalities (Carrasco interview 2013). It was certainly an impressive improvement

compared to the precarious coverage of the identification services of the Police. Still, it left 66 Bolivian municipalities with no local coverage. Moreover, intra-municipal travel is not always easy in Bolivia, particularly in rural areas with a difficult geography. Lowland areas with low population densities, such as some parts of the Amazon and the Chaco region, are particularly difficult in this regard, due to the general lack of roads. The growth in coverage SEGIP achieved in two years was nevertheless quite noticeable.

Another positive result of the documentation work of SEGIP when compared to that of the Police was the increase in predictability. SEGIP required in all of its offices the same supporting documents from citizens that wanted to acquire or renew an identity card. This was not necessarily the case when the Police was in charge, as requirements would often change from one identification office to the next. SEGIP also made an important effort to publicize its requirements through both traditional media and online websites. According to SEGIP's webpage, new ID applicants had to provide a birth certificate copy issued in 2007 or later. If the applicants were minors, they had to be accompanied by their parents, guardians, or local community authorities. If they were over 18, two witnesses had to attest to their identities (SEGIP 2011c).

These requirements were, for the most, simpler to fulfill than the ones the Police had in place.<sup>315</sup> One exception was the decision of SEGIP to refuse birth certificate copies issued before 2007. Since to 2007, the Civil Registry had been issuing computerized birth certificate copies only. As a result, birth certificate copies issued in or after that year offered the guarantee that the person in question had a working birth record in the civil registration database (Rojo interview, 2013). While the restriction made sense in terms of ensuring the reliability of the ID system, it

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<sup>315</sup> See Fundación Tierra-Regional Valles (2009, 110-111) and Ramiro Orías (2010, 21) for two slightly different lists of the most common requirements for applying for an identity card with the Police.

penalized people who had handwritten birth certificates. They now needed to apply for a new birth certificate copy, hope their birth records had been transcribed to the civil registration database, and that they contained no errors or other inconsistencies that might have resulted in their flagging. Citizens who had originally secured identity cards from the Police and wanted to renew them with SEGIP faced similar risks with hand-written birth certificate copies. Even if they had already had a birth certificate copy on file with the Police, now they needed to submit to SEGIP another birth certificate copy issued in or after 2007 (SEGIP 2011c), something they would not have had to do if they were renewing their IDs with the Police.

The greater predictability of SEGIP also extended to the fact that the institution displayed significantly lower levels of corruption than the identification services of the Police. This was a widely shared perception among all the Bolivians with which I discussed the subject. In line with this view, SEGIP had taken active steps to limit the space for corrupt practices among its personnel. A good example was the decision to make citizens pay their identity card fees at regular bank branches. Since SEGIP officials did not handle ID fees, they had less opportunities to overcharge citizens. One exception was officials in mobile documentation teams, who receive citizen fees directly (Rojo interview 2013). Asking distant rural populations to pay ID fees at bank branches would have defeated the very purpose of the mobile teams. Another way in which SEGIP limited the space for corruption was by severely reducing the menu of paid services available in connection with the identity card system. The Police offered and charged for a variety of services (faxes between identification offices to check ID records, certified ID copies,<sup>316</sup> ID facsimiles, among several others). Most of these were largely unnecessary services that emerged from superfluous needs the Police itself had contributed to create. SEGIP, on the

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<sup>316</sup> Some public and private institutions used to require certified ID copies. Law 145/2011 declared that showing one's ID was legally sufficient for the purpose of individual identification (art. 17). SEGIP never offered certified ID copies, and the requirement became obsolete (K. Vásquez 2011c).

other hand, just issued identity cards, charging a flat fee for them (Rojo interview 2013). The result was a lower degree of complexity that reduced opportunities for officials to exploit information asymmetries and take advantage of citizens. Last but not least, SEGIP set up online and phone mechanisms for citizens to report cases of corruption.

With respect to cultural differences, SEGIP has tried to accommodate naming traditions that diverge from the Spanish pattern of family names that is standard in Bolivia. In its regulations, it recognizes alternative ways of determining family names, such as those of the Ayoreo people, who have different last name terminations for men and women (Carrasco interview 2013). Still, the very idea of a family name comes from particular cultural traditions, and it is fairly new to some of the ethnic groups that populate the country (Cedrillo interview 2013; Hinojosa Zambrana 2009a, 66-70; Ochoa interview 2011). It is also important to take into account that the names on ID cards depend on the birth records and certificates that the civil registration system produces. In this regard, the CNE has officially upheld since 2004 the right of indigenous peoples to have their names and last names registered in accordance with their cultural traditions (Roca Serrano 2006, 131). However, respect for this provision among civil registration officials has been uneven (Casas interview 2011; Revuelta 2009, 28). The Presidency of Evo Morales brought about a more favorable context for the use of indigenous languages in public administration.<sup>317</sup> Yet, despite the gains, Spanish continues to be the dominant language of the state, and for the less widespread indigenous languages in particular, progress in this regards remains difficult. SEGIP officials acknowledge the language barrier as one of the main problems documentation teams face when servicing rural populations from minority indigenous groups (Carrasco interview 2013).

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<sup>317</sup> See for example Law 269/2012, particularly Chapter 6.

When I visited Bolivia in 2013, the perception that the functioning of the identity card system had substantially improved since SEGIP took over was almost unanimous (Cedrillo interview 2013; González interview 2013; Requena interview 2013; Velarde interview 2013; among others). Nevertheless, in my previous visit in 2011, the general mood about SEGIP was one of optimistic skepticism. Interviewees commonly valued the decision to take the identity card system out of the hands of the Police, but the fact that SEGIP had been put under the supervision of the Ministry of Government, instead of the *Tribunal Supremo Electoral* (TSE), was a source of mistrust. Opposition forces and non-partisan observers alike expressed concerns that SEGIP could be one day used for the electoral advantage of the government: “it was all political calculations... the development of SEGIP can create mistrust in relation to the use that the Ministry of Government is going to give it” (Arriaga interview 2011). As of mid-2013 these concerns appeared unfounded. While part of the executive, SEGIP had for the most operated in an independent manner, following technical criteria and remaining largely above partisan squabbles. Even so, the decision to keep SEGIP under an institutional umbrella different from that of the Civil Registry defied administrative common sense. It can only be explained in political terms as a product of the government’s intention to at least maintain the possibility of influencing SEGIP if one day decides to do so. None of the people I interviewed who were in one way or another close to the decision could offer other satisfactory explanations (Herrera interview 2011; Mamani interview 2013).

From the administrative point of view, it certainly was a missed opportunity. The general expectation was that after removing the Police from the equation, the civil registration and the identity card system would both come under the authority of the TSE, facilitating coordination and reducing the burden for the citizenry (Arriaga interview 2011; Leon interview 2011a; Los

Tiempos 2011b).<sup>318</sup> Instead, with SEGIP reporting to the Ministry of Government, coordination remained problematic, and citizens continued to confront two different bureaucratic structures, with their own offices, requirements, and databases. Notably, in 2013-2014 the TSE was still refusing to grant SEGIP access to the civil registration database (El Día 2014; Rojo 2013). As a result, SEGIP could not directly check whether ID applicants had valid birth registration records. To get around this, SEGIP transferred the burden of proof to the citizens themselves, requiring that they submitted a birth certificate copy issued in or after 2007. As it is always the case, bureaucratic redundancies taxed disadvantaged sectors of the population the most.

There is at least one additional way in which vulnerable populations lost out with the creation of SEGIP. Unlike was the case with the *Programa Cédula de Identidad Gratuita* (PCIG), SEGIP could not offer identity cards free of charge. While SEGIP absorbed the PCIG, it did not inherit the legal habilitation to do so (Rojo interview 2013). Only to the extent that other institutions decided to pick up the tab for them was SEGIP able to exempt citizens from paying the 17 Bolivianos (about USD 2.5) it charged for an ID. Some municipalities, for instance, agreed with SEGIP that they would cover the cost of identity cards for some or all of their citizens (Rojo interview 2013). This and other drawbacks notwithstanding, the creation of SEGIP has been an unquestionable net positive.

*b) Civil registration: the limits of progress*

The civil registration system of Bolivia has certainly seen improvements since Evo Morales was first elected President in December of 2005. However, compared to the sea-change

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<sup>318</sup> Even Antonio Costas, the first National Director of SEGIP, had proposed when he was President of the CNE to put the identity card system under the authority of the Electoral Court. Such a move would have eventually allowed for the combination of the birth certificate and the national identity card in one single personal identification document (La Razón 2010). The idea of a single identification document was something that civil society organizations were also advocating at the time (Arriaga interview 2011; Leon interview 2011a).

the identity card system underwent with the establishment of SEGIP, progress in the functioning of the Civil Registry has been much less spectacular. Between 2006 and 2009, the documentation efforts of the Morales administration focused on promoting access to identity cards in rural areas through the PCIG. The civil registration system received relatively little attention from the government, and the actions the CNE undertook to promote birth registration were largely a continuation of the work initiated before 2006. The very language in which *Decreto Supremo* 28626/2006 explained the goals of the PCIG seemed to prioritize identity cards over birth registration, strangely reversing the relationship between the two (Roca Serrano 2006, 121). In article 2, the Decree declared that the main goal of the PCIG was to make sure that every Bolivian had access to an ID, “in order to register with the Civil and Electoral Registries”. The idea of identity cards providing a gateway to birth registration ran counter to the normal principles of identity certification in Bolivia, since the registration of a person’s birth was normally the unescapable first step that preceded access to an identity card.<sup>319</sup> As I mentioned earlier in the chapter, the PCIG would ultimately provide identity cards to individuals who lacked working birth certificates, relying instead on the sworn affidavits of local witnesses to validate the identity of ID applicants in such situations.

After Morales assumed office in early 2006, the CNE and the departmental electoral courts continued to take part in free birth registration campaigns in rural areas, like they had done since the early 2000s. Funding for these campaigns generally came from international donors, and often involved the participation of civil society organizations in a leading or supportive role (Ballón Echegaray 2007; Martínez interview 2013; Orías 2010, 25-26; Roca Serrano 2006, 155-166; Velarde interview 2013). These campaigns, and the simplification of late

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<sup>319</sup> Article 5 of the same Decree makes the contradiction even more apparent, as it declares civil registration a priority, “so that citizens can secure a personal identity card”.

registration following Law 2616/2003, help explain why the period 2004-2006 displayed the highest levels of birth registration of the 2000s for people over 12 years of age (TSE-SERECI, 2013: 18). Work on the completion of the digital Civil Registry database also went on, and the electoral courts made the database available to more registrars in the field, either through online connections or periodic computer uploads (Hidalgo interview 2013; Hinojosa Zambrana 2009, 41-43). Additionally, the civil registration system underwent an incipient decentralization process with the creation of *Direcciones Regionales de Registro Civil* in intermediate towns and cities, which assumed some of the responsibilities previously concentrated in the *Direcciones Departamentales de Registro Civil* of the departmental capitals (Hidalgo interview 2013; Hinojosa Zambrana 2009a, 38-41).

The first major imprint of Morales and the MAS in the civil registration system came with the new Bolivian Constitution, approved by popular vote in early 2009. Article 65 of the Constitution shifted the burden of proof in cases of alleged paternity/maternity. If the mother (or father) of a child declared that a particular person was the father (or mother) of her (his) child, the paternity (maternity) was legally presumed unless proven otherwise. CNE's *Resolución* 094/2009 transferred the constitutional principle to the work of the Civil Registry, making the declaration of one parent enough to presume the paternity or maternity of the other for the purpose of birth registration (Roca Serrano 2012, 368-370). Before 2009, paternity or maternity was only presumed in the case of married parents, and upon the presentation of the corresponding marriage certificate. Otherwise, the declaration of each parent was necessary to establish filiation during the process of birth registration. The unfortunate side-effect of that approach, designed to protect (mostly) male parents from fraudulent paternity claims, was that single mothers would often postpone the registration of their children, and wait for the absent

father to come back or the reluctant one to come around (Martínez interview 2013; Foley et al. 2007, 23-24).

I have no direct information about the process that led to the inclusion of article 65 in the constitutional text, but I suspect children rights' groups had a hand in it.<sup>320</sup> Plan International, a global NGO specialized in children's rights, had been working on birth registration in Bolivia for several years with UNICEF and the CNE, and the issue of paternity acknowledgment as a barrier to registration had been on its radar for quite a while (Martínez interview, 2013). In 2006, Plan International, together with civil registration authorities and the Indigenous Issues Committee of the Bolivian Congress, drafted the bill "Citizen Identity Without Social Exclusion," designed to improve the functioning of the Civil Registry (Orías 2010, 24-25; Tamargo 2009, 24-25). The bill never came into law, and I have not had access to the letter of it. However, I would be surprised if it did not include provisions dealing with paternity matters. In 2006, in neighboring Peru, a coalition of civil society organizations and international donors, which included Plan International and other groups with a presence in Bolivia, managed to get the national legislature there to pass a law that mirrored the terms of article 65 of the Bolivian Constitution.<sup>321</sup>

The most important civil registration legislation passed by the government of Evo Morales and the MAS came after the 2009 constitutional referendum. In terms of birth registration, Bolivia had made great strides since the 1990s, and progress continued throughout the 2000s. If 7.32% of respondents had declared in the 2001 Census that their births were not registered, the figure was down to 1.78% in the 2012 Census. The gains were particularly striking in rural areas, with a drop from 10.18% in 2001 to 2.81% in 2012 (INE 2002; 2017). Still, errors in birth records continued to be a widespread problem, limiting the validity of the

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<sup>320</sup> In any case, it is clear that article 65 was very much in sync with the overall terms of the new Bolivian Constitution, which is quite protective of women's rights (Htun and Ossa 2013).

<sup>321</sup> Law 28720/2006 of Peru.

associated birth certificates and creating difficulties when moving up the documentation chain to secure an identity card (García interview 2011; Hinojosa Zambrana 2009a; Tamargo 2009). It is in this area that the Morales government tried to make its mark, passing two pieces of legislation that built upon Law 2016/2003 and simplified correction procedures further: *Decreto Supremo* 0132/2009 and Law 018/2010.

*Decreto Supremo* 0132/2009 focused on providing an easy avenue to solve the all too common problem of double or triple registration. That is, cases in which the same person had more than one birth record active in the civil registration system. In these situations, the Civil Registry would normally block the records in question until the affected citizens took the steps to cancel all but one. The motivating statement of *Decreto Supremo* 0132/2009 is quite clear as to the reasons that made the Decree necessary. *Decreto Supremo* 26718/2002, it explains, dejudicialized the cancellation of birth records in cases in which several records existed with exactly the same personal information. In most cases of double registration, however, the birth records in question have similar but not identical information, leaving the courts as the only option for cancelling the redundant records. The motivating statement then goes on to explain that double registration was not generally the result of ill-intent on the part of the citizens, but a product of the difficulties of manually checking whether an individual had already registered or not, before the digital Civil Registry database became operational in 2002. The consequences for the affected people, mostly from rural areas, the statement expounds, are severe: long and costly judicial proceedings to fix their identity documents, so that they can exercise their rights. For all of the above, it concludes, in cases of double registration, it is necessary to move the cancellation of birth records out of the judicial arena, and into the realm of administrative acts. In consonance

with the motivating statement, the Decree transferred the responsibility to cancel birth records when the same person has more than one to the *Direcciones de Registro Civil*.<sup>322</sup>

Law 018/2010, on the other hand, was not a piece of legislation concerned specifically with civil registration. Its main purpose was to regulate, within the framework of the new Constitution, the electoral system of Bolivia and its associated institutions.<sup>323</sup> Nevertheless, because the Constitution had left the Civil Registry under the authority of the highest electoral court of the country, now renamed *Tribunal Supremo Electoral* (TSE), Law 018/2010 also dealt in some ways with the civil registration system. Among other things, it created the *Servicio de Registro Cívico* (SERECI) and charged it with the management of both the Civil Registry and the electoral roll, under the direction of the TSE. Law 018/2010 did not enter into much detail with regard to how SERECI would function. That was left to the TSE, which a few months later issued *Resolución* 048/2010, putting SERECI in motion. In terms of how the Civil Registry conducted its business, the creation of SERECI represented very little change. More interestingly, Law 018/2010 dedicated article 73 to the administrative correction of civil records, expanding the types of cases that could be handled administratively without having to resort to the Courts.

Since Law 2616/2003, Bolivia had not seen such a significant effort to dejudicialize the correction of civil records. Law 018/2010 went much further than its 2003 predecessor, and added new types of corrections that could now be carried out outside of the Court system.<sup>324</sup> Law

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<sup>322</sup> One exception that *Decreto Supremo* 0132/2009 still left in the hands of the Courts were cases in which different sets of parents appeared in the parallel birth records of the same person. The Decree also put in the hands of the *Direcciones de Registro Civil* the cancellation of marriage and death records in cases of double registration of one life event, as long as it was clear that the parallel records in fact referred to the same people and life events.

<sup>323</sup> Laws 018/2010 and 026/2010 delineated the electoral system of Bolivia under the 2009 Constitution.

<sup>324</sup> TSE's *Resolución* 021/2010 regulated the details of the correction process in accordance with Law 018/2010. *Resolución* 081/2012 updated *Resolución* 021/2010.

2616/2003 had, for instance, specifically excluded from the administrative correction process modifications to the fields of date and place of birth. It had also excluded corrections that affected filiation, and therefore the possibility of making adjustments to the names of the parents. Law 018/2010 opened the possibility of administratively correcting registration errors in all such cases, with some limitations in the case of changes to the name of the mother and/or father. In addition, Law 018/2010 approached the correction of first and last names differently than Law 2616/2003. While the latter had excluded from the process of administrative correction any name adjustments that could possibly imply a modification of the identity of the person in question, the former authorized the administrative handling of all non-contentious name corrections. In theory, this reversed the burden of proof. It was not citizens anymore that had to prove that name corrections did not affect their identities. Now it was Civil Registry operators that had to show that proposed corrections were in fact contentious.

Law 018/2010 also proclaimed administrative corrections free of charge. Ultimately, this prompted the TSE to slash the fees associated with filing administrative correction petitions, making them free under an expansive set of circumstances. For years, administrative correction petitions had only been free when the need for correction arose as a result of a mistake committed by Civil Registry personnel,<sup>325</sup> something that was not always easy to prove. Initially, the TSE responded to Law 018/2010 with *Resolución* 021/2010, which maintained the status quo ex ante. But in 2012 it issued *Resolución* 081/2012, eliminating the fees associated with filing for administrative corrections under all circumstances, as long as the filing happened at a *Dirección de Registro Civil* in the department where the birth had been originally registered. Fees remained

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<sup>325</sup> See *Decreto Supremo* 26718/2002 and CNE's *Resolución* 015/2004.

when filing at a different department or with a civil registration official.<sup>326</sup> Citizens of course still had to secure and pay for supporting documents, in cases in which it was necessary to substantiate their correction petitions. These limitations notwithstanding, Law 018/2010 and TSE's *Resolución* 081/2012 contributed to make administrative corrections more affordable.

*Decreto Supremo* 0132/2009 and Law 018/2010 represented a new push to reduce the judicialization of the civil registration system. Some within the Civil Registry consider the resulting flexibility excessive, especially in terms of the administrative correction of civil records, and fear it can facilitate fraudulent identity changes: “we have to be very, very careful... citizens have to have the certainty, the peace of mind, that [civil] records are not going to be altered” (García interview 2011). For citizens with errors in their civil records, however, the added flexibility was a blessing. Rural indigenous populations were among the main beneficiaries. As I have discussed extensively throughout this dissertation, they have been (and continue to be) particularly prone to suffer registration errors, due to linguistic barriers and the comparatively low levels of education and professionalization of rural registrars.

So far, the most important legacy of the Morales administration in the realm of civil registration has been greater dejudicialization. Progress in this regard has not come in a vacuum. As with other aspects of civil registration reform, civil society organizations have been on the frontlines. The 2006 reform proposal “Citizen Identity Without Social Exclusion” emphasized facilitating the correction of civil registration records, among other things. One of the sponsors of the failed bill was the NGO Plan International (Orías 2010, 24-25; Tamargo 2009, 24-25). The *Consortio por la Participación Ciudadana* also presented in 2010 a proposal for comprehensive civil registration reform, weeks before Law 018/2010 was passed. Dejudicialization was a key

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<sup>326</sup> Strictly speaking, the filing fees only applied when the correction petition was being filed with a civil registration official. However, there were referral fees associated with filing at a different department.

component of it (CPC-CERES 2010a). The Consortium had been advocating easier and more affordable mechanisms for the correction of civil records for years (Leon interview 2011a). The importance of everyday pressure from the general public should not be disregarded either. At one point in the late 2000s, 80% of the cases filed at the lower level *Juzgado de Partido* courts corresponded to birth record corrections (Los Tiempos 2009, cited in Vásquez Z. 2010, 15).

As of 2013, and despite undeniable progress, Bolivia continued to skew comprehensive civil registration reform. Over the previous 20 years, improvement had come in a piecemeal fashion. Meanwhile, the country remained under an 1898 Civil Registry Law, amended through countless legal additions and patches. Although there had been proposals for a new Civil Registry Law, such as that advanced by CNE and Civil Registry insiders in 1999 (Rivero S. 1999; Valverde Castaños 1999), or the one presented by the civil society organizations grouped in the *Consortio por la Participación Ciudadana* in 2010 (CPC-CERES 2010a), none of them had progressed. One of the consequences was that key deficiencies of the civil registration system continued unaddressed. Civil registration officials were still independent professionals that derived their income from the user fees citizens paid.<sup>327</sup> Even if control over their work had improved, the incentives their unusual status created amplified supervision challenges. In this context, the gap in training between urban registrars, who had to have law degrees, and rural registrars, who only needed high school diplomas, had not disappeared.<sup>328</sup> Registration officials continued to make mistakes, and rural ones more often so. The very way in which reform had come about, in fits and starts, engendered a confusing corpus of legal norms whose application was not consistent across time and space. It was not only registration officials that were frequently unaware of the latest regulatory changes. Even the Electoral Courts of different

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<sup>327</sup> In the case of the first birth certificate for children under 12, civil registration officials receive their fees directly from the TSE. The Bolivian Treasury transfers money to the TSE for this purpose.

<sup>328</sup> See TSE's *Resolución* 035/2011.

regions, and the associated *Direcciones de Registro Civil*, approached similar cases in disparate ways (CPC-CERES 2010b, 2; Hinojosa Zambrana 2009a, 57-58). As a SEGIP official pointed out, the civil registration system remained an important source of documentation problems:

“The main problem is SERECI. Of every 80 citizens that arrive [to SEGIP], 30 have civil registration problems. Mostly problems with their birth certificates, but not only... some may have to do with their marital status or other civil registration data. There are still civil registration books that have not been scanned, and when there is the need to correct a [registration] error, the citizens [in those books] have to go back to the civil registration offices in the communities where they were originally registered. The Civil Registry is not yet fully systematized in a database” (Rojo interview 2011).

The geographical distribution of registration officials also deserves some attention. The number of registrars in the country has been falling since the early 1990s, and for very good reasons. On top of the initial clean up the CNE undertook after it assumed authority over the Civil Registry in 1992, there are the effects of demographic change. Many rural areas have been hemorrhaging population, making it increasingly difficult to justify the local civil registrar positions (Hidalgo interview 2013; Pérez interview 2013). The process of rationalization in the number and distribution of registrars culminated in 2011 with the division of the country into “registration districts”. Taking into account demographic and geographical criteria such as population density and ease of travel, civil registration authorities defined 2,175 ‘registration districts’ to be covered by one civil registration official each.<sup>329</sup> Yet, 30% of the registrar positions defined in this way remained vacant in 2013, pending a call for applications to fill them (Pérez interview 2013). I have little doubt that the less appealing rural districts were overrepresented in the list of vacancies. In my time in Bolivia, I received complaints about the lack of accessibility of the Civil Registry in rural areas, mostly from interviewees belonging to lowland indigenous groups (Chaquema interview 2013; Ramos interview 2011; Requena interview 2013). SERECI continued to use mobile teams to reach distant areas of the country.

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<sup>329</sup> See TSE’s *Resolución* 035/2011.

Nevertheless, as my experience with an UNFPA-financed registration drive in 2011 showed, the deployment of mobile teams was quite dependent on the influx of international donor funds. Even as the Civil Registry remained underfunded, only about 35% of the revenues it generated got reinvested in it, with the rest going to finance the electoral endeavors of the TSE (Pérez interview 2013).

Under Evo Morales as before, documentation policies in Bolivia have been about more than any supposed natural drive of the modern state to embrace and control its population. Politics in general, and electoral politics in particular, structured the playing field within which the government of the MAS made decisions with respect to civil registration and the identity card system. Short-term electoral considerations were key in the launching of the PCIG, while longer-term trends with regard to Bolivia's citizenship regime and the place of indigenous people in it shaped the broader context of voter alignments. In the case of the MAS, its electoral needs and the documentation needs of its rural indigenous base coincided (Arriaga interview 2011). Similarly, past institutional choices and the corporate political dynamics they engendered, bring light to government decisions on when to challenge the Police over its control of the identity card system. Meanwhile, the desire to build a political legacy and keep future channels of influence open helps explain the decision to keep SEGIP and the Civil Registry separate, as well as the more favorable treatment the former received from the government in terms of resources and political support (Pérez interview 2013). Some of these decisions have actually been detrimental to the capacity of the state to use identity documents as an instrument of legibility. But it is not only governments that plays politics. Civil society organizations, international donors, and the general public have been instrumental in keeping the pressure to further dejudicialize the civil registration system.

## 2. Expanding cash-transfer programs and the demand for identity documents

Perhaps the best known social policy innovations of the Morales government have been its targeted cash-transfer programs: *Renta Dignidad*, *Bono Juancito Pinto*, and *Bono Juana Azurduy*. While *Renta Dignidad* represented an evolution of the non-contributive universal old-age pension *Bonosol*, which traced its origins all the way back to the mid-1990s, the other two were new conditional cash-transfer schemes that had no national-level policy precedent in Bolivia.<sup>330</sup> The *Bono Juancito Pinto* targeted school-age children, and the *Bono Juana Azurduy* targeted mothers during pregnancy and child-birth, as well as their children up to the age of two. Interview after interview, these cash-transfer programs received credit for contributing to boost the demand for identity documents (Casas interview 2011; Cedrillo interview 2013; González interview 2011; Larenas interview 2011; Páramo interview 2011; Requena interview 2013; Urzáiz interview 2011; among others).<sup>331</sup>

The first one to come into being was the *Bono Juancito Pinto*, which the Morales administration introduced shortly after coming to power.<sup>332</sup> The *Juancito Pinto* was set up as a payment designed to encourage school enrollment and retention, initially for children in primary school grades one through five. Coverage expanded in 2007 to include grade six, in 2008 to include grades seven and eight, in 2012 to include grade nine, in 2013 to include grade 10, and in 2014 to include grades 11 and 12.<sup>333</sup> Only children and adolescents enrolled in public schools

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<sup>330</sup> The local government of El Alto did implement a cash-transfer program similar to the *Bono Juancito Pinto* between 2003 and 2005 (OSPE-B 2011, 9-10). The *Bono Juana Azurduy*, on the other hand, resembled the Social Protection Program for Mother and Children that the World Bank had agreed to fund in 52 municipalities as part of the Zero Malnutrition Program the Morales government launched in 2006 (McGuire 2013, 17-18).

<sup>331</sup> Secondary sources point in a similar direction (Orías 2010; Revuelta 2009; Tamargo 2009).

<sup>332</sup> Decreto Supremo 28899/2006.

<sup>333</sup> See *Decretos Supremos* 29321/2007, 29652/2008, 1372/2012, and 1748/2013. *Decreto Supremo* 2141/2014 extended the *Juancito Pinto* to students in all primary and secondary school grades. According to the schooling structure established by Law 070/2010 (six years of primary education and six years of

who attended 80% of the classes during the academic year qualified for the benefit (Marco Navarro 2012, 23; Yañez, Rojas, and Silva 2011, 2-3). Some age restrictions also applied.<sup>334</sup> From 2007 onwards, the *Juancito Pinto* also covered special education, in this case without grade or age restrictions (Marco Navarro 2012, 23; Yañez, Rojas, and Silva 2011, 2-3).

In 2006, the first year of implementation, the *Bono Juancito Pinto* reached over a million children. By 2011, it had near two million beneficiaries (Marco Navarro 2012, 27). Established at 200 Bolivianos (USD 25-30), the value of the *Bono* remained constant throughout the years, still paying that same amount in 2014. As a result, its purchasing power progressively eroded, and by the early 2010s it was questionable whether it covered the yearly school-related expenses of the average Bolivian child. Still, the *Bono* represented a significant help in what remained as one of the poorest countries of the Americas (Marco Navarro 2012, 41-42).<sup>335</sup> In its original design, the *Juancito Pinto* consisted of two payments of 100 Bolivianos, one at the beginning of the academic year and one at the end. After some modifications in 2007, it opted for one single payment of 200 Bolivianos at the end of the academic year.<sup>336</sup> Qualifying schools had to register with the Ministry of Education and keep a roster of enrolled students. Teachers determined what students met the attendance criteria for each particular grade cohort, and the Bolivian Armed Forces were in charge of transferring the funds to each school and handling payments.<sup>337</sup>

More interesting for the purpose of this dissertation, on payment day, students who

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secondary education), this implied covering grades 1 through 12. Following the 2009 Constitution, Law 070/2010 made all secondary school mandatory. Since it made two years of formal pre-school mandatory as well, the *Bono Juancito Pinto* has been criticized for not covering pre-school children (Marco Navarro 2012, 31-39; OSPE-B 2011, 41 and 102).

<sup>334</sup> In 2010, the age limit to receive the *Bono Juancito Pinto* was 18 years of age (Yañez, Rojas, and Silva, 2011, 3). Later on, the age limit was raised to 19. *Decreto Supremo* 2141/2014 eventually set it at 21.

<sup>335</sup> In 2012, Bolivia had a GDP per capita of USD 4,880 PPP, and 12% of the population of the country was living on less than USD 2 a day (World Bank 2014, 12; 2015, 32).

<sup>336</sup> *Decreto Supremo* 29321/2007.

<sup>337</sup> This is a simplified description of the operational roles the different institutional actors played in the implementation of the *Bono Juancito Pinto*. For a more detailed description see OSPE-B (2011, chap. 3).

qualified for the *Juancito Pinto* had to come accompanied by one of their parents (preferably their mother) or other responsible adult. Both the students and the accompanying adults had to present official proof of identity, an identity card in the case of the adults, and either a birth certificate or an identity card in the case of the students (Marco Navarro 2012, chap. 2; OSPE-B 2011, 23-24 and 32-37; Tamargo 2009, 32-33). In principle, therefore, the *Bono Juancito Pinto* required the documentation of qualifying students and responsible family members. Yet, having been born with the aspiration to reach as many target children as possible, the Program had built-in mechanisms to bypass this and other requirements when they could result in the unwanted exclusion of potential beneficiaries. If a qualifying student was not able to produce a birth certificate or identity card, for example, two school-related witnesses could attest to her/his identity (Martínez interview 2013; Tamargo 2009, 32-33). Similarly, while *Juancito Pinto* recipients had in theory to be accompanied by their mother, father or legal guardian, teachers were also authorized to play the role of guardians for the exclusive purpose of allowing students to collect the payment (Marco Navarro 2012, 26).<sup>338</sup> In this way, qualifying students could benefit from the *Bono* even if their parents were absent or did not have the required ID card.

Despite the flexibility of the *Juancito Pinto* procedures, overzealous officials would sometimes exclude students and families who did not meet the standard documentation requirements of the Program. Some officials would go as far as to demand additional documents beyond those defined in the relevant regulations (Guerrero interview 2011; Marco Navarro 2012, 29 and 53-54; OSPE-B 2011, 23-24 and 41). In the case of the *Bono Juancito Pinto* like in many others, even if identity documents were not strictly necessary to enjoy the benefit, undocumented children and families found themselves particularly vulnerable and insecure in the exercise of

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<sup>338</sup> See for instance *Resolución Ministerial 692/2013* of the Ministry of Education, which regulates the *Bono Juancito Pinto* for the 2013 academic year.

their rights. Relying on the exception is generally more precarious than fitting the norm. One of the consequences of the *Juancito Pinto* has been to make the need for identity documents more visible, especially for school-age children and their mothers, encouraging documentation in the process (González interview 2013; Páramo interview 2011; Tamargo 2009, 32-33). Flavia Marco Navarro, for instance, reported annual spikes in the influx of citizens to the identification offices of the Police (and later SEGIP) around the time of the year in which payments for the *Juancito Pinto* were due (2012, 28). In the case of children, Rosa Martínez explains, “many authorities, both state and indigenous, did not understand why we had to register them at such a young age... it has been of great help the match with another government policy, the *Bono Juancito Pinto*, which forces parents to get the birth certificate of their children” (interview 2013).

The *Renta Dignidad* was created in late 2007 and began functioning the following year.<sup>339</sup> Between 2006 and 2007, the government of the MAS had continued to pay the *Bonosol*, which the administration of Gonzalo Sánchez restituted in 2002. As a non-contributory universal old-age pension that took the form of a set annual benefit, the *Renta Dignidad* had many things in common with the *Bonosol*. However, there were some differences as well. While the *Bonosol* operated as an annual lump-sum payment, the *Renta Dignidad* was structured in monthly payments, although beneficiaries had the option to differ payments for up to 12 months and receive a lump-sum at the end (Ticona Gonzales 2010, 45). Unlike the *Bonosol*, the *Renta Dignidad* was not linked to the fate of the state-owned companies privatized in the 1990s. Funding for the *Bonosol* had come from the shares of the privatized companies that pension funds held in trust for Bolivian adults. The Morales administration re-nationalized the key oil and gas sector not long after coming to power, and the telecommunications company Entel followed shortly. Under these conditions, the scheme for funding the *Bonosol* fell apart, and even

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<sup>339</sup> See Law 3791/2007.

before the *Renta Dignidad* came into being, the government had to mobilize substantial revenues from other sources to cover the final *Bonosol* in 2007 (Müller 2009).

Funding and payment arrangements were not the only difference between the *Renta Dignidad* and its predecessor. Compared to the *Bonosol*, the *Renta Dignidad* was more generous in terms of the age range it covered and the amount it paid to its beneficiaries. If only Bolivians 65 and older had qualified for the *Bonosol*, the *Renta Dignidad* dropped the age limit to 60 years of age. As for the amount of the yearly benefit, the *Renta Dignidad* started at 2,400 Bolivianos (USD 314) in its first year of operations in 2008, a 25% increase from the 1,800 Bolivianos (USD 235) paid by the *Bonosol* (Müller 2009, 167). In reality, not all beneficiaries saw the size of their payments grow. If the *Bonosol* had established the same flat rate for all qualified Bolivians, the *Renta Dignidad* introduced two tiers in the amount of the benefit. Citizens who already collected a contributory old-age pension were entitled to 75% of the *Renta Dignidad*, and therefore continued to receive the same amount than under the *Bonosol*. Those who had no access to a contributory pension had the right to receive the full *Renta Dignidad*. In a country where contributory pensions have historically had a rather narrow reach, the large majority of recipients fell in this latter category (Müller 2009, 167-168). Of the 800,000 beneficiaries of the *Renta Dignidad* in the first half of 2010 (55% women), 83% were not receiving a contributory pension (Ticona Gonzales 2010, 47). In 2013 the *Renta Dignidad* was adjusted upwards to 3,000 Bolivianos for full recipients and 2,400 Bolivianos for second-tier ones.<sup>340</sup>

In order to enjoy the *Renta Dignidad*, qualifying citizens had to appear in the official *Renta Dignidad* database. The database was compiled from the pre-existing *Bonosol* database,<sup>341</sup> with the addition of new beneficiaries. *Decreto Supremo* 29400/2007 defined national identity

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<sup>340</sup> Law 378/2013.

<sup>341</sup> See article 26 of *Decreto Supremo* 29400/2007.

cards and RUN cards as the only acceptable identity documents for joining the database and cashing the *Renta Dignidad*. Since citizens had been able to register for the *Bonosol* with their ‘military service booklets’ also, many elderly males were forced to update their database records with an identity card or a RUN card in order to receive the *Renta Dignidad*.<sup>342</sup> National identity cards and RUN cards were considered valid documents for the purpose of joining the database and cashing the *Renta Dignidad* even if they had expired.<sup>343</sup> Compared to the 493,437 Bolivians that received the 2007 *Bonosol*, 752,602 people received at least one payment of the *Renta Dignidad* 2008 (AP 2014, 12 and 22). The increase has to be attributed mainly to the larger age range covered by the *Renta Dignidad*.

Coming in the wake of the *Bonosol*, the impact of the *Renta Dignidad* in the demand for identity documents was necessarily more modest than that of the more innovative *Bono Juancito Pinto* and *Bono Juana Azurduy*. Still, it contributed to cement awareness about documentation among the older generation (Choque interview 2011; García interview 2011; Páramo interview 2011). A few comments in this regard. First, the more restrictive documentary requirements of the *Renta Dignidad* certainly encouraged those *Bonosol* beneficiaries who relied on their “military service booklet” for identification to secure an identity card. Second, by lowering the age of qualification, the *Renta Dignidad* brought the incentives for documentation associated with non-contributory pensions to a broader age-group. Third, similarly to the *Bonosol*, citizens could collect *Renta Dignidad* payments at the branches of pension funds, and authorized insurance companies and banks. But the *Renta Dignidad* also enrolled the help of the Armed

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<sup>342</sup> See article 9 of *Resolución Administrativa* 062/2008 of the *Superintendencia de Pensiones, Valores y Seguros*.

<sup>343</sup> See the introductory statement of *Resolución Administrativa* 062/2008 of the *Superintendencia de Pensiones, Valores y Seguros*. All RUN cards had already expired by time of the implementation of the first *Renta Dignidad*.

Forces as a payment agent.<sup>344</sup> By 2010, there were more than 200 military installations and mobile military units that acted as *Renta Dignidad* payment points, giving the Program a geographical coverage that the *Bonosol* had never had, particularly in the countryside (Ticona Gonzales 2010, 53-54).

The importance of this broader geographical coverage should not be understated. Throughout the mid-2000s, the annual reports of the Bolivian Ombudsman's Office made continuous references to the problems associated with the limited availability of *Bonosol* payment points in rural areas (Defensor del Pueblo 2004, 262; 2005, 31 and 65; 2006, 30 and 306; 2007, 130). After 2009, references to this issue largely disappeared from the reports. On the other hand, the lack of identity documents continued to come up as a key barrier preventing qualified citizens from enjoying the *Renta Dignidad*, a circumstance the reports mostly attribute to the supply-side limitations of the Civil Registry and the identity card system (Defensoría del Pueblo-Bolivia 2009, 187-188; 2010, 64 and 230-233; 2011, 119 and 198-199). The linkages between identity documents and non-contributory old-age pensions reached further than ever.<sup>345</sup>

In the words of Violeta García, who worked at the *Dirección Departamental de Registro Civil* of La Paz at the time of the interview:

"That is the reason why we receive quite often the visit of older people, 70 or 80 years of age, who have never had identity [documents], but now have the need [to have them]. They say: 'I thought I was going to die undocumented, because I never had the need [to acquire identity documents], but now there is a Bono, and to access the Bono they ask me for my identity card, for my birth certificate'" (García interview 2011).

In 2009 the Morales Government introduced the *Bono Juana Azurduy*, a conditional cash-transfer program designed to promote attendance to medical controls during pregnancy and early

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<sup>344</sup> See article 16 of *Decreto Supremo* 29400/2007.

<sup>345</sup> Since 2012, increasing reliance on biometric identity checks for *Renta Dignidad* payments has diminished the importance of physical identity documents for the enjoyment of this benefit in urban areas. Nevertheless, these biometric technologies have not reached most rural areas, where identity checks continue to be based on the presentation of physical identity documents (ABI 2016)

childhood.<sup>346</sup> The Program targeted pregnant women and children under two. Totaling 1,820 Bolivianos (approx. USD 260-265) over a period of 33 months, the *Bono Juana Azurduy* linked 17 different payments to 18 medical milestones: four payments of 50 Bolivianos during pregnancy, each requiring one pre-natal control; one payment of 120 Bolivianos contingent on institutional child delivery and a post-partum follow up; and 12 payments of 120 Bolivianos dependent on 12 bimonthly check-ups for newborns and children up to their second birthday (Vidal Fuertes et al. 2015, 47-48).<sup>347</sup> The *Bono* specifically excluded women and children covered by the contributory health insurance system. About 74% of expecting and new mothers were unaffected by this exclusion, and could potentially enjoy the payments if they did not run afoul with other program restrictions (McGuire 2013, 20). To avoid creating incentives for quick successive pregnancies, the Program also excluded women with children younger than two from accessing the *Bono* again, and prescribed a wait of two years between pregnancies for women who had had a miscarriage or lost a child before her/his second birthday (Unidad Ejecutora Bono Juana Azurduy 2013; McGuire 2013, 20).

In order to receive the *Bono Juana Azurduy*, beneficiaries had to register for the program at medical facilities. In the case of pregnant women, registration required an identity card. In the case of infants, it required both the birth certificate of the child<sup>348</sup> and the identity card of the mother or responsible adult. To qualify, children had to register before their first birthday (Unidad Ejecutora Bono Juana Azurduy 2013). Given the fact that Bolivian legislation has

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<sup>346</sup> See Decreto Supremo 66/2009.

<sup>347</sup> Mostly a demand-side program, the *Bono Juana Azurduy* also spurred some supply-side measures on the part of the government, which hired hundreds of doctors to meet the rising demand for medical attention associated with the *Bono* (McGuire 2013, 21-22; Vidal Fuertes et al. 2015, chap. 3). In this respect, see *Decretos Supremos* 152/2009, 425/2010, 807/2011, and 1140/2012.

<sup>348</sup> A certificate of live birth was also acceptable for children who had not reached one week of age yet.

maintained a twelve-year window for the timely registration of births since 2003,<sup>349</sup> it is remarkable that the *Bono Juana Azurduy* required a birth certificate from children of such a young age. It should be noted that the long birth registration window of Bolivia, even if it might have made sense in the context of an underperforming civil registration system and a large registration deficit, is certainly unusual by international standards. Both international legal instruments and Bolivia's own *Código del Niño, Niña y Adolescente* of 1999 emphasize that registration should happen shortly after birth (Roca Serrano 2006, 123-124).<sup>350</sup> In this sense, the requirements of the *Bono Juana Azurduy* represented an incentive for early birth registration, without relinquishing the flexibility that the long legal window for the timely registration of births provided.

Payments for the *Bono Juana Azurduy* were generally funneled through financial institutions. To collect their payments, program beneficiaries (or the responsible adults in the case of children) had to go to authorized bank branches and present their identity cards (Unidad Ejecutora Bono Juana Azurduy 2013; Vidal Fuertes et al. 2015, 52-53). Initially, as was the case with other cash-transfer programs, the government involved the military as a payment agent in the logistics of the *Bono Juana Azurduy*, so that payments could reach distant areas where authorized bank branches were not readily available.<sup>351</sup> By mid-2010, however, the Ministry of Health stopped relying on the Armed Forces as a payment agent, and began channeling payments almost exclusively through financial institutions.<sup>352</sup> Although, access to authorized payment

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<sup>349</sup> Law 2616/2003.

<sup>350</sup> See article 7 of the United Nations Conventions on the Rights of the Child. At a national level, see article 97 of the *Código del Niño, Niña y Adolescente* of 1999, and article 111 of the 1992 *Código del Menor* that preceded it. The more recent *Código del Niño, Niña y Adolescente* of 2014 is less clear in this regard (see articles 110 and 114).

<sup>351</sup> See article 4 of *Decreto Supremo* 133/2009.

<sup>352</sup> I have come across some cases in which the Ministry of Health took *Juana Azurduy* payments directly to distant communities as part of broader public services delivery programs with mobile teams (Ministerio

points must have been difficult in the more distant rural areas, it does not appear to have developed into an important consideration deterring participation in the *Bono Juana Azurduy*. This was most likely the case because women and children living in remote locations already faced other barriers that prevented enrollment or continued participation before even reaching the payment stage, such as lack of information about the program, lack of identity documents, or distance to the nearest health care facility (Vidal Fuertes et al. 2015, chap. 6).

Between May of 2009 and December of 2013, over 400,000 thousand pregnant women and 600,000 children registered to receive the *Bono Juana Azurduy* (Vidal Fuertes et al. 2015, 53-54). Despite these numbers, the coverage of the program was disappointing, leaving an important share of the eligible population out. Coverage was higher among children (about 50%) than among pregnant women (between 40% and 23% depending on the year), perhaps the result of the higher payments that the former received (Vidal Fuertes et al. 2015, 87-89). In a countrywide survey, 87% of women of a child-bearing age declared they were aware of the *Bono Juana Azurduy*. The figure for rural areas was 82%. Still, lack of information about the program was the leading reason for non-enrollment among qualifying pregnant women. At a national level, 27.5% of expecting women who would have qualified but did not register for the program declared that it was because of the lack of information. Another 20.3% of respondents acknowledged they opted out because enrolling was too much of a hassle in terms of paperwork, time, or long lines. Finally, a further 19.9% explained they could not enroll because their identity documents were not in order. In rural areas, documentation problems were, after the lack of information (31.3%), the second most common reason for the non-enrollment of eligible women (25.4%). In the case of eligible children, the surveyed mothers volunteered the following as the main reasons for non-

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de Salud 2014a; 2014b). However, from 2010 onwards, the *Bono Juana Azurduy* relied exclusively on financial institutions for its standard payment procedures (Unidad Ejecutora Bono Juana Azurduy 2013; Vidal Fuertes et al. 2015, 52-53).

enrollment: problems with the identity documents of the mother or the child (31.1%), paperwork, time, or long lines for enrolling (23.4%), and lack of information (19.8%). Looking at rural areas exclusively, identity documents emerged as the leading barrier preventing enrollment (43.6%), with lack of information (18.9%) in a distant second place (Vidal Fuertes et al. 2015, chap. 6).

The survey data above seems to confirm that the *Bono Juana Azurduy*, its low coverage notwithstanding, notably contributed to highlight the importance of identity documents for the enjoyment of state services and benefits. Something that also came up in many of the interviews I conducted in Bolivia (Martínez interview 2013; Requena interview 2013; Urzáiz interview 2011; among others).<sup>353</sup> At the same time, information about the Program did not reach everyone. Residents of distant rural areas, and in particular of the many remote lowland locations with little access to health care facilities, were in all probability less likely to know about the *Bono Juana Azurduy*. Undoubtedly, information about this and other state programs was not evenly distributed throughout the country.

With respect to its documentation impact, there was one significant difference between the *Juana Azurduy* and other cash-transfer programs of the Morales administration: the adoption of specific measures designed to facilitate the access to identity documents of the target population. Shortly after launching the *Bono Juana Azurduy*, the government issued *Decreto Supremo* 269/2009, which appropriated resources to cover the cost of free documents for the program's beneficiaries. In the case of newborns, since the first birth certificate was already free for children, the added value of the Decree was to make additional copies free of charge as well. As for qualifying women, the Decree made the acquisition and renewal of identity cards free. Vidal Fuertes et al. estimate that in 2013 the *Bono Juana Azurduy* spent 605,454 Bolivianos (about

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<sup>353</sup> In their evaluation of the *Bono Juana Azurduy*, Vidal Fuertes et al. also hypothesize that encouraging the acquisition of identity documents might have been a positive externality of the Program, but they do not offer additional supporting data in this regard (2015, 132-133).

USD 88,000) for the purpose of facilitating free documents to program beneficiaries. Taking into account the official fees associated with birth certificate copies and identity cards in Bolivia (47 and 17 Bolivianos respectively),<sup>354</sup> the figure would indicate a moderate but not irrelevant annual investment. Nevertheless, it is difficult to make assumptions about the number of women and children actually reached, since the resources also paid for equipment used by the Civil Registry and SEGIP to serve *Juana Azurduy* beneficiaries (Vidal Fuertes et al. 2015, chap. 10).

There is little doubt that the cash-transfer programs of the Morales administration contributed to solidify the demand for identity documents. Beyond the pecuniary incentives they created, these were highly publicized social programs that the government turned into one of its main political flags, next to its indigenous credentials and the nationalization of key economic sectors. Unquestionably, they helped bring awareness about identity documents among the target population groups (children, women, and the elderly), all of which had historically had high levels of undocumentation or underdocumentation. By the time of the 2012 Census, for example, most *Renta Dignidad* eligible age groups (60 and older) had higher documentation rates than younger age groups. As we can see in the table below, the share of the population who lacked an identity card only fell below 3% for the age groups above the 60 years threshold. A stark reversal from the 1992 and 2001 Censuses, when these older age groups were the adult groups with the highest undocumentation levels (INE 1993, 2.6; 2017).<sup>355</sup>

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<sup>354</sup> Information for the fees comes from SERECI (2017), in the case of birth certificate copies, and SEGIP (2013), in the case of identity cards. Vidal Fuertes et al. (2015) take 2013 as their point of reference. It is possible that the fees for birth certificates might have increased between 2013 and 2017, but if so, the difference should be minimal.

<sup>355</sup> In the 1992 Census, the age groups above 60 years of age displayed particularly low levels of ID card ownership (INE 1993, 2.6). The 2001 Census only had data on birth registration, and again adult underregistration was greatest for the age groups over 60 years of age (INE 2002). If we look at birth registration for the 2012 Census, most age groups over 60 displayed levels of underregistration similar to other adult age groups. The exception was people over 90 years of age, who displayed slightly higher levels of underregistration (INE 2017).

% of the population who lacks an ID card by age group and gender (2012 Census)			
Age group	Female	Male	Total
0-4 years	78.81%	78.69%	78.74%
5-9 years	53.94%	53.74%	53.84%
10-14 years	26.23%	26.05%	25.14%
15-19 years	12.89%	13.56%	13.23%
20-24 years	4.96%	6.03%	5.50%
25-29 years	3.33%	4.22%	3.77%
30-34 years	3.17%	3.69%	3.42%
35-39 years	3.65%	4.00%	3.82%
40-44 years	3.94%	4.44%	4.19%
45-49 years	4.37%	4.65%	4.51%
50-54 years	3.75%	3.81%	3.78%
55-59 years	3.87%	4.02%	3.94%
60-64 years	2.98%	3.29%	3.13%
65-69 years	2.27%	2.38%	2.32%
70-74 years	2.73%	2.92%	2.82%
75-79 years	2.80%	2.82%	2.81%
80-84 years	2.62%	2.50%	2.57%
85-89 years	2.67%	2.80%	2.72%
90-94 years	3.84%	3.80%	3.82%
95 and older	6.53%	7.47%	6.91%

(Source: my own calculations based on data from INE 2017).

Similarly, women of a fertile age, targeted by both the *Bono Juana Azurduy* and the *Bono Juancito Pinto*,<sup>356</sup> displayed higher levels of ID ownership in the 2012 Census than their male counterparts. Women showed higher levels of documentation than men overall (19.89% of women lacked an ID, compared to 20.91% of men), but the largest differences were concentrated in the age groups between 15 and 54 years of age.<sup>357</sup> It would be a mistake to attribute these

<sup>356</sup> For the *Juancito Pinto* payments, children had to be accompanied by a responsible adult, preferably their mother.

<sup>357</sup> 5.63% of women between the ages of 15 and 54 lacked an ID. 6.31% of men in the same age group did. Gender differences were narrower in other age groups. In the 14 and younger age group, 53.06% of

gender differences to the cash-transfer programs exclusively, as women also displayed higher levels of urban residence than men (68.93% versus 66.04%), and rural residents were more likely to lack an ID (22.78%) than urban ones (19.25%).<sup>358</sup> Still, compared to the previous two Censuses in 1992 and the 2001, in which women showed higher undocumentation levels than men, the reversal in the gender gap is remarkable (INE 1993, 2.6; 2017).

Beyond the cash-transfer programs that the government of Evo Morales instituted, other factors also contributed to drive up the demand for identity documents during his administration. In the field of health care, for instance, the new administration maintained the policies of previous governments with regard to publicly-funded free health insurance schemes for vulnerable groups. The *Seguro Único Materno Infantil* (SUMI) remained in place until 2013, and the *Seguro Médico Gratuito de Vejez* (SMGV) was substituted by a similar but more generous program, the *Seguro de Salud para el Adulto Mayor* (SSPAM),<sup>359</sup> which also ran until 2013. SSPAM beneficiaries had to register at the local level with their identity cards, RUN cards, “military service booklets”, birth certificates, or baptismal certificates. There was a wider range of acceptable documents than under the SMGV. On the other hand, registration for the SSPAM had to be renewed every year. In 2013, Law 475 subsumed both the SUMI and the SSPAM within a broader health care program.

The years that followed the election of Morales were also years of sustained economic growth, which contributed to the expansion, albeit modest, of the formal labor market (Hernani-

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females and 52.90% of males lacked an ID. In the 55 and older age group, the figures were 3.05% and 3.22% respectively (INE 2017).

<sup>358</sup> Interestingly, urban females were less likely to lack an ID than urban males (18.42% versus 20.12%), but rural females were slightly more likely to lack an ID than rural males (23.13% versus 22.45%), respectively (INE 2017).

<sup>359</sup> Law 3323/2006, which created this new insurance scheme, was actually passed a few days before the inauguration of Evo Morales. The implementation of the law, however, happened during his mandate. In fact, the SMGV was not phased out until the Morales administration passed *Decreto Supremo* 28968/2006, providing the necessary regulations for the application of Law 3323/2006.

Limarino, Villegas, and Yáñez 2011, 4). Urbanization continued to increase throughout the 2000s, even if at a slower pace than in previous decades. By the time of the 2012 Census, 67.48% of Bolivians lived in urban areas, compared to 62.42% in the 2001 Census (INE 2015, 14-15). Additionally, improvements in transportation infrastructure and telecommunication technologies brought the population closer. In 2012, Bolivia had close to 9.5 million cell phone subscriptions for a total of about 10 million people (INE 2015, 11-12; ITU 2017). The government introduced in 2009 regulations that mandated the registration of all active cell phones.<sup>360</sup> The registration process required identity documents (identity card, RUN card, passport, or “military service booklet”). Between 2001 and 2012, school enrollment grew for the 6-11 and 12-19 age groups, in urban and rural areas, for both males and females. Over the same period of time, the share of the population with a university education increased 40%, although it remained at a very modest 24.2% for the country as a whole, and at 7.5% for rural residents (INE 2015, 42). In politics, the election of Evo Morales represented a momentous event for the large indigenous population of Bolivia. Symbolically, it signaled like never before that the country was theirs as much as anyone else’s. Morales was reelected in December of 2009 by a wide margin, and with record levels of electoral participation. Held with the largest electoral roll in Bolivian history, the 2009 elections resulted in a 94.55% turnout rate (EU EOM-Bolivia 2009b, 14 and 36-37; Peñaranda and Candía, 2009, 31).

In many ways, the Presidency of Evo Morales represented a new beginning for Bolivia. The narrative of indigenous peoples coming to power after 500 years of oppression is a powerful one, and it has many elements of truth. This is also a narrative that the government of the MAS has helped promote to solidify its legitimacy. But the election of Morales in December of 2005

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<sup>360</sup> Decreto Supremo 353/2009.

has as many elements of continuity as it has of change. It can be equally read as one more step in a long (and still ongoing) process of vindication of and by indigenous Bolivia, rather than as a clean break with the past. A process of vindication that previously contributed to bring about the 1952 Revolution, the democratization of the early 1980s, or the Multicultural Neoliberalism of the 1990s. It would be a mistake to describe the last 100 years of Bolivian history in linear progressive terms. However, it would be no less of a mistake to paint them as a long period of unabated indigenous subordination until the coming of Morales and the MAS. Through ebbs and flows, regional differences, and moments of stagnation and regression, the indigenous majority of Bolivia has since the Chaco War slowly carved out greater spaces within national society and the state that represents it. Women have also gained more and more space in education, politics, the labor market, and the public sphere generally. This is not to say that ethnic and gender inequality have disappeared, but to recognize that by many measures the gap has narrowed, with gains being made both before and after the election of Morales in 2005.

In the area of personal documentation like in many others, the rise to power of the MAS brought both continuity and change. Unquestionably, the social policies of the Morales administration strengthened the demand for identity documents, as did the political upheaval and high stakes elections that preceded and followed his assumption as President. But interest in identity documents had been growing for quite some time. More than a novel development, the expansion in the demand for documents of the second half of the 2000s represented the deepening of a process that had been underway since the early 1990s. Over time, the institutionality of the Bolivian state had become increasingly relevant to the everyday life of sectors of the population that had only been indirectly (even if meaningfully) affected by it before. The social and economic measures of the Morales government, as well as the symbolic

importance of his election, took this process one step further. Still, the importance of the state and the rights and services it offers has not reached all corners of the country with the same force. Neither has, therefore, interest in and knowledge about identity documents. In the more remote areas of the country, and particularly in distant lowland locations, the relevance of the state and its institutionality has remained precarious. These are also the areas where the greatest cultural distance exists between national society and the local indigenous populations. Moreover, at the level of symbolic recognition, the election of a President of highland Aymara background did not have the same implications for the indigenous populations of the lowlands than it had for the indigenous population of the Bolivian Andes. In addition, the relations between the Morales government and most lowland indigenous organizations turned sour after 2011.

The history of documentation in Bolivia defies the standard narrative of the academic literature on identity documents. The local state instituted mandatory documentation policies early in the 20<sup>th</sup> century, just to neglect for the next fifty years the documentation systems that emerged from them. As instruments of administrative legibility, identity documents could hardly add much value to the Bolivian state in the decades that followed. With low coverage and highly unreliable, the Civil Registry and the identity card system of the country were rather coarse tools for the certification and documentation of individual identity. Half the country lacked identity documents, while almost anyone with a strong enough motivation could secure official papers under the name or names of choice. More than mechanisms of information collection and public administration, the documentation systems of Bolivia were revenue leases that the government used to complement the meager salaries of the Police (identity card system), and pay political favors to local supporters (Civil Registry).

The situation started to change in the early 1990s. The initial impulse came from the need to reassure competing political elites and the population in general of the fairness of elections. It was not about population monitoring and control per se, but about limiting the opportunities for electoral fraud. Throughout the 1990s and 2000s, identity documents became more and more relevant for sectors of the citizenry for which they had had little relevance before, particularly rural residents of indigenous extraction, and especially women. With the citizenship regime of the country evolving, the new rights and services the state offered infused its institutionality with a degree of pertinence to the everyday lives of these populations that it had not carried in the past. However, even as access to most of these new rights and services required identity documents, the documents acted more as empty tokens devoid of real probative power than as actual tools of administration in the determination of entitlement. The chaotic and exclusionary nature of Bolivia's documentation systems prevented qualified citizens from accessing benefit to which they were entitled, at the same time that allowed unqualified individuals to gain access to them. Identity documents continued to lack much value as instruments of population legibility and public administration. It was not resistance on the part of public that kept identity documents in chaos and with limited reach. The answers had to be found within the state itself. The dangerous populations of Bolivia wanted documents, and the state made it difficult for them to acquire them.

From a state that had for the most excluded and marginalized the indigenous population of the country, it was not easy to build one that recognized their particularities and offered them relevant rights and services. The language, regulations, operating procedures, and geographical architecture of the public bureaucracy had developed in the image of a society permeated by hierarchies of gender, ethnicity, and wealth. Next to the broad limitations that emerged from the

specificities associated with the historical development of the Bolivian state, past institutional choices also created vested interests within the state that complicated the advance of identity documents in the country. The National Police, and many in the Civil Registry had a lot to lose from the reform of the respective documentation schemes, as did politicians whose short term electoral interests could be negatively affected by the changes in the make-up of local electorates brought about by less exclusionary documentation policies. It took substantial pressure from outside the state, as citizens, civil society, and international donors advocated for documentation reform, to break the resistance of these reluctant actors and progressively make the Civil Registry and the identity card system more inclusive and reliable. But this call for reform also found receptive ears in some sectors of the state, especially at a time in which children's rights, including the right to birth registration, as well as the rights of women and indigenous peoples, were permeating both the international development agenda and local politics. This combination of pressure from inside and outside the state was particularly effective when the political and electoral interests of state leaders coincided with the needs of undocumented and underdocumented citizens. In Bolivia, the history of identity documents has been more about politics and rights than about legibility and population control.

## CHAPTER 7. UNDOCUMENTED CITIZENS IN PERU AND BEYOND

"I lived in Ayacucho from 1974 on. 20 years I lived in Ayacucho, and like the peasants, I barely used my ID. I walked everywhere, went about my daily life without any need for documents. You didn't use the bank because you made so little money that you would spend it in your everyday. A very simple life most people had, and we didn't use any [documents] back then. I think, progressively, because of the war, for safety, you had the need for a document, and that's something everybody learned. That's one reason. The other reason is that in that journey in which you escape, you hide, you organize, you come back, you lobby, articulate, integrate [with others], feel that you belong with some, and discover who is with you and who is not... Then, with all of them, you had the need for your document, and without document no interaction can be sustained. People would cry when I interviewed them. The displaced said: 'I was nobody, I was simply a *chuto*<sup>361</sup> –in quechua he said–, I was a *chuto*. I didn't even have papers, and they could kick me out the door, because they said: who are you? I was nobody'" (Castro interview 2011).

I argued in this dissertation that the academic literature tends to exaggerate the enthusiasm of the modern state for documenting individual identity. That in reality, many contemporary states show little interest in building comprehensive and reliable documentation systems. I argued, moreover, that when states decide to improve their documentation systems, it often has more to do with international trends, raising revenue, electoral considerations, or empowering historically marginalized groups, than with a drive to improve the ability to monitor and control the population. I also argued that, although issues of citizenship and rights inform the evolution of documentation policies, populations considered dangerous by the incumbent state are not necessarily the preferred target of its documentation efforts. Neither is the active resistance of these populations the main reason why their members sometimes display high undocumentation levels. Rather, confronted with states and citizenship regimes not built with them in mind, suspect populations frequently face high barriers to secure identity documents that offer them little in return in terms of access to rights and services. As a result, documentation can be for them a little-known obligation, an unintuitive choice, an unreasonable investment, and a hard to achieve goal.

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<sup>361</sup> *Chuto* is a derisive term used to refer to an Andean indigenous person. It also means coarse, uneducated person.

The central chapters of the dissertation used the case of Bolivia to illustrate the empirical purchase of my claims. Chapter 2 also referenced a variety of mostly non-academic works that indicate my insights can help us make sense of the phenomenon of undocumented citizens in countries other than Bolivia. To show that this is in fact the case, I will devote most of the present chapter to analyze in some detail a second case, that of Peru. Afterwards, I will close the chapter and the dissertation with a brief exploration of possible avenues for further research on the topic of undocumented citizens.

### **1. A brief look at identity documents in Peru**

Peru shares with Bolivia a common colonial legacy and a large indigenous population. Quechua populations predominate in the mountainous central areas of the country, except in the Southern *Sierra*, where the Aymara presence is also strong. East of the Andes, in the Amazon basin, there are many different indigenous groups,<sup>362</sup> most of which are only a few hundred or a few thousand people strong. The Peruvian coast has its own peculiarities. With Lima as its center, the coast has been historically more connected to international political and economic networks (Cotler 2005). As the capital of the Viceroyalty of Peru, Lima was the seat of political power and main trade hub of Spanish South America, and it has since remained the center of political and economic life of the country. The severe decline of the indigenous population following the Spanish conquest, the introduction of African slaves, and European and Asian migration have also made the ethnic makeup of the Peruvian coast quite particular (Klaren 2005; Marcone 1992). Despite substantial internal migration, mainly from the Andes, pressures for acculturation have made indigenous identities weaker in the Peruvian coast. The demographic weight of the coast also means that Peru is less indigenous than Bolivia. In the 2007 Census,

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<sup>362</sup> For example, Achuar, Ashaninka, Awajún, Ese'Ejja, Ikitu, Kichwa, Nomatsigenga, or Tikuna, to name just a few.

only 16% of Peruvians five years and older declared they had learned an indigenous language as children. Yet, for some Andean departments the figure exceeded 50% (INEI 2008, 117-119).

Similarly to Bolivia, the relations between the Peruvian state and the indigenous populations of the country have oscillated between conflict, indifference, and mediated arms-length interactions. Outside of some narrow areas of penetration, the Amazon region of Peru largely escaped both Inca and Spanish-colonial control. Even after independence, state presence in the Amazon remained limited well into the 20<sup>th</sup> century, with traders, rubber-tappers, and religious missions leading the efforts to penetrate the region (García Jordán 2001, chaps. 1-3; Yashar 2005, 252). In the more heavily populated Andes, the colonial pact of indirect rule between indigenous communities and the state survived after independence. Until the 1850s, Republican Peru continued to rely heavily on the Indian tribute for revenue, and a measure of respect for community autonomy and lands followed as a result (Cotler 2005, 97-100; Larson 2004, chap. 4; Thurner 1997). The abolition of the tribute in 1854, and particularly the end of the War of the Pacific in 1884, ushered in an era of *hacienda* expansion that threatened community lands and strengthened the power of local landowners (Cotler 2005, 109-110 and 153; Degregori, Coronel, and del Pino 1998, 243-248; Larson 2004, chap. 4; Smith 1991, chap. 3). In many parts of the Andes, however, indigenous communities remained strong, and by the 1920s the Peruvian state had once again begun to grant them legal recognition (Yashar 2005, 228-229). In 1961, indigenous communities still retained 27% of the agricultural land (Gonzales de Olarte 1994, 46). Throughout the 19<sup>th</sup> and most of the 20<sup>th</sup> century, the Peruvian state remained a distant entity for the indigenous populations of the Amazon and the Andes. With little presence outside of the coast and the urban centers, its reach into the indigenous countryside was quite limited, and

mediated by landlords, missionaries, indigenous authorities, and other local strongmen (Cotler 2005; García Jordán 2001, chap. 1-3; Poole 1994a; 1994b; Yashar 2005, chap. 6).

The birth certificate and the national identity card constitute, as in Bolivia, the two central documents for the official certification of individual identity in Peru. The Peruvian Civil Code of 1852 created the *Registros de Estado Civil* and assigned them the responsibility to register vital events and issue the corresponding certificates. Shortly after, an 1856 law put civil registries under the authority of municipal governments (RENIEC 2005, 35-36; Vidal Ramírez 2010, 143), devising a highly decentralized civil registration system with little national coordination beyond the existence of a common general legal framework (Paredes Gutiérrez 2008, 24-26). This system would last until the 1990s, when efforts to reign in the chaos of local civil registries culminated in the creation of the *Registro Nacional de Identificación y Estado Civil* (RENIEC hereafter) in 1995, a national agency with countrywide responsibilities in the areas of civil registration and identity cards.<sup>363</sup>

Historically, identity cards in Peru were intimately tied to the right to vote. Before RENIEC launched the *Documento Nacional de Identidad* (DNI hereafter) in 1998, the “electoral booklet” was the official national identity card of the Peruvian state. The Electoral Code of 1931<sup>364</sup> created the “electoral booklet”, declaring it the only valid document for the exercise of the franchise and the ID of those who held it (art. 5). Voting was then mandatory for all literate males over the age of 21,<sup>365</sup> but women and illiterate males were excluded. While literate women gained the franchise in 1955,<sup>366</sup> illiterate Peruvians only saw their right to vote recognized in

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<sup>363</sup> Law 26497/1995.

<sup>364</sup> *Decreto Ley* 7177/1931.

<sup>365</sup> There were some exceptions. Priests, friars, and active members of the armed forces were banned from joining the electoral roll (*Decreto Ley* 7177/1931, art. 8). To this day, voting remains mandatory in Peru.

<sup>366</sup> Between 1946 and 1955, literate women were allowed to vote in municipal elections only, and were issued a special “electoral booklet” for that purpose (RENIEC 2014).

1979. The Electoral Code of 1962<sup>367</sup> proclaimed the centrality of the “electoral booklet” as an identification mechanism in quite explicit terms, declaring it the “...personal identity card for all civil, commercial, administrative acts...” (art. 60; my translation). It would take three more decades for the Peruvian state to finally dissociate the certification of individual identity from this connection with the electoral process. The same law that constituted the RENIEC in 1995 also envisioned the DNI as a mandatory, multipurpose national identity document. RENIEC issued the first DNIs in 1998, and in 2004 all remaining “electoral booklets” became void (Cordova Tabori 2014).

According to the 2007 Census, a quarter million Peruvians lacked a birth certificate and half a million adults lacked a DNI. In relative terms, it amounted to a modest 1% of the general population and 3.2% of adults, respectively (INEI 2008, 124-137). These figures represented an important drop in undocumentation. As recently as 2005, RENIEC reported that approximately 9% of Peruvian adults did not have a DNI (RENIEC 2005, 51). As for birth registration, data from the year 2000 indicated an underregistration rate for children under five of 7.5% (UNICEF 2005, 27). Estimates of underregistration in the 1990s oscillated between 17% and 33% of births (Guerra 1996; Paredes Gutiérrez 2008, 25). After a decade and a half of documentation efforts by civil society organizations, international donors, and state agencies, access to identity documents had significantly improved. Despite the gains, Peru continued to have hundreds of thousands of undocumented citizens. The lack of identity documents was not randomly distributed.

In Peru, like in Bolivia, undocumentation and underdocumentation have traditionally affected the indigenous population the most, and indigenous women in particular. Substantial progress notwithstanding, the 2007 Census still showed a stubborn gender and ethnic gap in access to identity documents. Women were more likely than men to lack a birth certificate (1.1%

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<sup>367</sup> *Decreto Ley* 14250/1962.

vs. 0.9%) or an ID (3.7% vs. 2.9%). Likewise, people who had been raised speaking an indigenous language were more likely to be undocumented than those who had grown up speaking Spanish. Of the four indigenous language categories the 2007 Census recognized (Quechua, Aymara, Ashaninka, and other native languages), only Aymara speakers reported undocumented levels similar to those of Spanish speakers. 0.4% of Spanish speakers reported to lack a birth certificate, compared to 0.8% of Quechua speakers, 0.4% of Aymara speakers, 6.4% of Ashaninka speakers, and 5.7% of speakers of other native languages.<sup>368</sup> As for identity cards, 3% of adults who grew up speaking Spanish declared they did not have one. The figure was 3.5% for Quechua speakers, 2% for Aymara speakers, 16.4% for Ashaninka speakers, and 20.4% for speakers of other indigenous languages. Women were more likely to lack an ID than men in all linguistic categories except that of other native languages. The gender gap in this regard was particularly prominent among Quechua speakers (4.5% vs. 2.4%) and Aymara speakers (2.4% vs. 1.6%).<sup>369</sup>

Although large-scale data from before the 2000s is scarce, anecdotal evidence indicates that in all likelihood the gender and ethnic gap in documentation was even larger in the past. Since the early 1990s, and particularly since the early 2000s, Peru has seen important efforts to increase access to identity documents. Many of these efforts had a particular focus on women and/or indigenous populations. Meanwhile, the demand for documents on the part of these population groups has also grown over time as their situation vis-à-vis the Peruvian state evolved. The rest of the section will discuss the evolution of documentation policies in Peru over the last several decades, addressing both the supply and demand of documents. The first

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<sup>368</sup> In this paragraph, I use the term speakers to refer to individuals who grew up speaking a particular language. That is the main form of self-reported ethnic categorization the 2007 Census follows (INEI 2008, chap. 2).

<sup>369</sup> All the figures come from INEI (2008, 124-137).

subsection focuses on the period leading up to 1980, when *Shining Path* launched a violent insurgency in the country. The second one covers the period between 1980 and 2012, the year I visited Peru to conduct field work.

a) *Documentation in Peru before 1980*

The civil registration system of Peru came into being with the first Civil Code of the country in 1852. Writing in the late 1870s, the Peruvian legal scholar García Calderón saw two main motivations for the measure: the deficiencies that characterized the parish registers prevalent at the time, and the increasing importance attributed to the separation of civil rights from any connection to religious institutions (García Calderón 1879, 1646, cited in Escuela Registral 2013, 34-35). While the first one conjures up notions of improving the legibility of the population, the second one ties the move to ideological currents and global cultural trends. In this regard, Ramos Nuñez connects the efforts to provide Peru with its first Civil Code to the popularity of the ideas of the European Enlightenment at the time (2001, 174-175, cited in Escuela Registral 2013, 35). International diffusion processes, therefore, would be at the center of the arrival of civil registration to Peru. In the long 19<sup>th</sup> century that goes between the French Revolution and World War I, dozens of European and American countries also adopted civil registration systems.

Until the 1930s, the implementation of civil registration in Peru was spotty at best, and baptismal certificates continued to carry a legal standing equal to that of birth certificates issued by municipal registries (Escuela Registral 2013, 37-39; RENIEC 2005, 35-36; Vidal Ramirez 2010, 143). That would change with the Civil Code of 1936,<sup>370</sup> which reiterated the obligation to register all births, and limited the legal recognition of baptismal certificates to those issued

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<sup>370</sup> Law 8305/1936.

before the publication of the Code (Vidal Ramirez 2010, 143). Similar to what happened in neighboring Bolivia, the Peruvian state introduced a general civil registration mandate decades before it was even ready to begin demanding its enforcement. The Civil Code of 1936 and the associated *Reglamento para la Organización y Funcionamiento de los Registros de Estado Civil* of 1937<sup>371</sup> would govern the civil registration system of Peru, with few modifications, until the mid-1990s.

Reaffirming previous legislation, the Civil Code of 1936 assigned municipalities the responsibility for civil registration in their territories. In parallel, it gave the Supreme Court the mandate to produce the general legal framework under which municipal registries would function. The Supreme Court did so in 1937, and the regulations it issued would remain in place until 1998 (Paredes Gutiérrez 2008, 97-98). The legal period for the timely registration of births was set at eight days. Outside that window, birth registration required a court order. All additions, corrections, or modifications to existing birth records also required a court order. For the registration of a birth to take place, the attending medical professional had to provide written confirmation of the birth. If no medical professional had attended the birth, the registrar himself had to personally check the authenticity of the birth, or commission a medical professional to do so (Escuela Registral 2013, 85-86). The Supreme Court did not reserve much coordination, oversight, or sanctioning powers for itself, and within the general regulatory framework it created, municipalities remained largely autonomous in their registration duties (Paredes Gutiérrez 2008, 24-26; RENIEC 2000, 9-12; Schenone interview 2012). The municipal registries were, however, required to submit a copy of their registration books to the respective district courts for archive (RENIEC 2005, 36). In reality, they often circumvented this obligation (Barrio interview 2012).

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<sup>371</sup> Issued by the Supreme Court of Peru on July 1, 1937.

Under these conditions, Peru did not develop a nationwide civil registration system, but about 2,000 municipal civil registries with separate archives (Paredes Gutiérrez 2008, 24-26; RENIEC 2010b, 67).<sup>372</sup> Beyond the prohibition that municipalities registered vital events that happened outside of their territory (RENIEC 2005, 36), there was little preventing the registration of the same birth several times in different municipal registries (RENIEC 2010b, 67). The manipulation or falsification of birth certificates was not uncommon either (El Comercio 1979; RENIEC 2010b, 67; Barrio interview 2012). In many ways, the functioning of civil registration in Peru before the 1990s resembled that of Bolivia. On one hand, the very demanding and unfriendly regulations (short window for timely registration, medical certification of births, judicialization of corrections and late registration) translated into extreme rigidity at the formal level. On the other hand, with such large number of independent registries operating under the authority of generally weak and cash-strapped local governments, those people who had the ability, connections, or money to bypass the legal strictures could find the informal flexibility they needed:

“Look, I visited I don’t know how many civil registrars, and always started to read the old records. Always found one or two blank pages... For some reason, they [registrars] have always left in their books a [blank] page for someone to use later on, probably because they [registrars] used the [blank] pages for some corruption affairs. There is still litigation going on because some [registrars] have sold those pages for someone to register [his/her birth] to the name [as mother or father] of someone else in order to obtain inheritance benefits. And that was even more popular during the time of terrorism,<sup>373</sup> because many people who ran away, terrorist or not terrorists, sought those [blank] pages in different registries to normalize their situation [by getting a new identity]. And it isn’t easy to identify them. Why? Because the original [registration] book stayed at the municipality, and the mirror-copy of the book stayed at the municipality as well” (Barrio interview 2012).

Different municipalities presented different situations, but civil registration was rarely a priority (Cantó interview 2012; Iniesta interview 2012; Barrio interview 2012). Local authorities

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<sup>372</sup> The creation in 1958 of the *Concejo Consultivo de los Registros de Estado Civil* under the direction of the Ministry of Justice did not change the situation much, as this collective body only had advisory powers and municipalities remained largely autonomous in their management of civil registration (RENIEC 2000, 5; Schenone interview 2012).

<sup>373</sup> He is referring to the high of the Shining Path insurgency in the 1980s and early 1990s.

valued the user-fees civil registries brought in (Iniesta interview 2012; Barrio interview 2012; Concha interview 2012). Yet, they were reluctant to spend scarce resources to equip them with the necessary human and material resources. Registrars generally lacked the appropriate education and training (Cantó interview 2012; Iniesta interview 2012; Gómez interview 2012; Barrio interview 2012), and high turn-over levels made matters worse (Iniesta interview 2012). In terms of desirability and job prestige, working at the civil registry was not particularly high in the pecking order of public employment at the urban municipalities of Lima. One of my sources described the civil registry as the “Siberia of the municipality” (Iniesta interview 2012). In rural municipalities the civil registry may have been a more attractive employment option. Still, this did not necessarily translate into well-prepared registrars, as in many cases “civil registrars were appointed because they had ‘carried the ladder’ for the [mayoral] candidate, and they didn’t even had the ability to write” (Barrio interview 2012). In other words, municipal governments generally saw civil registries as cash cows from which to extract resources, not as a public service in which to invest them. In a highly centralized country like Peru, where most municipalities had very little revenue,<sup>374</sup> civil registries became mechanisms of local taxation, rather than instruments of legibility.

Registration fees constituted a barrier that contributed to dissuade many of the country’s poor from registering the birth of their children (Iniesta interview 2012; Concha interview 2012). Transportation and other indirect costs created further economic disincentives. Hosted in the respective municipal capitals,<sup>375</sup> civil registration offices were not easy to reach for residents of

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<sup>374</sup> Between 1963 and 1985 the share of Peru’s public sector expenses controlled by municipalities oscillated between 2% and 4%. These were very low levels compared to other countries in the Latin American region (de Althaus 1990, 69-70).

<sup>375</sup> Law 8554/1937 also provided for the creation of civil registries in the military garrisons of distant areas near international borders, at the request of the Ministry of War. Law 18788/1971 further opened the

remote rural areas, particularly in the Amazon and the Andes, where the geography and the lack of infrastructure made traveling difficult and expensive (Huanta interview 2012; Bermúdez interview 2012; Schenone interview 2012; Ochoa interview 2012).<sup>376</sup> Domestic migrants registered in their hometown municipality faced an additional difficulty. They had to return to their civil registry of origin if they needed obtain a new birth certificate copy (Huanta interview 2012; Iniesta interview 2012; Concha interview 2012). The short eight-day window for the timely registration of births did not help either. After eight days, birth registration became more costly and time-consuming. It required securing a court order, or finding an accommodating registrar willing to circumvent the law. Given the lack of oversight, options of the latter type must have abounded, but most certainly had a price-tag attached. Avenues for the correction of registration errors were also limited to a legal judicial route and an irregular non-judicial one:

“Here we have people whose last name is Huamani. A man goes to register [his child], and the registrar writes Huamán... A month later, he [the man] takes out the certificate and reads: it says Huamán and I am Huamani! Goes to the registrar and tells him: Mister, you made a mistake... You have already signed, there is nothing I can do. How is that if it was your mistake? Yes, but [he/she] is already registered. What am I going to do? Court order to get the ‘i’... or I make an arrangement with the registrar, and then he adds the ‘i’ and problem solved” (Cantó interview 2012).

Given the low levels of professionalization of registrars, especially in rural municipalities, registration errors were extremely frequent (Schell interview 2012; Gómez interview 2012; Barrio interview 2012; Concha interview 2012). In the department of Huancavelica, for example, the analysis of a sample of 9,707 birth records registered between 1950 and 2000 concluded that over 40% of them contained some type of registration error (RENIEC-IDL 2011, 34-45). The

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menu of options for the creation of civil registries in border areas, authorizing their housing in police stations and religious missions.

<sup>376</sup> Data from the mid-2000s showed that the likelihood that a household contained a least one minor without a birth certificate grew as the travel time between the household and the municipal capital increased (Cuenca and Díaz 2010, 119). The importance of travel times must have been greater in previous decades, when transportation infrastructure was decidedly worse and incentives for the documentation of rural residents scarcer.

language barrier put people of indigenous extraction at a greater risk of suffering registration errors. Their communication with Spanish-speaking registrars was not always easy, and often resulted in misspelled names and other kinds of misunderstandings (Olave interview 2012; Concha interview 2012). Indigenous registrars became more common after the 1970s, but since they had to conduct their paperwork in Spanish, they were also particularly prone to mistakes (Schell interview 2012; Cal interview 2012). On the other hand, the very chaos of Peru's highly decentralized civil registration system limited the relevance of many registration errors. While a misspelled last name could in some cases result in a long legal battle over inheritance rights (Barrio interview 2012), in many other cases, registration errors barely affected the usefulness of a birth certificate. In a context in which each municipality followed its own rules and issued its own model of birth certificate (Cantó interview 2012; Barrio interview 2012), formal deficiencies such as erasures or overwritten fields were frequently overlooked by individuals or organizations examining the validity of a birth certificate (Cal interview 2012). This would change in the late 1990s due to the standardization of birth certificates and other measures that RENIEC took.

Another barrier to birth registration was the requirement of a written note issued by the doctor who had attended the birth, or the hospital where it had taken place. Until very recently, Peru displayed very low levels of medically attended births. In 1986, for example, only 49% of the births in the country were attended by skilled medical staff (World Bank 2017). The rural-urban differences in this regard were extremely high. In the year 2000 hospital births represented 82.4% of the total in urban areas, but only 23.8% in rural areas. The level of education and income of the mother also had an important impact in the type of birth (INEI 2012, 189). Large urban municipalities seem to have generally requested the prescribed medical note for the

registration of births (Iniesta interview 2012; Barrio interview 2012). In rural municipalities, however, registrars were probably more flexible: “The Municipality of Lima... requested a certificate of live birth and had a tear-off slip that it sent to INEI<sup>377</sup>... Other municipalities, a large majority of them, particularly the Andean and Amazon ones, only cared about payment for the [birth] registration” (Barrio interview 2012). Still, having to work around the norm probably exposed affected parents to possible bureaucratic complications and monetary exactions.

In 1962, the Peruvian Congress passed Law 13983, which raised the window for the timely registration of births from eight to 15 days. It was still a very short window for a country that in 1960 had an urbanization rate of 30.3%,<sup>378</sup> and whose transportation infrastructure was quite deficient. More meaningfully, this Law legalized all birth certificates irregularly issued by municipal agents. Peruvian legislation had long allowed municipal authorities to designate municipal agents to serve population centers that, due to size or location, could be not appropriately served from the district capital. Before 1962, civil registration regulations did not contemplate the possibility of municipal agents directly issuing birth certificates. Yet, many of them did (Paredes Gutierrez 2008, 79-83). Law 13983/1962 legalized all the birth certificates that municipal agents had issued up to that point, and opened the possibility that the Supreme Court authorized, at the request of municipal authorities, the functioning of satellite registration offices in towns removed from the respective district capital. Only about 300 of these satellite registries had been authorized by the mid-1980s (Cantó interview 2012), and many municipal agents continued to irregularly issue birth certificates that would never become legally valid (Paredes Gutierrez 2008, 79-83).

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<sup>377</sup> *Instituto Nacional de Estadística*, the national statistics agency of the Peruvian state.

<sup>378</sup> I am using here ECLAC's figure of the share of the population living in cities of at least 20,000 inhabitants (1991: 7). Peruvian censuses adopt a more generous concept of urban population, defined as the share of the country's residents living in district capitals or population centers with at least 100 contiguous homes (INEI 2008, 19).

At a formal level, civil registration regulations were thought for literate, Spanish-speaking town and city dwellers who had access to medical professionals and at least a modicum of cash. These may have been the citizens of the nation modernizing elites wanted Peru to be, but there were millions of Peruvians who did not fit the mold (de la Cadena 2000; García 2005, chap. 2; Flores Galindo 1994). Informally, it was possible to find ways around these regulations with relative ease, but doing so required social, economic, and cultural resources that not everyone had. The kind of poor, rural, indigenous populations that had a hard time meeting the formal regulations were precisely the ones least likely to command the resources necessary to bypass them. According to the 1940 Census, indigenous peoples accounted for 45.86% of the population of Peru (MacLean Estenós 1962, 282, cited in Toche 2005, 398). 35% of Peruvians over five years of age could only speak an indigenous language, and 59% of those above six had never gone to school (Toche 2005, 399). A mere 35.4% of the population lived in urban areas (INEI 2008, 20), and poverty was rampant, especially in the countryside. In 1972, while 50% of the country's households lived in poverty, only 28% of urban households did (ECLAC 1991, 45).

For the indigenous habitants of thousands of small rural communities in the Amazon and the Andes, birth registration was not only difficult and expensive, but had little added value in terms of access to rights and service. Before the 1970s, the reach of the state and its institutionality in the indigenous countryside was quite limited, and generally mediated by large landowners, religious organizations, and/or customary indigenous authorities (Cotler 2005; Degregori, Coronel, and del Pino 1998, 243-248; Poole 1994a; 1994b; Yashar 2005, chap. 6). With even the most basic public services such as health care facilities often unavailable in remote rural areas, identity documents had little relevance in everyday life. In 1970, the Peruvian government spent a meager 0.9% of the country's GDP on health care (ECLAC 1991, 52). Given

the centralist tradition of the country (Huber 2003), health care investment was most certainly tilted in favor of Lima and other urban areas, leaving the countryside largely unattended. Unsurprisingly, Peru displayed in the 1960s some of the worst infant mortality indicators of Latin America (ECLAC 1991, 49).

In many parts of Peru, rural schools were the only sign of state presence. Beginning in the 1940s, the government undertook significant efforts in rural indigenous education (Davies 1973, 203-205), and primary school enrollment expanded significantly over the next 30 years (ECLAC 1991, 55). In terms of birth registration, however, primary schooling probably had a limited pull effect. I have found press references to the use of birth certificates as part of the school enrollment process since at least 1980 (El Comercio 1980a; 1980b; 1981). These references focus on urban areas and indicate a well-established practice of requesting birth certificates for enrollment. At the same time, they also reveal flexibility for the children who lacked them. One of the news stories is particularly interesting. Reporting on a Lima school district directive regulating student enrollment in the first grade of high school, it underlines that the lack of a birth certificate or failing to meet other administrative requirements “shall not deprive the student of its right to register or enroll” (El Comercio 1980a). This points towards a tension between flexible regulations that tried to guarantee that undocumented students had no grounds for exclusion, and implementation gaps that at times made exclusion a reality. Such tension was unlikely to exist in small rural schools, where flexibility had to inevitably dominate (Concha interview 2012). It must have been difficult for rural teachers embedded in small face to face communities to exclude students on documentation grounds. Otherwise, it would have been impossible for Peru to reach in the 1970s and 1980s gross enrollment rates in excess of 100% for

primary schooling (ECLAC 1991, 55), all while a third of births were still going unregistered in the 1990s (Paredes Gutiérrez 2008, 25).

In the central decades of the 20<sup>th</sup> century, access to higher education, formal financial services, and the social security rights associated with formal employment were also beyond the reach of most Peruvians, let alone rural indigenous Peruvians. In 1970, the gross enrollment ratio in tertiary education for the country was below 10% (World Bank 2017). Earlier data on financial services is hard to come by, but estimates from the mid-2000s put the share of the adult population with access to formal financial intermediaries at 26% (Honohan 2008, 2497). As for Peru's social security system, it covered a meager 24.8% of the economically active population in 1961, and 37.6% in 1981 (Mesa-Lago 1985, 326). In what refers to the land rights of indigenous peoples, to the extent that state guarantees existed, they were based for most of the 20<sup>th</sup> century on collective forms of registration and recognition, rather than individual ones requiring identity documents. The 1920 Constitution reintroduced mechanisms for the legal recognition of Andean indigenous communities and their lands, including a system for registering with national authorities (Davies 1973, 195-202; Yashar 2005, 228-229). The process of registration advanced slowly, and of an estimated 5,000 communities only 794 had registered by 1940 (Davies 1973, 202). Meanwhile, large *haciendas* continued to expand, threatening in many cases community lands (Yashar 2005, 229). In the Amazon the state remained largely uninvolved until the 1970s, leaving the task of interacting with the indigenous population mostly to religious orders and churches (Yashar 2005, 252).

In 1968 a reformist military government came to power and launched an ambitious program of land redistribution. Its impact was greatest on the Peruvian coast, and it mostly benefitted former *hacienda* tenants and workers, now organized in cooperatives and other forms

of collective enterprises (Gonzales de Olarte 1994, 44-49; Yashar 2005, 230-232). Small-holders and the indigenous communities of the Andes also benefitted, but not to the same extent (Gonzales de Olarte 1994, 44-49). Under the reformist government of Gen. Velasco Alvarado, the state attempted to penetrate and organize the countryside to a level never seen before, including the Amazon lowlands. Still, the military administration promoted a corporatist citizenship regime that emphasized collective mechanisms of interest intermediation for harnessing rural populations to the state (Fajardo 2009, parts 3-4; Yashar 2005, chap. 6). As a result, belonging to an agricultural cooperative, a peasant community (in the Andes), or a native community (in the Amazon)<sup>379</sup> must have been more important for accessing collectively delivered rights and services, such as land rights, than having identity documents in order. The number of peasant and native communities registered with the state quickly escalated (Yashar 2005, 233-234). Gen. Velasco Alvarado lasted in power until 1975, when a more conservative faction of the military toppled him and began to reverse many of the corporatist policies associated with his government.

In terms of the practical and symbolic integration of indigenous people in the Peruvian nation, the government of Velasco Alvarado was contradictory. On the one hand, it sought to downplay ethnic attachments, rebranding the indigenous peoples of the Andes as peasants and promoting their adoption of class-based forms of organization (Lucero 2013, 19; García 2005, 73-77; Yashar 2005, 230-235). On the other hand, Andean communities gained a greater degree of state recognition, and were among the beneficiaries of land reform (Gonzales de Olarte 1994, 44-49; Yashar 2005, 230-235). Moreover, the administration of Velasco Alvarado adopted a

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<sup>379</sup> The government of Velasco Alvarado used the term native communities for the indigenous peoples of the Amazon. As for the indigenous peoples of the Andes, like in Bolivia after the 1952 Revolution, the military government rebranded them as peasants and eliminated from official discourse the previously common ethnic label of *Indios* (Lucero 2013, 19; García 2005, 73-77; Yashar 2005, 230-235).

bilingual education policy aimed at increasing the role of indigenous languages in the educational system, and launched a plan to make Quechua the co-official language of the country, on equal footing with Spanish (Fajardo 2009, 381-386; García 2005, 75-76).

The Velasco Alvarado government took unprecedented interest in the indigenous peoples of the Amazon. The *Ley de Comunidades Nativas* of 1974<sup>380</sup> provided that Amazon communities registered with the state to gain recognition and land titles, creating significant incentives for indigenous groups to settle in permanent population nuclei. It also tried to standardize their forms of organization and authority (Yashar 2005, 252-254). Interestingly, the law also mandated the creation of civil registries in all registered native communities. Additionally, it directed that individuals born in recognized native communities receive a birth certificate within six months, with the only requirement that the respective community assembly attested to their identity.

The *Ley de Comunidades Nativas* came at a time when the military government had introduced a measure of flexibility in the process of birth registration. Law 18788/1971 increased the window for the timely registration of births to 30 days. *Decreto Ley* 20223/1973 temporarily introduced a non-judicial route for the late registration of people of all ages.<sup>381</sup> The Decree explicitly acknowledged in its motivating statement that large numbers of Peruvians were undocumented because their births had not been registered in due time, and securing a court order for late registration was beyond their means. Initially authorized for one year, *Decreto Ley* 20793/1974 extended the extraordinary late registration procedure for another year and further simplified it. Notably, this second Decree also expanded to registered peasant communities the

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<sup>380</sup> *Decreto Ley* 20653/1974.

<sup>381</sup> At around the same time, *Decreto Ley* 19987/1973 established that municipalities automatically register births happened at local health care facilities when parents failed to do it within 30 days. For that, health care facilities had to submit biweekly reports of births to the municipal authorities. The Decree had some unintended consequences, as the paperwork health care facilities submitted to the municipalities did not always include the given name of the newborn, leaving it up to the civil registrar to choose a name or leave the field blank (Cantó interview 2012).

provision that people born in a recognized native community receive a birth certificate within six months with just the endorsement of the local community assembly (art. 6).

The attempts of the Velasco Alvarado government to harness the indigenous population to the state, therefore, had their correlate in some civil registration provisions. These provisions, however, came towards the end of his reformist administration, which prioritized collective mechanisms of interest intermediation vis-à-vis the indigenous population, in a context of state-sponsored corporatism (Fajardo 2009, parts 3-4; Yashar 2005, chap. 6). After 1975, civil registration was back to business as usual. With regards to the operation of civil registries in native communities, for instance, the Ministry of Agriculture was initially charged with supplying registration books and other materials, but quickly lost interest and left the communities to their own devices (Cantó interview 2012). As for the special late registration provisions, they were not renewed and eventually expired.

In this general context, municipal civil registries offered little value in terms of population legibility. A good example is their limited significance in the process of military conscription. Peru first established mandatory male registration for military service and a draft lottery system in 1872.<sup>382</sup> The obligation of military registration was extended to women in 1949, but did not become effective until 1975 (Rodríguez de Munoz y Roca de Salonen 1976, 212). In any case, their service during peacetime remained voluntary. The military service laws of 1898, 1912, 1949, and 1974<sup>383</sup> all convey a minimal role for civil registration in terms of facilitating the identification of recruits.<sup>384</sup> The authorities in charge of the lottery draft did not produce their

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<sup>382</sup> Law of 20 November 1872.

<sup>383</sup> Law of 27 December 1898, Law 1569/1912, *Decreto Ley* 10967/1949, and *Decreto Ley* 20788/1974, respectively.

<sup>384</sup> The Military Service Law of 1912 restricted the role of civil registries in the draft process to the submission of monthly reports of the recently deceased, so that those who had died after registering for the draft could be removed from the rolls. The Military Service Laws of 1949 and 1974 added an

rolls based on the information provided by civil registries about individuals who had reached the appropriate age. Instead, they relied on the voluntary compliance of potential draftees to create yearly lottery draft rolls from scratch. Only in 1983 did a new Military Service Law<sup>385</sup> direct municipal authorities to provide an overall figure of the number of youths reaching military age in their jurisdiction every year. By comparison, that same law required that the Foreign Affairs Ministry sent a similar list with the names of Peruvian nationals living abroad approaching military age (art. 20). The difference in the nature of the respective obligations is quite telling with respect to expectations about what municipal registries could reasonably offer.

Draft evasion was common in Peru for most of the 20<sup>th</sup> century. One army officer estimated in 1941 that only about 50% of the required youths registered for the draft lottery (Toche 2005, 405-406). The avoidance of military obligations was still common in the 1990s, and the military illegally resorted to forced impressment to meet recruitment targets (González Cueva 2000, 89-90). Given the little use civil registries had for the recruitment effort, Peruvian authorities tried to link military service and identity documents in a different way. Beginning with the Military Service Law of 1912, young men received a “military registration receipt” upon registration confirming they had complied with their draft registration duties. After the draft lottery, they would trade their receipts for permanent “military booklets” that included the personal information and military status of the holder. After 1949, “military booklets” had to include the photograph of the bearer. Military registration was extended to women in 1975, and so were the receipts and booklets associated with it. The different military service laws made presentation of the “military booklet” a requirement for important civil acts. The Military Service Law of 1912 required it for securing employment or contracts with the public sector. The

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additional function, which was that of providing free birth certificates for the youths who had to register for the draft.

<sup>385</sup> Decreto Legislativo 264/1983.

Military Service Law of 1949 added a long list of other civil acts that would also require a “military booklet”, including marrying, getting a passport, enrolling in a university, securing a professional certification, and all private employment and contracting, among others. Additionally, it made the “military booklet” necessary to join the electoral roll and therefore secure an “electoral booklet”,<sup>386</sup> which had by then become the pinnacle of the documentation cycle for Peruvian citizens with full political rights.

The “military service booklet” would remain a requirement to obtain an “electoral booklet” (and a DNI afterwards) until 2004. The 1931 Law<sup>387</sup> that created the “electoral booklet” included a long list of documents that were deemed acceptable for voter registration: birth and baptismal certificates, civil and religious marriage certificates, passports, police certificates, job certificates, school enrollment documents, “military service booklets”, to name just a few. Later electoral laws progressively narrowed the list,<sup>388</sup> eventually configuring a documentation cycle that started with the certificate of live birth or similar medical document, continued with the birth certificate (or marriage certificate for married women), the “military registration receipt” and the “military booklet”, and concluded with the “electoral booklet” (and later the DNI). Only with the 1979 Constitution did illiterate Peruvians gain the right to vote and the possibility to acquire the electoral document that completed the cycle above. The literacy requirement for voter registration was in fact a requirement for literacy in Spanish, used to effectively exclude indigenous peoples from the franchise (Cotler 2005, 17; Plaza-J. 1979; Yashar 2005, 37). In

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<sup>386</sup> Between 1913 and 1931 the military registry doubled as electoral roll, making military registration necessary for voting. The Electoral Law of 1931 separated electoral registration from military registration again and created the “electoral booklet” as a suffrage document and general purpose ID (Paniagua Corazao 1996, 122-123).

<sup>387</sup> *Decreto Ley* 7177/1931.

<sup>388</sup> With a few exceptions for particular groups, Law 10733/1946 restricted the list of acceptable voter registration documents to birth certificates, baptismal certificates, marriage certificates, “military registration receipts”, and “military booklets”. *Decreto Ley* 14207/1962 eliminated baptismal certificates, except for those issued before 1936.

1972, 28% of Peruvians over 15 years of age were considered illiterate. The majority of them lived in rural areas and had grown up speaking an indigenous language (Plaza-J., 1979). Most of them were women.<sup>389</sup>

The general elections of 1980 were the first ones in which illiterate Peruvians participated. Near 6.5 million people registered to vote, 832,846 of them in the separate electoral roll created for illiterate citizens (ONPE 2005, 36). For the first time, the franchise became an incentive for the documentation of illiterate men and women. Still, voting was mandatory for literate citizens, but not for illiterate ones, limiting the documentation pull associated with the 1980 elections.<sup>390</sup> Illiterate Peruvians did not receive a regular “electoral booklet”. Instead, electoral authorities issued them a special credential for personal identification and voting (ONPE 2005, 30). *Decreto Ley 22379/1978* had directed the National Electoral Court to create a mandatory identity registry for illiterate adults. If the electoral roll acted as an identity registry for literate Peruvians, the new registry was designed to close the identification gap for illiterate ones.<sup>391</sup> The registry came into being as part of the process of electoral registration for the 1980 general elections, and lasted until 1984. That year, electoral authorities built from scratch a new voting roll that did not differentiate between literate and illiterate citizens (ONPE 2005, 74-76; Paredes Gutiérrez 2008, 36-37). Registration for the 1980 general elections closed in December of 1979. As of 1980, 20% of adults still lacked an “electoral booklet” or equivalent ID (RENIEC 2005, 95).

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<sup>389</sup> In 1993, the illiteracy rate was 18.3% for women and 7.1% for men (INEI 2008, 99).

<sup>390</sup> In 1972 Peru had over 2 million illiterate people 15 and older (my calculations based on data from Plaza-J. 1979: 5). In this sense, the 832,846 illiterate citizen registered to vote in 1980 seem like a relatively low number.

<sup>391</sup> In 1966 Peru passed legislation to create an identification system mandatory for all residents of the country, which would issue identity cards without connection to the voting process (*Decreto Supremo 44/1966*). This legislation was never implemented (Paredes Gutiérrez 2008, 39-41). In 1977 the administration of Gen. Morales Bermúdez issued a government Plan to liberalize the Peruvian economy and move away from the heritage of Velasco Alvarado (Lajo L 1978). *Decreto Ley 22379/1978* explicitly linked the creation of an identity registry for illiterate adults to the goal established in the Plan of making identity documents mandatory for all Peruvians.

b) *Documentation in Peru after 1980*

1980, the year that illiterate Peruvians voted for the first time, was also the year that the Shining Path insurgency made its formal debut.<sup>392</sup> The internal conflict that ensued had clear short-term negative consequences for the documentation of identity in Peru. Shining Path rebels burnt municipal civil registries wherever they could, trying to erase all local trace of the presence of the state (Defensoría del Pueblo-Peru 2008; RENIEC-IDL 2011; Cal interview 2012). In their heavy-handed response, the security forces of the state often failed to distinguish between insurgents and local peasants, and mistrusts of the state and its agents increased as a result (Degregori and Rivera Paz 1993: Section I; Degregori, Coronel, del Pino, and Starn 1996; Stern 1998). On the other hand, the internal conflict put the rural indigenous areas of the *Sierra* on the mental map of the state and the national society like never before. The presence of the state significantly increased in previously forgotten parts of the country, first with the arrival of its security apparatus, and later on with social programs (Degregori 1996a; Degregori, Coronel, and del Pino 1998, 244-245; Huber et al. 2003, 28-51; Schenone interview 2012). Also, internal displacement threw hundreds of thousands of Peruvians from remote, rural locations in contact with institutions and urban spaces that demanded identity documents from them (Cantó interview 2012; Iniesta interview 2012; Castro interview 2012; Schenone interview 2012). In an odd way, the civil war contributed to better integrate Peru. In the process, the demand for identity documents reached regions of the country it had barely touched in the past.

But before I discuss in more detail the effects of the civil war on the demand and supply of documents, it seems appropriate to review the situation *ex-ante*. In 2005, RENIEC published a five-year Plan to improve access to identity documents. It included a diagnosis of the maladies

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<sup>392</sup> Another insurgent group, the MRTA, would also contribute to the chaos and violence of the 1980s in Peru. However, it was less consequential than Shining Path and I will leave it out of my analysis.

that had traditionally plagued the documentation of identity in Peru. Historically, the Plan document explained, the Peruvian state had showed little interest in building a reliable and inclusive national identity system. The certification of identity was based on a “disarticulated and heterogeneous documentation system”, in which different state institutions handled civil registration and the issuance of a variety of personal documents (RENIEC 2005, 60; my translation). This situation created confusion, and people who required proof of identity relied on “any document that showed their picture and related it to their name” (RENIEC 2005, 60; my translation). Moreover, there was a “general lack of political will” to strengthen the institutions in charge of documentation, which translated into “low budgets... and inadequate and scarce infrastructure” (RENIEC 2005, 61; my translation). On the demand side, the Plan document acknowledged that the lack of access to public services in rural areas, and to a lesser extent urban-marginal ones, continued to represent a barrier to documentation efforts, insofar as the local populations had less of an opportunity to “get to know about the importance of identification” (RENIEC 2005, 59; my translation).

Demographic and political changes undoubtedly made the demand for identity documents grow in Peru in the years preceding 1980. The urban population of the country increased from 35.4% in 1940 to 65.2% in 1981 (INEI 2008, 20); the military regime of Velasco Alvarado took unprecedented efforts to penetrate the countryside (Yashar 2005, chap. 6; Fajardo, part 4); and the 1979 Constitution expanded the suffrage to all adults. Still, Peru continued to have a sizable rural population, and in large parts of the countryside indigenous peoples kept the state at arms-length (Yashar 2005, chap. 6), while remaining underserved by it in terms of infrastructure and services (CVR 2003, Tomo I, pp. 94-95; del Pino 1998, 170; García 2005, 40; Schenone

interview 2012). Helmut Schell explains his experience doing research in the Sacred Valley of Cusco in the early 1980s:

“Down in the valley, there were towns and a paved road, but in the slopes... there was a lot of agriculture too, but the missions of the Ministry of Agriculture did not offer any support there. And I asked: why don't they come? Why don't we go and ask for a support project? We don't want the State to stick its nose in here, we don't want the State to come. Today it's completely different, they want the State to come” (interview 2012).

The social and geographical distance between the state and rural indigenous populations<sup>393</sup> limited the use the latter had for identity documents, and therefore their knowledge and interest in acquiring them. The distance was greater for rural indigenous women, who were traditionally more circumscribed to the spaces of the household and the local community than men (Coral Cordero 1998; Radcliffe 2002, 150-153; Starn 1996, 247). Marisol de la Cadena has convincingly argued that women are “more Indian”, in the sense that they generally have less access to urban spaces and employment, and are more likely to not speak Spanish (1995). Despite the expansion of rural schools since the 1940s, data from the early 1990s indicates that rural indigenous women significantly lagged in terms of education and literacy (Blondet and Montero 1994, 60-68; INEI 2008, 87-103).<sup>394</sup> Under these conditions, women were less often perceived to need documents than men:

“If due to poverty [families] had to choose who was going to study, for example, they always chose the boy over the girl, because the girl after, I don't know, 16 years of age, had a partner and didn't need [to study] anymore. In this context, there were more undocumented women. Why? Because if parents registered [the birth of their children], preferably registered the boys... It was the boys that were registered, and many women weren't, and that was apparent during school enrollment, because there were more undocumented girls than boys. Always” (Concha interview 2012).

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<sup>393</sup> In Peru, like in Bolivia, it would be a mistake to think of the indigenous population as a purely rural phenomenon. In fact, large numbers of indigenous peoples live in the cities. Nevertheless, indigenous cultures and identities have remained stronger in rural areas, and in 1993, while 88.2% of the urban population had grown up speaking Spanish, the figure for rural areas was a much lower 60.7% (INEI 2008, 117)

<sup>394</sup> Although the data on education and literacy for the early 1990s does not disaggregate by ethnicity, there are clear gender, rural-urban, and regional differences that point in this direction.

The civil conflict of the 1980s and 1990s acted as a catalyst for the demand of identity documents. Through displacement and/or a greater state presence, indigenous populations in the rural areas affected by the violence suddenly found themselves in a world in which identity documents had increasing relevance to their everyday survival strategies. The war did not affect all parts of the country equally. The coastal heartlands of the Peruvian state, with the exception of Lima, largely escaped the violence. Some parts of the Andean *Sierra*, initially, and of the Amazon, later on, bore the brunt of it (CVR 2003, Tomo I, Capítulo 2; Degregori, Coronel, del Pino, and Starn 1996; Manrique 1998). Between 1980 and 1988, the overwhelming majority of the deaths happened in the Department of Ayacucho, and neighboring provinces of the Departments of Huancavelica and Apurimac (CVR 2003, Tomo I, 80 and 97). These were among the poorest, most rural, most indigenous areas of Peru,<sup>395</sup> and the state had little presence in the local countryside (CVR 2003, Tomo I, 94-95). There is no data on the prevalence of undocumentation in these Departments before the civil war,<sup>396</sup> but it is reasonable to assume that the use of identity documents was not as widespread as in other parts of the country with higher levels of urbanization and better access to the state and the formal economy. The war would contribute to change this.

The department of Ayacucho in particular deserves a closer look. As the birthplace of Shining Path, it suffered a disproportionate share of the victims of the conflict (Degregori 1996a;

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<sup>395</sup> The poverty map undertaken in 1993 by the Peruvian state puts these three departments among the poorest of the country (Flores 1998, Cuadro 19). Regional poverty data from before the war is no easy to come by. However, in 1981, Ayacucho and Apurimac had the lowest GDP per economically active person of Peru, a clear indication that their poverty preceded the war. Huancavelica was not far behind (Flores 1998, Cuadro 8). All three of these departments ranked near the bottom in terms of urbanization (INEI 2008, 28). And according to the 2007 Census, Ayacucho, Apurimac, Huancavelica were three of the four most indigenous departments of Peru (INEI 2008, 119).

<sup>396</sup> There are, however, indirect indications of the low documentation levels prevalent in the areas most affected by the violence. 39.25% of the people considered disappeared during the conflict do not appear in the identity databases of the Peruvian state as having ever secured an “electoral booklet” or a DNI (Defensoría del Pueblo-Peru 2008, 30).

Manrique 1998). It was one of the poorest departments of the country at the onset of the war, displaying the lowest GDP per economically active person of Peru (Flores 1998, Cuadro 8). Non-coincidentally, it was very rural and predominantly indigenous (INEI 2008, 28 and 119). References to the lack of state presence in the rural areas of Ayacucho abound (CVR 2003, Tomo VIII, 29; Degregori 1996a, 20; García 2005, 39-40; Huber et al. 2003, 95; Poole 2004, 38-39). In late 1982 and early 1983, as the insurgency was gaining steam, the Peruvian government put Ayacucho and other departments under military rule and sent in troops to reinforce the overwhelmed police forces. The repression that ensued was brutal and often failed to make a distinction between insurgents and civilians. While the presence of Shining Path increased in other parts of the country, by 1985 the group was on the defensive in Ayacucho (CVR 2003, Tomo I, 104-109; Degregori, Coronel, del Pino, and Starn 1996; Poole and Rénique 1992, chap. 3). Trapped between a rock and a hard place, the rural indigenous communities of the department generally opted for one of two options: stay and collaborate with the military or leave (CVR 2003, Tomo I, 107-108). Either way, identity documents represented a useful resource.

Tens of thousands of rural *Ayacuchanos* left for other parts of the country. Thousands more sought shelter in the departmental capital. The great majority of those who escaped took refuge in urban areas and experienced urban life (Degregori 1996a, 16 and 22). Identity documents facilitated travel,<sup>397</sup> obtaining assistance from state agencies and NGOs, or simply accessing basic services such as health care and education in the areas of settlement (Cantó interview 2012; Iniesta interview 2012; Castro interview 2012; Schenone interview, 2012). For those who decided to stay put, documentation also became increasingly important. The military often asked for identity documents at checkpoints or during security operations, and their lack was a reason

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<sup>397</sup> Deborah Poole, for example, describes her first-hand experience of the importance of identity cards for traveling in the Peruvian highlands in the 1980s, given the frequent police and military checkpoints (2004, 35-36).

for suspicion or even arrest (Iniesta interview 2012; Castro interview 2012; Huanta interview 2012; Concha interview 2012).<sup>398</sup> Confronted with low documentation levels in many rural areas, as well as with the destruction of civil registries by the rebels, military units sometimes issued their own identity documents in the areas under their supervision (Cal interview 2012; RENIEC 2005, 73). Security efforts were eventually complemented with the delivery of basic goods and small infrastructure projects to gain hearts and minds, initially by the military and later on by other state agencies (Burt 2011, 299-300; Degregori 1996a, 20-21; 1996b, 210; Degregori, Coronel, and del Pino 1998, 244-245; Schenone interview 2012). To an unprecedented degree, the war brought the state and its institutionality to rural Ayacucho, raising awareness about identity documents and creating incentives to secure them.

The impact was particularly noticeable for the rural indigenous women of Ayacucho. The war pushed them out of their traditional spaces in the household and the local community, and forced them to adopt a much more prominent role in the public sphere. Men found themselves taking active part in the conflict in much greater numbers than women, as part of civil defense groups, with the military, or with the insurgency. Most of the casualties of the violence were men. As a result, women had to lead their families in the experience of displacement, the struggle for economic survival, the search for the disappeared, or the fight for justice. They settled in urban areas, tried to make a living there, interacted with state agencies and NGOs, and organized with other women like them (CVR 2003, Tomo VIII, 73-75; Coral Cordero 1998, 346-353; Degregori 1996, 23-24). In the process, they experienced the need for identity documents, and successfully or unsuccessfully attempted to secure them: “they came over here, to the misery belt of Lima, and if they wanted to reinsert themselves, to become a house maid, for the most basic services... don’t you have documents? In Lima it was necessary” (Schenone interview 2012).

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<sup>398</sup> Joan Marie Burt also describes this phenomenon in poor neighborhoods of Lima (2011, 300)

Ayacucho suffered the worst of the violence, but the civil war significantly affected 11 of the 24 departments of Peru, most of them in the Andes and the Amazon. Rural areas and indigenous populations were hit the hardest (CVR 2003, Tomo I, Capítulo 2 and Tomo VIII, Capítulo 2.2; Degregori, Coronel, del Pino, and Starn 1996; Manrique 1998). The number of displaced Peruvians in the 1980s and 1990s reached 600,000 (INEI 2009, 39-40). For comparison, the country had a population of 22,639,443 people in 1993 (INEI 2008, 9). Accordingly, roughly 2.6% of the residents of Peru were displaced by the violence. The share was of course much higher in the worse affected regions. In this sense, to different degrees and with local particularities, the processes I described for Ayacucho were also at play in other parts of the country.

The civil war had a positive impact in the demand for documents. Still, the overall effect should not obscure the contradictions and complexities that existed. Rural indigenous populations were suddenly thrown into greater contact with a state that demanded identification, but it was a state that did not inspire trust: “it was a violent state... you expect the state to protect you, and when it doesn’t happen, there is even contempt, a feeling of not needing [its] documents” (Vargas interview 2012). Lacking identity documents could result in arrest or execution: “*mamita*, our life wasn’t worth a dime, as we didn’t even have papers... the corpses floated like corks down the river. Who were they? They didn’t even have papers” (Castro interview 2012). Yet, having the required documents did not necessarily preclude arrest and incarceration: “I had my papers and ended up arrested, [the military] took my papers away... and put me in jail, 20 years, 10 years, 8 years, and later on I received an apology and was simply released” (Castro interview 2012). State agents mistrusted the undocumented, but turned documented citizens into undocumented ones by illegally keeping their identity papers: “when

[the Armed Forces] held people, they asked them for identity documents, and many times retained those identity documents... according to the law nobody can retain your identity documents” (Huanta interview 2012). Fleeing was associated with the need for documents, as “those who did not have papers had to flee through the hills, through the bush, sleeping [outside] for weeks” (Castro interview 2012); but fleeing in a hurry often meant leaving your documents behind (RENIEC 2005, 95; Barrio interview 2012). Once in the city, the displaced needed documents to get by (Iniesta interview 2012; Schenone interview 2012). However, “to have a document that said you were from Ayacucho was a sign you were a [potential] terrorist” (Vargas interview 2012). Having state-issued identity documents could get people in trouble with the insurgents (Cal interview 2012; Bermúdez interview 2012). At the same time, lacking an “electoral booklet” could single you out as a member of the police or the military, who could not vote and did not have this type of document: “when you travelled [by bus], people from Shining Path came on board and asked for the electoral booklet. If you had it, supposedly, you were not a cop... if they asked and you didn’t, it was like an indication” (Cantó interview 2012).

Even as the demand for documents grew, the war had short-term negative consequences on the supply side of the documentation equation. In its fight against the state, Shining Path destroyed dozens of civil registries (Defensoría del Pueblo-Peru 2008; RENIEC 2005, 95; RENIEC-IDL 2011). The insurgents tried to erase all sign of state presence in their areas of influence, and municipal authorities and offices in rural districts made an easy target.<sup>399</sup> The insurgency damaged at least 251 civil registries, a non-trivial number that was equivalent to about 7% of the registries of the country (Defensoría del Pueblo-Peru 2008, 51-52).<sup>400</sup> 38 of

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<sup>399</sup> References to the targeting of municipal buildings and authorities abound in the Final Report of the Truth and Reconciliation Commission (see for instance CVR 2003, Tomo VII, 41, 134, 217, and 241).

<sup>400</sup> As of 2008, 251 of the 3600 civil registries existing in the country had been officially certified by RENIEC as damaged during the civil war, or had at least filed for certification. It is likely that there were

these registries alone lost a combined of 1,566 years of birth registration, affecting an estimated 70,300 people. The total number of people affected in the country probably exceeded half a million (Defensoría del Pueblo-Peru 2008, 51-52). While civil registries were supposed to send a copy of their registration books to the respective departmental courts for archive, many did not. 68% of the missing books in a sample of 32 affected registries lacked a backup copy at the court of reference (Defensoría del Pueblo-Peru 2008, 86). To deal with the special situation arising from the destruction of so many registries, the Peruvian Congress passed a law in 1993 that established a procedure for the re-registration of individuals whose birth records had been lost.<sup>401</sup> The procedure devised by this law, however, was exceedingly burdensome (Defensoría del Pueblo-Peru 2008). As of 2008, only 39% of the people affected in a sample of 32 registries had managed to complete the process (Defensoría del Pueblo-Peru 2008, 65).

Problems with the supply of civil registration services did not stop there. Fearing the insurgents, civil registrars in the most dangerous areas often fled. As a result, birth registration either stopped or was taken over by private individuals without training. The quality of the service suffered as a result, and years later RENIEC would void most of the records these informal registrars produced on various legal grounds (Cantó interview 2012; Defensoría del Pueblo-Peru 2008, 69-70; RENIEC-IDL 2011, 34-37). In addition, displacement made birth registration difficult. For families on the flight was not always easy to register their newborns (Castro interview 2012; RENIEC 2005, 95). The civil war also affected efforts to build a new electoral roll in 1984. With the insurgency at its peak and electoral offices a target, many Peruvians were reluctant to join the new electoral roll and secure new “electoral booklets”, even

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more civil registries affected by the violence that had not taken steps yet to file for certification yet (Defensoría del Pueblo-Peru 2008, 51-52).

<sup>401</sup> Law 26242/1993. *Decreto Ley* 343/1985 activated a similar re-registration procedure between 1985 and 1987.

if the old ones in theory lost validity. 17% of the adult population did not comply with the electoral registration mandate. In some departments, including Ayacucho, the percentage exceeded 30% (ONPE 2005, 74-76).

Aside from the war, throughout the 1980s and early 1990s the supply of identity documents continued to be hampered by the institutional and regulatory deficiencies inherited from the past. I have already discussed extensively the limitations of the civil registration system, which mostly remained. Miriam Schenone, who presided in the late 1980s over the *Concejo Consultivo de los Registros de Estado Civil* in representation of the Ministry of Justice, remembers:

“The situation was pure Civil Code... how you register your babies, how many days to do so, and if you didn't within 30 days, I'm sorry, you don't exist... There were a series of very burdensome procedures and requirements in front of a judge to even secure a name change, a correction... [The worst problem was] the lack of coordination... The Ministry coordinated, but what a coordination! Sit down if you wish... The *Concejo de Registro Civil* didn't have sanctioning powers, didn't have the authority ... because of the [legal] autonomy of municipalities, the local governments that handle the civil registries” (Schenone interview 2012).

As for the identification system built around the “electoral booklet”, it also had its share of deficiencies in terms of both reach and reliability. In 1980, 20% of adults lacked the “electoral booklet” or the electoral document for illiterate voters (RENIEC 2005, 95). After the renewal of the electoral roll in 1984, 17% of adults lacked the new “electoral booklet” for literate and illiterate citizens (ONPE, 2005, 74-76). The electoral roll and the “electoral booklets” associated with it were not particularly dependable either. The 240 electoral registration offices that existed in the country kept their own independent registries, with little cross-referencing to avoid documenting the same person twice (IFES 1997, 2-3). The issuance of “electoral booklets” was

largely manual, and their low levels of technological sophistication made the booklets quite vulnerable to falsification (Paredes Gutierrez 2008, 37; Schenone interview 2012).<sup>402</sup>

In 1982 the Peruvian Congress passed Law 23504, creating a national identity registry that was supposed to issue identity cards for all residents of the country five years and older. The Law dissociated personal identification from voter registration, but implementation never moved forward (Paredes Gutiérrez 2008, 41-44). There was also around the same time a USAID-backed project to modernize vital statistics and civil registration in Peru, but it did not gain traction either (Cantó interview 2012). Throughout the 1980s and early 1990s, even as the insurgency was throwing thousands of undocumented and underdocumented Peruvians into the cities, authorities responded with just stopgap measures. The most consequential was Law 25025/1989, which opened a special process for late birth registration without having to resort to the courts. The Law was in effect until 1995, and greatly simplified late registration (Escuela Registral 2013, 181-189). Still, barriers such as cost and distance remained, and with implementation in the hands of municipalities, supporting documents and other administrative niceties not contemplated in the Law could turn into unnecessary obstacles. Municipal registrars were frequently undertrained, and procedural details and fees changed from one municipality to the next (Iniesta interview 2012).

Given the limited state response, civil society organizations began to step in the late 1980s and early 1990s to help the displaced and other undocumented citizens to secure documents, at least in Lima (Iniesta interview 2012; Gómez interview 2012; Ochoa interview 2012). The work of the local branch of the Italian NGO ASPEm is the best known because it evolved into a national campaign with the support of UNICEF, the Swedish children's rights NGO Radda

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<sup>402</sup> References to the forgery or otherwise illegal acquisition of "electoral booklets" are common (El Comercio 1980c; CCD 1998, 1795; Comas 1990; IFES 1997, 3; ONPE 2005, 94; Ochoa interview 2012).

Barnen, national government agencies, and the municipal authorities of target areas. While ASPEm's initial work did not focus specifically on minors, promoting the birth registration of children became an important component of the national campaign. The context was ripe to push for improvements in birth registration from a children's rights perspective (Iniesta interview 2012; Gómez interview 2012). In 1989 the United Nations General Assembly adopted the UN Convention on the Rights of the Child, and a year later Peru became a signatory party. Soon after, Peruvian authorities began to work on the incorporation of the precepts of the Convention into national legislation, with input from children's rights NGOs and international organizations such as UNICEF.

The result was the 1992 Code on the Rights of Children and Adolescents, which highlighted the importance of birth registration and introduced key innovations in that regard (Iniesta interview 2012; Barrio interview 2012). First, it directed municipal authorities to issue the first birth certificate free of charge. Second, it made late registration an administrative affair, rather than a judicial one. Finally, it established that the state would guarantee the right to birth registration through the creation of a national identity registry, a first step towards transcending the local nature of municipal registries. Within days of the publication of the Code, the government issued *Decreto Ley 26127*, creating the *Sistema Nacional de Registro de Estado Civil*. Under the new arrangement, the Ministry of Justice received the authority to oversee and regulate the functioning of municipal registries, providing greater unity to the civil registration system, so that a national identity registry could eventually emerge. With the creation of RENIEC in 1995, the *Sistema Nacional* disappeared after less than three years of existence (Escuela Registral 2013, 70-71).

An opening for comprehensive state reform, including that of the existing documentation systems, came with the writing of a new Constitution in 1993. With the country in disarray due to the war and a severe economic crisis, the Peruvian people elected Alberto Fujimori, a little-known political outsider, as the new president of the country in 1990. Within two years, he had launched a strict neoliberal structural adjustment program, closed down Congress, and removed the sitting Supreme Court. Riding some key economic and anti-insurgency successes, Fujimori's coup was met with a good measure of popular support. International pressure, however, forced Fujimori to take quick steps towards democratic normalization. The mechanism he chose was to call elections for a Constituent Assembly (Crabtree 1998; Murakami 2007, chap. 2-3; Rousseau, 2012, chap. 2). Pro-government forces controlled a majority in the Assembly, and largely deferred to the wishes of the Executive. Meanwhile, the opposition was weak and divided. Under these conditions, Fujimori and his inner circle shaped the new constitution with few restraints, configuring a political system that privileged Executive power (Degregori and Meléndez 2007, chap. 2; Mauceri 2006).

One of the novelties the new Constitution introduced was the creation of RENIEC. As one of the three institutions that made up the electoral administration system, RENIEC was charged with the responsibility to manage civil registration, the national identity system, and the electoral roll. Remarkably, RENIEC and its functions acquired constitutional relevance. Moreover, for the first time, Peru put the civil registries and the identity system under the same institutional umbrella, and differentiated between the latter and the electoral roll, separating the identity certification and the electoral functions of the state. The creation of RENIEC faced abundant criticism in the Constituent Assembly. For many in the opposition, taking civil registration away from the municipalities deprived them of one of their traditional functions, and of a key revenue

source.<sup>403</sup> Municipal governments themselves had raised their voice against the Children's Code, insofar as it forced them to offer birth registration and the first certificate free of charge. Judges and lawyers had similarly complained that the Code's elimination of judicial late registration deprived them of functions and revenues (Cantó interview 2012; Barrio interview 2012). If the Fujimori government had passed the Children's Code by decree after closing down Congress, the Fujimorista majority in the Assembly made sure RENIEC was part of the new Constitution.

The reasons for writing RENIEC into the 1993 Constitution are not entirely clear. Many at the time saw the three-party division of electoral responsibilities as a way to weaken the *Jurado Nacional de Elecciones*, which previously combined all electoral functions. In this view, three weaker electoral bodies were less likely to challenge the Executive than one single strong court (Paniagua Corazao 1996, 108; Ochoa interview 2012; Vargas interview 2012).<sup>404</sup> Others are more skeptical of this view (Iniesta interview 2012; Schenone interview 2012; Cruz interview 2012), and even point out that Fujimori would have been able to influence electoral administrators under either model (Olave interview 2012). Another factor were the electoral recommendations of a technical assistance mission of the Organization of American States (Iniesta interview 2012; Olave interview 2012). The mission suggested Peru should have two electoral bodies: one in charge of vote counting and adjudicating electoral controversies, and the other responsible for organizing elections, and operating the civil registration system, a modern national identity system, and the electoral roll (Paredes Gutiérrez 2008, 48-52). The Constitution seems to have in part followed these recommendations, with the difference that it assigned the

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<sup>403</sup> See the transcripts of the meetings of the relevant Congressional Committee, the *Comisión de Constitución y Reglamento*, for the morning sessions of May 11, 1993 and May 13, 1993. See also the relevant discussions of the plenary of the Constituent Assembly (CCD 1998, 1792-1829).

<sup>404</sup> The debates of the Constitutional Assembly make frequent reference to this interpretation and the fear that the Executive was preparing the terrain for a future electoral fraud. See, for instance, the transcripts of the meetings of the *Comisión de Constitución y Reglamento* for the morning sessions of May 11, 1993 and May 12, 1993. See also the discussions of the plenary of Assembly (CCD 1998, 1792-1829).

functions of vote counting and the organization of elections to a third separate body, giving birth to a tripartite structure.<sup>405</sup>

The creation of RENIEC also aligns well with the reconstruction of the Peruvian state along technocratic lines of specialized expertise that Fujimori was pushing at the time.<sup>406</sup> His government combined clear authoritarian tendencies with a search for international validation and technocratic legitimacy. While trying to project the image of a state modernizer that followed technical rather than political principles, Fujimori engaged in questionable maneuvers to advance a political project of self-perpetuation. Eventually, the latter would dominate over the former, but in his early years, international recognition and maintaining an image (and self-image) of technical competency were important considerations as well. After all, the Peruvian state had just come to the brink of collapse (Burt 2011; Crabtree 1998; Degregori 2012, section I; Degregori and Meléndez 2007; Durand and Thorp 1998; Mauceri 1995; 2006; Rousseau 2012).<sup>407</sup> A former Minister of Fujimori remembers: “There was no way to work pacification and development without knowing how many citizens you had. It was a government that introduced results-based planning and quantification. Nobody quantified anything before” (Schenone interview 2012).

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<sup>405</sup> References to the OAS recommendations are constant throughout the debates of the *Comisión de Constitución y Reglamento* of the Constituent Assembly (see the transcripts for the morning session of May 10, 1993, the morning and afternoon sessions of May 11, 1993, and the morning session of May 12, 1993). While less frequent, references to the OAS’s proposal are also present in the debates of the plenary of the Assembly (CCD 1998, 1792-1829).

<sup>406</sup> Martha Chávez emphasized in the Constituent Assembly the modernizing value of an institution like RENIEC (CCD 1998, 1828). She was a key Fujimorista in the Assembly, and Jaime Yoshiyama, another important figure of the Fujimori camp, credits her with being the lead voice in this particular issue (personal conversation with author, March 21, 2014).

<sup>407</sup> An agricultural engineer himself, Fujimori recruited heavily among university professors and other professionals without previous political experience (Degregori and Meléndez 2007, 55-61; Mauceri 2006, 53-56). The links of the Fujimori government to international financial institutions have been extensively discussed (Burt 2011, chap. 8; Crabtree and Thomas 1998; Mauceri 1995; Rousseau 2012, chap. 2). His administration was also quite active on the gender rights front, among other things, to ingratiate himself with the international community (Rousseau 2012; Schmidt 2006). Similarly, the introduction of an independent Ombudsman in the 1993 Constitution was designed to please international actors (Pegram 2008, 56).

Whatever the motivation or motivations, the creation of RENIEC significantly changed the documentation of identity in Peru. Law 26597/1995, which made the constitutional mandate regarding RENIEC effective, had clear modernizing aspirations. It envisioned the construction of a single national identity registry that would bridge civil registration and the issuance of identity cards. The national identity registry would rely on computer technology and the assignment of a unique identification number to each individual early in life. The identification number would then carry over to any state registry the individual may have to join, as well as to all its documents. Law 26597/1995 also mandated the establishment of the DNI as a secure, all-purpose national ID that Peruvians should receive shortly after birth. In terms of civil registration, it gave RENIEC 36 months to absorb the responsibilities, archives, and personnel of the municipal registries. In addition, it confirmed that the first birth certificate should be issued free of charge, and that late registration was an administrative, non-judicial affair. The creation of RENIEC did not solve all the documentation problems Peru faced. The application of Law 26597/1995 would be slow, and some of its provisions are still pending implementation today. Nevertheless, with RENIEC, the country gained an institution whose *raison d'être* was the control of the documentation cycle and the extension of identity documents to all Peruvians. In other words, an institution that could be measured against these responsibilities, subject to oversight, and lobbied to better perform them.

RENIEC began operations in 1996. Within months, it assumed control of the electoral roll. It substituted the process of manual registration and issuance of “electoral booklets” for a more sophisticated one of computer registration and mechanical printing of special booklets with anti-forgery measures (Paredes Gutiérrez 2008, 55-58). In 1998 RENIEC launched the DNI as the new identity card for all Peruvians. For a while, the DNI coexisted with manual and printed

“electoral booklets”, but in February 2004 all booklets became void, leaving the DNI as the only legally valid ID (Cordova Tabori 2014). Initially, the responsibility to exchange the old “electoral booklets” for DNIs fell squarely on the shoulders of citizens. Irrespective of their ability to do so, they had to travel to one of the few offices RENIEC had in the country<sup>408</sup> and pay a fee to get their DNI. Given the difficulties this implied, RENIEC had to extend twice the original July 2003 deadline for the exchange, and later that year, it started to take some steps to ease the burden for certain vulnerable populations. It reduced the DNI-exchange fee for poor citizens, and fully waived it for poor residents of some particularly deprived districts. It also timidly began to take to the road to deliver DNIs to Amazon indigenous populations, the disabled, seniors living in nursing homes, and children in poor neighborhoods (RENIEC 2003b; 2003c).<sup>409</sup>

These measures were too little too late. Most people still had to travel to a RENIEC office to get a DNI, and information about the mandatory exchange did not always reach the most distant areas of the country. Not surprisingly, RENIEC estimated in late 2004 that 1.5 million adults had not made the exchange. Many were Peruvians living abroad, but about 400,000 of them resided in the country.<sup>410</sup> While they could still trade their expired booklets for a DNI, they remained in the meantime severely underdocumented. As of 2004, two million adult resident citizens (11.59% overall) lacked a DNI (RENIEC 2010b, 66), either because they had never had an “electoral booklet”, or because they had not exchanged their booklets for a DNI. They could

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<sup>408</sup> RENIEC started out with 10 regional offices that later grew to 13 (Paredes Gutiérrez 2008, 55). Regional offices generally had satellite offices that worked under their supervision. The Cajamarca regional office, for instance, had six associated satellite offices (Durand Guevara 2004, 55). Still the reach of RENIEC was quite limited.

<sup>409</sup> *Resolución* 333/2003 of RENIEC launched a campaign to deliver free DNIs to members of these populations, but it covered a small number of beneficiaries. Over the next few years, RENIEC expanded the number of beneficiaries and the population categories covered. By 2011, near 2 million people had received free DNIs (RENIEC 2012a, 137). See RENIEC (2010, 30-34) for a list of the socially-oriented measures RENIEC took between 2003 and 2010. Some of the measures came at the request of civil society (Villanueva Díaz and Pérez Alva 2006, 37).

<sup>410</sup> The estimates come from *Resolución* 641/2004 of RENIEC.

not engage in official civil, political, or commercial transactions, including the registration of their children.

On the civil registration front RENIEC moved cautiously. Although Law 26597/1995 directed it to absorb all municipal registries within three years, the target proved rather ambitious. Only in 2005 did RENIEC absorb its first municipal registry (RENIEC 2010b, 72-73). In a country with over 1800 municipalities, RENIEC had absorbed just 43 municipal registries as of early 2012 (RENIEC 2012b). RENIEC opted instead to delegate most of its civil registration functions back to the local-level institutions that had been managing them up to then.<sup>411</sup> Municipalities would continue to register and keep their local archives. Citizens could also register new vital events in the handful of offices RENIEC had in the country (Escuela Registral 2013, 71). In these early years, the primary focus of RENIEC was the DNI and the electoral roll. It paid relatively little attention to civil registration, even if a working birth certificate was necessary to obtain a DNI (Cantó interview 2012; Cruz interview 2012). Juan Barrio shares his experience: “the issue of [civil] registration was postponed... To the point that [RENIEC] did not have specialized personnel for it... we as UNICEF talked to them about establishing a specific line of work on the issue, but the truth is that RENIEC was so uninterested, so uninterested...” (interview 2012).

For the most, business continued as usual in the municipal registries. RENIEC exercised some supervisory and training responsibilities, but its reach was limited (Cruz interview 2012; Concha interview 2012). Moreover, the high turn-over of municipal registrars often meant that any training would quickly go to waste (RENIEC 2005, 86; Cárdenas interview 2012). RENIEC

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<sup>411</sup> *Resolución 023/1996* of RENIEC authorized municipalities to continue managing their civil registries. It also authorized native communities, military garrisons, municipal agencies (now *municipalidades de centro poblado menor*), and other institutions which had previously received permission to register vital events to continue doing so.

did issue a new set of civil registration regulations in 1998.<sup>412</sup> Some aspects of it supposed a certain regulatory modernization. In theory, for instance, municipal registries had to submit a copy of all new records to RENIEC, even as they remained in custody of their old archives. Also, at the initiative of UNICEF, RENIEC unified the format of the birth records and certificates that municipalities produced (Cantó interview 2012; Tristan interview 2012).<sup>413</sup> In some regards, this modernization came at the cost of lower flexibility. For example, the new regulations required that citizens presented a DNI to register any vital event. Conversely, RENIEC scrutinized the birth certificates of DNI applicants more carefully than it was the case before, frequently turning down people for formal defects. As a result, flawed birth records became a significant barrier to achieve full documentation (Schell interview 2012; Gómez interview 2012; Humán interview 2012; Concha interview 2012). Some birth record corrections could now be handled outside the courts, but cost, distance, and bureaucratic complexity still made it a hurdle for many citizens. Moreover, different RENIEC officials managed registration errors differently. Only in 2009, spurred by the German development agency, did RENIEC produced a manual to try to standardize the handling of registration errors and their correction (Schell interview 2012).

The gap between RENIEC and the registries it supervised was large. While the RENIEC offices that existed in key towns and cities displayed an aura of modernity: “the computers, the cubicles; it was a total novelty, because before it was just old tables and old chairs” (Cruz interview 2012); most civil registries continued to rely on undertrained personnel and precarious means: “a civil registrar of Manta used a typewriter... and it lacked the number 1, so he used the

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<sup>412</sup> Decreto Supremo 015/98.

<sup>413</sup> Before, each municipality would design and use its own birth record and birth certificate format. While the main fields were set by law, there were almost as many formats as municipalities existed in the country (Cantó interview 2012; Barrio interview 2012). Juan Barrio reminisces: “we designed the birth record... RENIEC accepted it, UNICEF printed the [birth record] books for all Peru, and did the first distribution to all municipalities, with the commitment that once they finished them, they would ask RENIEC for replacements (interview 2012).

letter l... RENIEC rejected [the records] saying ‘it is not correctly written’... and he had to do them again. To do so, he had to locate the [affected] people” (Cal interview 2012). Unsurprisingly, registration errors remained common at the municipal level (Gómez interview 2012; Concha interview 2012). Registries in Amazon indigenous communities did not fare much better (Olave interview 2012; Cárdenas interview 2012; Barrio interview 2012). Left by RENIEC largely to their own devices, indigenous organizations had to rely on the assistance of international actors such as UNICEF or the Spanish development agency to strengthen the registries in their communities (Cardona interview 2012; Barrio interview 2012). Registration errors were particularly likely when either the registering citizen or the registrar were not fluent in Spanish (Schell interview 2012; Cal interview 2012; Olave interview 2012; Barrio interview, 2012). Sometimes, all it took to confuse a Spanish-speaking registrar was an unfamiliarly-sounding indigenous last name (Balbuena Palacios 2004, 13-14; Cal interview 2012; Barrio interview 2012).

In one particular way RENIEC did improve the accessibility of birth registration almost from the get go. Since 1962, legislation had allowed municipalities to request authorization from the Supreme Court to establish satellite registration offices in towns without easy access to the municipal capital. By the mid-1980s, only about 300 satellite registries had been authorized (Cantó interview 2012). RENIEC sped up the authorization process and the number of satellite registration offices escalated to 1,400 in 2002 and 1,800 in 2004 (RENIEC 2010b, 81-82). Still, the emphasis of RENIEC in its early years was one of delivering as many DNIs as possible, without much consideration to civil registration issues or the barriers that vulnerable populations faced to secure an ID. A RENIEC official remembers the beginnings of the institution:

“The creation of RENIEC was done from a perspective like that of a private company, of serving customers. The first national head of RENIEC was an industrial engineer, and his approach was one of engineering, in every sense, and also with a customer service orientation, not necessarily a

[citizens'] rights perspective. It was all about returns, cost and benefit, workers' productivity. Everything was measured, how much you produce, how much is paid, etc. It was interesting as a state modernization process... but we were not considering the problems of vulnerable people... always with a good service, but we were not looking at the problem of those who could not secure a DNI" (Cruz interview 2012).

The most consequential documentation initiative of the late 1990s did not originate from RENIEC. In 1996, as RENIEC was taking off the ground, the Fujimori government launched the *Registro Provisional de Identidad* (RPI) and the associated *Documento Provisional de Identidad*.<sup>414</sup> The goal of this temporary identity registry and ID was to offer a flexible path for documenting people displaced by the war. The RPI emerged as part of the *Programa de Apoyo al Repoblamiento* (PAR), a program the Fujimori administration created in 1993 to support the internally displaced. The PAR led the implementation of the RPI, defining the target populations and organizing logistics on the field (Schenone interview 2012). Meanwhile, RENIEC managed the registration database and the issuance of the IDs. The RPI had a short existence, and all the documents it issued expired in 1999.<sup>415</sup> Still, the program managed to document near 600,000 people (MIMDES 2003, 65). The RPI followed very flexible procedures, and beneficiaries could secure an ID with just the help of two witnesses (Cal interview 2012; Cruz interview 2012; Concha interview 2012). Afterwards, they had the possibility to exchange their provisional ID for a regular DNI for free, and many of them did (Cruz interview 2012; Gómez interview 2012).<sup>416</sup> Later on, however, some beneficiaries would have a hard time renewing their DNIs after they had expired. Without a birth certificate in the system, RENIEC refused to do so (Gómez interview, 2012). The Fujimori government was accused of using the RPI for

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<sup>414</sup> Decreto Legislativo 837/1996. See also Decreto Legislativo 903/1998.

<sup>415</sup> Law 27081/1999.

<sup>416</sup> Miriam Schenone recalls the difficulties of working with RENIEC to guarantee the exchange, as this institution preferred to leave it up to the affected citizens to come to its offices, rather than trying to reach out to them in the field (interview 2012). However, she and other sources agree that most provisional ID holders eventually manage to secure a DNI (Schenone interview 2012; Cruz interview 2012)

questionable electoral designs (Castro interview 2012; Schenone interview 2012), something that people associated with it deny (Schenone interview 2012).

It was not until the early 2000s that RENIEC began to adopt a more socially-conscious orientation, and to consider the specificities of the documentation problems vulnerable populations faced. Initially, it did not do so at its own initiative, but was dragged into it by the actions of civil society organizations and other state agencies. Non-coincidentally, the first major documentation initiative after the turn of the millennium originated in Department of Ayacucho, which had seen the worst of the civil war. It was the brainchild of the Italian NGO MLAL, and beginning in 2001, it spanned the departments of Ayacucho, Apurímac, and Huanavelica. With the Peruvian NGO IDS as the implementing partner, the three-year project primarily focused on awareness-raising and lobbying, putting the spotlight on the shortcomings of the civil registration system. Eventually, with the help of RENIEC, it branched out into direct documentation work and the training of municipal registrars. The project brought together community organizations, municipalities, the Office of the Ombudsman, health authorities, the Ministry of Women and Human Development, and RENIEC itself (Cruz interview 2012; Concha interview 2012). RENIEC was an ambivalent partner. While its regional office in Ayacucho was very supportive of the effort, the head office in Lima looked at it with skepticism:

“With RENIEC Ayacucho everything went smoothly... when they [the head office of RENIEC] realized that in Ayacucho and these three departments someone was raising the issue, they began to see us [with suspicion], I think they called us the communist or red NGOs because we did a lot of lobbying. We wanted to have an impact in Lima, but never managed... They wanted to charge for the services, and we argued that in poverty-stricken areas access to [identity] documents should be free of charge. That’s what they did not want, nor the municipalities, neither RENIEC” (Concha interview 2012).

As the 2000s rolled in, the sectors of the Peruvian state that showed the greatest interest in the documentation of vulnerable populations were not those specializing in policing or ensuring legal certainty. Neither was RENIEC, mostly focused on meeting aggregate production targets

(Cárdenas interview 2012; Cruz interview 2012; Ayala interview 2012). Rather, interest came from the Ombudsman's Office and the Ministry of Women and Human Development, institutions whose mandates had more to do with the uplifting of those vulnerable populations and the affirmation of their rights. The Office of the Ombudsman started to work on documentation issues shortly after its creation in 1996, with a focus on the victims of the civil war (Defensoría del Pueblo-Peru 2006, 18-19; 2009, 13-14; Huanta interview 2012). Initially, its emphasis was on awareness-raising, legal assistance, and inter-agency coordination, but these early experiences eventually evolved into direct participation in documentation campaigns, particularly after 2003 (Defensoría del Pueblo-Peru 2006, 20-28; 2009). Also in 2003, it published two important reports on the topic. Report 74 zeroed in on how legal and cultural norms conspired to discourage the birth registration of children born out of wedlock. Unmarried mothers often preferred to postpone registration *sine die* until the absent/reluctant father could/would recognize their children, rather than having to register them without the father's last name (Defensoría del Pueblo-Peru 2003a). Report 79 examined the legality and reasonability of the fees RENIEC charged for issuing DNIs (Defensoría del Pueblo-Peru 2003b).<sup>417</sup>

For the Ministry of Women and Human Development, identity documents had both legibility and rights-related implications. On the one hand, as the administrator of key social programs for vulnerable populations, their widespread access to identity documents could help it with better delivery and fraud prevention. On the other hand, the responsibilities of the Ministry included the promotion of gender equality and upholding Peru's international commitments with regards to children's rights, including the right to birth registration. Since women lagged in access to identity documents, both responsibilities had documentation ramifications.

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<sup>417</sup> The Ombudsman Office had dealt with documentation issues in previous reports (Defensoría del Pueblo-Peru 1998, 18-19; 1999, 113-114), but these were the first two dedicated exclusively to the topic.

Additionally, with the *Programa de Apoyo al Repoblamiento* under its umbrella, the Ministry also supervised state support for the displaced of the civil war, who faced significant documentation barriers.

Another pioneering documentation program was the one that the women right's NGO *Flora Tristán* launched in 2003 (Villanueva Díaz and Pérez Alva 2006). The initiative originated in the realization that peasant women were securing land titles at lower rates than men, due to, among other things, the lack of identity documents. *Flora Tristán* engaged RENIEC in Lima, and found a more welcoming reception than IDS had not long before (Ayala interview 2012). With a new leadership, RENIEC was by then warming up to the idea of taking part in socially-oriented initiatives (Cruz interview 2012),<sup>418</sup> and ready to become more involved in civil registration (Cantó interview 2012). It created a social outreach department in 2003, and upgraded it the year after.<sup>419</sup> Also in 2003, RENIEC proposed to the national authorities the creation of a fund to finance free DNIs for vulnerable populations (RENIEC 2003a). The fund as such never came into being, but RENIEC moved forward anyway and began offering free DNIs to some vulnerable population groups, although in limited numbers.<sup>420</sup>

By 2003-2004 documentation matters had acquired some national visibility.<sup>421</sup> The phasing out of “electoral booklets” and the Final Report of the Truth and Reconciliation Commission,

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<sup>418</sup> Perhaps the best example of the evolving attitude of RENIEC was the *Plan Nacional de Restitución de la Identidad 2005-2009*. The Plan was developed in consultation with civil society, other government agencies, and UNICEF. It included a diagnosis of the barriers driving undocumentation, the identification of the population groups most affected by them, and a five-year plan to tackle the issue. The Plan was quite detailed with regard to targets, institutional responsibilities, and budget requirements (RENIEC 2005). On the other hand, when the demands from the organizations that were invited to participate in the commission to elaborate the Plan began to pile up, “RENIEC did not have answers to all these pressures, and preferred to close [the commission]” (Huanta interview 2012).

<sup>419</sup> The *División de Proyección Social* became the *Gerencia de Restitución de la Identidad y Apoyo Social* in 2004.

<sup>420</sup> See RENIEC (2010, 30-31) for a list of the measures the institution took in this regard.

<sup>421</sup> See Balbuena Palacios (2004, 21-22) and RENIEC (2005, 108-110) for some other documentation initiatives going on at the time.

which detailed the documentation problems created by the civil war, contributed to raise the profile of the issue. Moreover, the Final Report incorporated recommendations for redress that implied a certain degree of moral obligation for the Peruvian state, including some that pertained to the documentation of affected populations (CVR, 182-188).<sup>422</sup> The citizenship implications were clear: historically overlooked and marginalized by the authorities, the mostly rural indigenous populations that suffered the brunt of the violence remained in many cases second-class citizens due to their documentation problems. The timing was consequential in another way. After Fujimori's fall in 2000, many civil society organizations were leaving behind their previous human rights and democracy focus, and ready to embrace new social issues (Iniesta interview 2012; Cal interview 2012). At the same time, with the recovery of democracy, the state was more willing to work hand in hand with civil society (Vargas interview 2012). More and more NGOs, state agencies, and international donors began to pick up on the issue of identity documents. Many of these actors coalesced around the *Alianza por el Derecho Ciudadano* (*Alianza* hereafter).

The *Alianza* was an umbrella group formed in 2004 by over a dozen NGOs interested in documentation matters. State agencies (RENIEC, Ministry of Women and Social Development, Ombudsman's Office), international organizations (UNICEF, UNDP), and foreign donors (UK development agency) were also part of it. The *Alianza* focused mainly on raising awareness and promoting legislative changes, and was active until 2009-2010 (Bermúdez interview 2012). I will briefly discuss two of its campaigns to show the contradictory dynamics that developed with state actors, which were not always eager to make access to identity documents easier and

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<sup>422</sup> The Report was criticized by some sectors of Peruvian society, and the documentation issues it raised were just one of the many matters it brought up. Still, in certain circles, it did contribute to bring attention to undocumented citizens (Joo interview 2012; Huanta interview 2012; Bermúdez interview 2012; Vargas interview 2012).

improve the legibility of the population. In the first one, the *Alianza* lobbied Congress to make legislative changes in order to allow unmarried women to register the birth of their children with the last name of the presumed father, even if the father had not recognized the child. Leading the charge were NGOs of various stripes. They had the support of the Ombudsman's Office, the Ministry of Women and Social Development, and international donors. The campaign succeeded,<sup>423</sup> but not without a great deal of controversy. The dispute did not follow clear partisan fault lines. Instead, opinions seemed to be mostly a question of personal sensitivities and gender prejudices (Vargas interview 2012). Despite its supposed interest in promoting documentation, RENIEC was not supportive of the effort. It showed the same internal fault lines than society at large: "that you could register your child with the last name of the supposed father was controversial for the males of this institution, [they were] so conservative... RENIEC didn't support the Law" (Cruz interview 2012).

Throughout the second half of the 2000s, RENIEC faced internal contradictions when it came to making access to identity documents more flexible. The newly created social outreach department generally had views and institutional incentives more attuned to the documentation difficulties of vulnerable populations. It was also more comfortable working with civil society organizations. Other areas of the institution increasingly felt that the efforts to make identity documents more accessible were pushing them out of their comfort zone: "social issues, for certain occupations such as lawyers, are somewhat exotic, somewhat interesting... until it begins to imply changes to the system... How are you going to change the rule? How are you going to trust citizens?" (Cruz interview 2012). Outside sources confirm the different perspectives that existed within RENIEC (Huanta interview 2012; Cal interview 2012; Vargas interview 2012). These internal contradiction ultimately created a rift between RENIEC and the *Alianza*, and the

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<sup>423</sup> Congress passed Law 28720/2006 making the requested legal adjustments.

former took distance from the work of the latter (Vargas interview 2012; Cruz interview 2012).

Following its first success, the *Alianza* moved against another major bottleneck in the documentation cycle: the “military service booklet” (MSB). Historically, the MSB had been a requirement to apply for an “electoral booklet” or a DNI. Despite military service becoming voluntary in 2000,<sup>424</sup> military registration remained mandatory and the MSB a must to secure a DNI. In 2004, Congress passed Law 28316, making the MSB optional in DNI applications. The Law came at the proposal of the NGO *Flora Tristán*, which had identified the requirement as a key barrier for the documentation of rural women (RENIEC 2005, 77; Velázquez 2004, 7; Ayala interview 2012; Villanueva Díaz and Pérez Alva 2006, 46-53). RENIEC, the Office of the Ombudsman, and other civil society organizations supported the proposal. The Ministry of Defense and the military came out against it (Ayala interview 2012). The proposal not only threatened the social relevance of the Armed Forces, but also undermined their ability to collect service fees for the booklets and the ID pictures in them (Balbuena Palacios 2004, 15-16; Ayala interview 2012). Even after the MSB became optional for DNI applications, its existence discouraged documentation to some degree. The optional character of the requirement created confusion, and many people still believed they needed their MSB to get a DNI (RENIEC 2005, 65-66). Moreover, some RENIEC offices continued to ask for the MSB of DNI applicants (Ardito Vega 2008). It was not surprising, since the requirement still appeared in the internal regulations of RENIEC in 2006 (Eguiguren Praeli 2006, 246-250). The *Alianza* initiated a campaign to fully eliminate mandatory military registration and the MSB. This time, the Ministry of Defense supported the proposal, but the Armed Forces came again against it (Vargas interview 2012). Congress split the difference: all youths would register with the military, but

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<sup>424</sup> Law 27178/1999.

only after they had secured their DNI. The MSB would be just for those who chose to serve.<sup>425</sup>

The campaigns of the *Alianza*, as well as some of the earlier documentation initiatives I discussed, illustrate the complex dynamics surrounding efforts to make identity documents more accessible in Peru. More often than not, citizenship and rights issues were the main consideration for the actors pushing for change, while legibility issues generally took a backseat. For organizations such as Radda Barnen, *Acción por los Niños* or UNICEF, it was about children's rights. For NGOs such as *Flora Tristán*, Demus or *Manuela Ramos*, it was about gender equality. For indigenous organizations such as AIDSESEP,<sup>426</sup> it was about the rights of their co-ethnics, and their access to various services. For Oxfam or the UK development agency, with their broader focus, it was about the citizenship of vulnerable populations at large. On the other hand, state actors that positioned themselves against some of the initiatives, such as RENIEC or the Armed Forces, did so because they invaded important institutional functions, endangered key revenue streams, or offended masculine sensitivities. Legibility was not their main concern either.

Throughout the mid and late 2000s, these and other initiatives<sup>427</sup> kept undocumented citizens in the public agenda. Sometimes willingly, other times more reluctantly, RENIEC continued to take steps to make identity documents more accessible. Progressively, it adopted a more hands-on approach with respect to the bottleneck that civil registration represented. While

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<sup>425</sup> Law 29248/2008.

<sup>426</sup> AIDSESEP is a Peruvian pan-ethnic organization that represents many Amazon indigenous groups.

<sup>427</sup> In 2003-2004, the UK Development Agency financed the first detailed diagnosis on the issue of undocumentation, carried out by the NGO Demus (DEMUS-DFID 2004). The collaboration between these two organizations and Oxfam also produced an interesting study about how rural women subjectively experienced the lack of identity documents (Velázquez 2004). The *Alianza por el Derecho Ciudadano* and Oxfam (ADC-OXFAM 2006), the IDB (Duryea, Olguiati, and Stone 2006; Ordoñez Bustamante and Bracamonte Bardález 2006), the World Bank (Reuben y Cuenca 2009), the NGO *Poder Ciudadano* (Transparencia Perú 2010), and others (Arroyo 2010) also sponsored research on the matter. In terms of hands-on documentation projects, we can mention those led by ASPEM in Huaycán, Lima (EU-ASPEM-APRODEH-SUYASUN 2008), *Instituto Diálogo y Propuestas* in Huancavelica (RENIEC-IDL 2011), *Paz y Esperanza* in San Martín (Gordon 2007), or *Asociación Familias, Sociedad y Desarrollo* in Lambayeque, Piura, and Ucayali (Asociación Familias, Sociedad y Desarrollo 2008).

most registration offices remained in the hands of local governments, RENIEC gradually increased its involvement in terms of training, supervision, and direct provision of registration services. Before 2002, RENIEC did not have in-house institutional capacity for the training of municipal registrars. In December of that year, it created a civil registration training department, which would later on expand (RENIEC 2010b, 44-46; RENIEC 2018). Supervision of municipal registries was not originally a priority for RENIEC either, and only in 2006 it created specialized supervisory units in its regional offices (Gutiérrez Paredes 2008, 62-64). A 2005 report from the Ombudsman's Office had brought to stark relief the need for closer supervision. Of 296 municipal registries investigated, 28.7% charged a fee for the timely registrations of births, and 76% did so for late registrations.<sup>428</sup> Both services were supposed to be free. In 35.1% of the registries, the requirements for timely registration exceeded what the regulations established. The figure rose to 76% in the case of late registration (Defensoría del Pueblo-Peru 2005).

With regard to the direct provision of civil registration services, between late 2005 and early 2012, RENIEC absorbed 43 municipal registries, including all of Lima's (RENIEC 2012b). Given the thousands of civil registration offices that existed in the country, it was a very small number.<sup>429</sup> Still, taking into account that close to a third of Peru's population lived in Lima, it represented an important feat in terms of population coverage. For those citizens lucky enough to have their birth records in a civil registry under the control of RENIEC, the advantages were significant, including the possibility of requesting a birth certificate copy at any RENIEC office.

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<sup>428</sup> Similarly, some health centers applied irregular charges for the issuance of the certificate of live birth, another service linked to the documentation cycle that was supposed to be free (Defensoría del Pueblo-Peru 2005, IV).

<sup>429</sup> Between municipal, satellite, and native registries, the total number approached 4,000 in 2012 (Cantó interview 2012).

As usual, progress came first to locally-born residents of urban Lima.<sup>430</sup> For everybody else birth certificate copies were only available at the civil registries where their births had been originally registered. To secure a birth certificate copy, domestic migrants continued to have to make the trek back to their districts of birth, a significant burden that put securing a DNI beyond their reach of many (Gómez interview 2012; Ochoa interview 2012). One way in which RENIEC did bring its civil registration services closer to the rural population was through the creation of the “Itinerant Civil Registry”.<sup>431</sup> Building on its experience of using mobile teams to deliver DNIs, RENIEC institutionalized the use of mobile civil registration teams in 2006, something it had already tested on limited basis at the request of NGOs (Gómez interview 2012).

It is difficult to do justice to all the initiatives and policy changes adopted in the 2000s to make the supply of identity documents more reliable and accessible, or to all of the actors involved. I have not mentioned, for instance, the program *Mi Nombre* that the Ministry of Women and Human Development launched in 2005 to increase access to identity documents, particularly for women and children in rural areas (MIMDES, 2008). I have not mentioned either the boost that the government of Alan García gave in 2010 to the DNI for minors with *Decreto de Urgencia* 044/2010 (RENIEC 2010a), or how beginning in 2006 RENIEC incorporated into the birth records of newly registered children the identification number that their future DNIs would carry, making the life-long personal identification number a budding reality (Escuela Registral 2013, 34-35). Other important regulatory changes included extending the validity of new DNIs from 6 to 8 years, increasing the period for the timely registration of births from 30 to 60 days (90 for distant areas), or transferring primary responsibility for the reconstitution of birth

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<sup>430</sup> Not everybody agrees about the desirability of RENIEC absorbing all registries. Some people warn that it could result in a reduction of the number of registration offices available in rural areas (Schell interview 2012).

<sup>431</sup> *Resolución* 1130/2006 of RENIEC.

records in damaged registries from the local registries and the affected citizens to RENIEC itself.<sup>432</sup> There has been a myriad of NGOs involved one way or another in documentation actions in Peru. Many international organizations and funders have also played a relevant role. Oxfam and the UK development agency, for example, were pivotal players in the *Alianza por el Derecho Ciudadano*, and the World Bank, the Inter-American Development Bank, or the German development agency have supported the work of RENIEC in different ways.

I would like to close the overview of the evolution of documentation policies in Peru by coming back to the demand for identity documents. I have argued that the insurgency of the 1980s and 1990s contributed to boost the demand for documents in the areas of the country most affected by it. Demand continued to deepen in the 2000s due to, among other factors, the increasing connectedness of rural areas,<sup>433</sup> and the process of administrative decentralization Peru underwent.<sup>434</sup> However, I will just briefly focus on the role of social programs targeted for the poor, which increasingly began to require identity documents (DEMUS-DFID 2004; Huanta interview 2012; Bermúdez interview 2012; Villanueva Díaz and Pérez Alva 2006, 15). This was the case for long-standing social programs that had previously been flexible with regard to documentation, such as *Vaso de Leche* (Gómez interview 2012; Concha interview 2012). It was also the case for new programs, such as *Juntos*, *Crecer*, *Pension 65*, and others. The case of *Juntos* is particularly interesting. *Juntos* started in 2005 as a conditional cash-transfer program for poor families in poor, selected districts of the country. In 2007 it already covered near

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<sup>432</sup> See Law 29222/2008, Law 29462/2009, and Law 29312/2009, respectively.

<sup>433</sup> Rural life has significantly evolved in Peru since the mid-1990s. Presently, rural residents are much better connected to the outside world, and less dependent on agriculture and other primary activities (Webb 2013). Partly as a result, identity documents are more necessary for rural life than they once were.

<sup>434</sup> In 2002 Peru launched a decentralization process that resulted in the creation of regional governments, and more responsibilities and resources of local governments. In many ways, decentralization has been disappointing (see Contraloría General de la República 2014 for a detailed analysis). However, like in Bolivia, the level of government closest to the rural population has gained in significance, and is now more relevant to engage and to lobby it.

400.000 households, reaching 750.000 in 2014 (Sánchez and Rodríguez 2016). *Juntos* not only required that its beneficiaries had a DNI, but starting in 2008, actively worked with RENIEC to document them free of charge. *Crecer* would later mirror the strategy (Gómez interview 2012; Cal interview 2012; RENIEC 2010b, 35; Cruz interview 2012). The downside of the approach was that it put the programs beyond the reach of people who did not manage to solve their documentation problems:

“In a certain area we have 18.000 beneficiaries [of *Juntos*]... then, after [*Juntos*] has gone with RENIEC...let's say only 13.000 are documented. What happened with the rest? They have problems with their birth certificates... *Juntos* doesn't have the possibility of solving this registration problems. RENIEC, within the framework of the Agreement [with *Juntos*] says: the Agreement was for us to give them DNIs... [*Juntos*] says that there is a share of the population, part of their target population... that unfortunately can't reach because of this variable” (Huanta interview 2013).

In many ways, the violent insurgency of the 1980s and 1990s contributed to better integrate Peru, socially and geographically. Racism and discrimination did not disappear, but there was a new realization that what happened in the Andes or the Amazon could affect the Peruvian coast. When the bombs quieted, Peru had come to realize the hard way that all the residents of the Republic were to an important extent on the same interdependent boat, no matter their ethnicity or place of origin. In reaction to the insurgency, the state strengthened its presence in areas of the country in which it had had little presence before. It arrived with its security apparatus, but also with social services and infrastructure programs. If the 1979 Constitution had extended political citizenship to illiterate Peruvians, mainly indigenous and mostly women, these services and programs contributed to give content to their formal citizenship. With them and their increasing administrative sophistication, came incentives for the documentation of previously undocumented populations. Improvements in the supply of identity documents would eventually follow, often at the behest of civil society and international actors. The influence of international trends in issues such as children's rights, the promotion of gender equality, or the

rights of indigenous peoples is clear. While legibility considerations have certainly played a role in the evolution of documentation policies, issues of rights and social inclusion have been as important if not more. Rather than hiding from the state, traditionally excluded indigenous populations have increasingly demanded to be served by it as citizens. Still, the distance of the state continues to be a key factor to explain the pockets of undocumented that persist. There is a statistically positive relationship between the likelihood that a household will contain a least one minor without a birth certificate, and the travel time between the household and the municipal capital. Unsurprisingly, underregistration is particularly prevalent among the rural indigenous populations of the Amazon (Cuenca and Díaz 2010, 117-119). Inequalities remain in terms of access to rights, services, and identity documents.

## **2. Undocumented citizens: where do we go from here?**

Over time, Bolivia and Peru improved the accessibility and dependability of their documentation systems. Yet, this dissertation does not pretend to be a teleological account of the inevitable progression of the documentation of individual identity in a context of modern state-building. Quite to the contrary, I have not only argued that legibility was not the main driver behind those improvements, but also that progression was far from linear and inevitable, and should not be considered irreversible. The failure of the RUN in Bolivia offers a cautionary tale in this regard, and so do the weaknesses that remain in the civil registration systems of both countries. Documentation could regress if the political, social, and economic conditions evolve in such a way that holding identity documents becomes less rewarding, or more difficult and costly. An international environment that favors documentation makes this less likely. However, international trends indicate probability not determinacy, and their impact is filtered through the particular social and political conditions that exists at the national and local level.

The modern state is as much a theoretical construct as an empirical fact. Reality on the ground is much messier than the idea of the modern state would lead us to think (Migdal 2001). Contradictory forces exist within each state that pull in different directions, and documentation policies are no exception to this. As Chapter 2 discussed, the academic literature has generally emphasized the role that identity documents play as a tool of the modern state to better know and control its population. Conversely, most authors underrate the value that identity documents have for citizens as elements of social recognition that give access to rights and services (Szreter and Breckenridge 2012). It would be unfair to deny that most works on identity documents do recognize that identity documents express both sides of the control-rights binomial. Nevertheless, the fascination with concepts such as legibility or embracing typically leads authors to emphasize the former, and reduce the latter to little more than a footnote or a mention in passing. With the cases of Bolivia and Peru, I have shown that the social recognition and rights side of the equation deserves more attention than it has been usually granted. But where does this leave us in the study of undocumented citizens? Where do we go from here? I am going to propose two lines of work for further research. One has to do with understanding when do legibility considerations dominate the evolution of documentation policies, and when do they tend to fade into the background. The other has to do with developing a better grasp about the role of international trends, and the interface between the international and the domestic.

If the goal is to strive for a more complete understanding of identity documents and their lack, it would be presumptuous to dismiss the legibility considerations that other authors have unveiled for their countries of study. Once we acknowledge that legibility has played a role in some instances more than in others, the need to explain cross-national and diachronic differences in this regard immediately arises. When do legibility considerations play a preeminent role in

sparkling efforts to strengthen the reach and dependability of documentation systems? When do international influences, social inclusion, or electoral concerns dominate? When does documentation simply fail to take off the ground? What are the implications of these differences for the phenomenon of undocumented citizens? These are all questions that require further research. Perhaps a good place to start looking for theoretical insights that can help us answer them would be the comparative literature on state-building. Authors such as Tilly (1985), Migdal (1988), Herbst (1990), Centeno (2002), Wimmer (2002), or Slater (2010), to name a few, offer important observations as to why some states have developed greater administrative capacity than others, and how processes of state-building and nation-building intersect.

At the same time, it would be a mistake to try to answer these questions by just looking at the documentation policies of particular countries in isolation, without regard to the international networks in which domestic actors are often embedded. In this regard, it is also necessary to better understand why some international organizations such as UNICEF developed an interest in birth registration and identity documents, and why they have managed to influence documentation policies in some countries more than in others. In other words, it is crucial to comparatively study the interplay between the international, the national, and even the local, when consequential subnational variations in documentation exist. The literature on international diffusion processes, and on the role of intergovernmental organizations and NGOs in the spread of ideas and norms is a good place to start. The works of Hall and his collaborators (1989), Haas (1992), Keck and Sicking (1998), Barnett and Finnemore (2004), and Simmons, Dobbin, and Garrett (2006), among others, come to mind.

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