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The politics of hyperregulation in La Paz, Bolivia: Speculative peri-urban development in a context of unresolved municipal boundary conflicts

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Abstract

In Bolivia, urbanisation increasingly takes place in peri-urban settings situated outside the boundaries of cities. Unlike previous research that considers peri-urban developments such as rural-to-urban land use transitions to be characterised by state absence and little regulation and planning, this article demonstrates that such developments occur precisely because of the presence of particular multi-scalar governance configurations. Drawing on case study material from peri-urban La Paz, the article demonstrates how legislative reforms by Bolivia's national government on decentralisation and municipal delineation, which failed to establish clear jurisdictional boundaries, create a situation of hyperregulation whereby multiple local authorities claim political control over the same territory by deploying distinct and at times conflicting, legal and planning frameworks. While hyperregulation enables a loose coalition of elite actors, including government authorities, resident leaders of peri-urban settlements and private sector representatives, to advance specific political and socio-economic interests, it puts ordinary residents in a situation of permanent uncertainty. The article contributes to and further nuances conceptual debates on calculated informality which uncover how states deliberately create legally ambiguous systems to facilitate speculative urban developments. Unlike previous studies which highlight that this is mainly achieved through state engineering, and particularly by suspending or violating the law, this article demonstrates that legal ambiguity and irregularity can also be generated through multi-scalar governance configurations that (1) involve a number of elite actors, including state authorities but also private sector and civil society representatives and (2) create a situation in which different regulatory systems co-exist without coordination.

Keywords

Bolivia, hyperregulation, La Paz, legal ambiguity, peri-urban spaces

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摘要

在玻利维亚，城市化越来越多地发生在城市边界之外的城郊地区。此前的研究认为城郊开发（如由乡村到城市用地的过渡）的特点是缺乏政府监管和规划，而本文则不同，我们证明，这种开发正是因为存在特定的多标量治理配置而发生的。本文借鉴拉巴斯 (La Paz) 郊区的案例研究材料，展示了玻利维亚政府权力下放和市政划界的立法改革（未能建立清晰的管辖权边界）如何造成了一种过度监管的局面，即多个地方当局通过部署不同的、有时相互冲突的法律和规划框架，声称对同一区域拥有政治控制权。尽管过度监管使精英行为者（包括政府当局、城郊住区居民领袖和私营部门代表）的松散联盟能够实现具体的政治和社会经济利益，但它使普通居民处于长期不确定的境地。本文推进关于“经过算计的非正规性”的讨论并使之精细化，揭示了国家如何故意创造法律上模糊的系统，以促进投机性的城市发展。以前的研究强调这主要是通过政府策划实现的，特别是通过暂停或违反法律实现的，与此不同的是，本文证明法律的模糊性和不规范性也可以通过多标量的治理配置产生，这些治理配置 (1) 涉及许多精英行为者，包括国家当局，但也包括私营部门和民间社会的代表，以及 (2) 创造了一种不同监管体系共存却不相互协调的局面。

关键词

玻利维亚、过度监管、拉巴斯 (La Paz)、法律模糊、城郊空间

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Introduction

Across the globe, urban spaces are emerging outside the conventional boundaries of cities, including in places associated with rurality, tradition and nature (Brenner and Schmid, 2015; Monte-Mór, 2005). This is also the case in Bolivia, which represents the empirical focus of this article. In recent decades, Bolivia experienced rapid urban restructuring¹ and processes such as urban expansion have contributed to the emergence of peri-urban spaces characterised, following Allen (2003: 136), ‘by either the loss of ‘rural’ aspects (loss of fertile soil, agricultural land, natural landscape, etc.) or the lack of ‘urban’ attributes (low density, lack of accessibility, lack of services and infrastructure, etc.)’. Confirming trends noted for the wider Latin American region (Riofrío, 2003; Sandia Rondón, 2009; Ziccardi, 2020), existing research on Bolivia often depicts peripheral settlements as self-made by the urban poor and refers to peri-urban developments such

as rural-to-urban land conversions and urban infrastructure provision as informal, irregular and subject to little or no planning and government regulation (Blanco Cazas, 2017; Perales Miranda, 2011). One solution to this issue, as emphasised in the New Urban Agenda, is to formalise, control and better regulate emerging urban spaces (UN-Habitat, 2016: article 69).

By now, there exists a rich literature on *what could be done* in terms of technical governance and planning solutions, including calls to establish urban regions (Simon, 2008), metropolitan governance regimes (Heinrichs et al., 2009) or area-based management (Beall et al., 2015). Others call for efforts to redefine city boundaries to incorporate peri-urban spaces within conventional city limits (Angel et al., 2011; Razin and Greg, 2017). Evidence from Bolivia, however, suggests that such technical solutions are rarely taken up and often not desired by government authorities and other actors operating in peri-urban spaces (Achi,

2011; Urquizo Huici, 2017). Instead of developing ideas on *what could be done* to better regulate peri-urban developments, more attention needs to be paid to *actually existing* governance arrangements and the different interests and political priorities of a diversity of actors operating in these settings. This article addresses this knowledge gap.

Drawing on peri-urban neighbourhoods situated in La Paz as an illustrative case study (see section two), the article demonstrates that peri-urban developments do not occur because of a lack of government regulation and planning, as claimed by previous research on Latin America in general and Bolivia in particular, but because of the presence of a specific multi-scalar governance configuration.² As revealed in section three, local governance arrangements in peri-urban spaces must be understood in relation to decentralisation and municipal delineation reforms by Bolivia's national government that introduce different competencies for rural and urban jurisdictions but fail to establish clear boundaries between these local jurisdictions.

It is argued that normative uncertainty around municipal boundary delineation contributes to the production of hyperregulated peri-urban spaces. Building on previous research on legal pluralism and overlapping territories (Agnew and Oslander, 2010; Griffiths, 1986; Lombard, 2016; von Benda-Beckmann, 2002), hyperregulation is defined in section four as the excessive regulation of peri-urban spaces characterised by unresolved municipal boundary conflicts in which local authorities representing different rural and urban jurisdictions mobilise distinct political agendas and draw on, often contradictory and conflicting, regulatory and planning regimes.

Section five demonstrates some of the underlying reasons for why hyperregulation represents a preferred governance option for

a loose coalition of elite actors comprised of government authorities, resident leaders of peri-urban settlements and private sector representatives. At the level of government, elite actors predominantly include authorities from the municipalities of Palca (controlled by the political party Movement for Socialism (MAS), also in charge of the national government, and following legislation on developments in rural areas and indigenous territories) and La Paz (controlled by an opposition party and following urban regulations and planning guidelines). These local authorities benefit from arrangements of hyperregulation as it allows them, among other issues, to expand the territorial reach of their jurisdiction, grow their electoral support base through protecting existing or issuing new title deeds as well as providing public infrastructure, and generate additional revenues through taxation, service delivery charges and building permits.

In addition to government authorities, it is particularly local community leaders, especially those representing indigenous residents (referred to here as *comuneros*) who lived and obtained tenure rights in the area prior to urban expansion, that benefit from hyperregulation. Local leaders engage in a number of speculative land developments³ in peri-urban La Paz, including plot-by-plot rural-to-urban land conversions (referred to as *loteamiento* in Bolivia), the sale of land to construction and mining companies and selectively holding on to land as value reserve. Local leaders deliberately generate an insecure land purchase scenario in peri-urban La Paz. For example, they tend to sell a plot by issuing a purchase note (*minuta de compra*) while holding onto their original title deed. While this creates a situation of tenure insecurity and permanent uncertainty especially for ordinary residents who lack relevant political connections and legal know-how, local leaders use the *minuta de compra* arrangement to their personal

advantage. Holding on to the original title deed enables local leaders to displace buyers and/or resell plots to others; it also places them as intermediators between local residents (who often lack tenure rights) and different entities of the state (who consider tenure rights as basis for the provision of services). In their role as intermediaries they effectively become, to borrow from Anand (2011), functional administrators of peri-urban spaces. In this position, local leaders take advantage of hyperregulation. They make the best use of, both, urban and rural regulatory systems by establishing connections with La Paz and Palca and tactically manoeuvring between the political agendas of these local governments.

The analysis presented in this article contributes to and further nuances conceptual work in urban studies on calculated informality that explores how states deliberately create legally ambiguous systems that allow for the selective suspension or violation of existing laws or planning regulations to facilitate speculative urban developments (Fawaz, 2017; Goldstein, 2016; Roy, 2009; Yiftachel, 2006). The findings from peri-urban La Paz presented in this article, however, point towards a slightly different trend. Here regulatory systems are not necessarily suspended, bypassed or violated but encouraged to co-exist without coordination, leading to incoherence in local policy and planning interventions. It is argued that such a situation of hyperregulation can equally enable speculative developments in emerging urban places. The analysis presented in this article further points out the need to go beyond state attempts to create 'organised disorder' and, instead, to pay more attention to how, through a series of loose coalitions and interactions, elite actors operating within and beyond the state manage to exploit the legal ambiguity generated by hyperregulation.

Case study and methodology

This article is positioned within and informed by debates on 'Southern urban theory' which challenge universalist accounts and emphasise the need to generate context-relevant theoretical and practical knowledge from a particular urban place (Bhan, 2019; Watson, 2009). Deploying a qualitative, single case study approach, this article focuses on one such place – peri-urban La Paz in Bolivia – to examine how legislation on decentralisation without clear municipal boundary delineation leads to hyperregulation and how the latter can be mobilised by a loose coalition of elite actors.

La Paz represents an illustrative case because of its unique position as seat of Bolivia's national government, which enabled access to officials involved in the ratification and implementation of legislation on decentralisation and municipal boundary delineation. In addition, multiple peri-urban land conflicts unfold in La Paz. Since the 1960s, La Paz has more than doubled in physical and population size (Arbona and Kohl, 2004; Horn, 2019), absorbing rural communities inhabited predominantly by indigenous peoples (referred to here as *comuneros*) of Aymara descent. Urban expansion has politico-administrative implications as rural-to-urban land use changes occur in territories claimed by different local governments. These include the municipal government of La Paz but also municipal governments of surrounding rural areas such as Mecapaca and Palca. Palca expresses by far the most significant territorial claim, considering approximately 36,000 hectares of peri-urban land (home to 82,000 residents) in Southern La Paz as part of its jurisdiction. It is for this reason that this article focuses on peri-urban neighbourhoods in Southern La Paz – namely, Achumani, Calacoto, Chasquipampa and Ovejuyo –

that are claimed by both La Paz and Palca. Peri-urban neighbourhoods in Southern La Paz, hence, represent an illustrative case study to explore the implications of national legislation on decentralisation and delineation for local governance and planning.

Qualitative fieldwork was carried out in La Paz for 5 months in 2012, 3 months in 2016 and 2 weeks in 2018. This involved content analysis of relevant national legislation on decentralisation and delineation as well as local policy and planning documents by the municipalities of La Paz and Palca. A total of 38 semi-structured interviews were carried out with senior policy makers, government officials and planners in Bolivia's national government, the municipal governments of La Paz and Palca, and residents and private developers operating in peri-urban neighbourhoods affected by municipal boundary conflicts. Interviews were designed to open discussions on how different actors seek to advance their political agenda, engage in land and other socio-economic transactions and meet their day-to-day needs, thereby providing insights on the unfolding of hyperregulation.

Municipalisation without clear jurisdictional boundaries

Urban governance shifted significantly throughout the last five decades as national governments transferred regulatory and planning competencies to local governments (Gilbert, 2006). Decentralisation reforms, such as Bolivia's 1994 Law of Popular Participation (LPP), played a particularly important role in triggering such changes (Beard et al., 2008). This section offers a review of these decentralisation reforms, paying particular attention to associated processes of local territorial restructuring without clear delineation – a key enabling factor for hyperregulation.

The LPP defined the competencies of municipal governments, allowing local authorities to charge for the registration of plots, building permissions and service provision while enhancing their responsibility for local planning and the delivery and maintenance of public infrastructure and services (Faguet, 2012). The LPP also outlined guidelines for the establishment of civic oversight committees and introduced a participatory planning model whereby municipal authorities should work collaboratively with local grassroots organisations (in Spanish: *organización territorial de base* – OTB) to elaborate local infrastructure interventions. Like many planning systems across the world (Allen, 2003), the LPP is guided by a rural-urban dichotomy and outlines distinct criteria for rural and urban areas (Antequera Durán, 2011). Rural jurisdictions are supposed to follow national legislation on rural development, including the 1953 Agrarian Reform Law and the 1996 Agrarian Reform Law (in Spanish: Ley INRA), as well as apply indigenous rights outlined in article 30.1 of Bolivia's 2009 constitution, including rights to collective tenure, prior consultation and autonomy. In contrast, urban jurisdictions follow national legislation on urban development, including the 1956 Law of Urban Reform and the 2012 Law to Regulate Property Rights over Urban Estates and Housing, which focus on the provision of universal rights and services. Present-day rural-urban dichotomies reproduce historically established racialised and colonial imaginaries of cities as planned, modern spaces home to 'whites' or people of 'mixed blood' who are granted citizenship and access to universal (individual) rights, and rural areas as unplanned spaces home to indigenous peoples who are denied citizenship status but granted relative autonomy over collective matters⁴ (Antequera Durán, 2011; Horn, 2019). As discussed in subsequent sections, the ongoing presence of such a rural-urban

dichotomy is problematic particularly in peri-urban places where rural and urban governance arrangements overlap, leading to legal ambiguities and political tensions between different social groups.

The LPP enhanced citizen empowerment, participation and access to basic services (Faguet, 2012). However, implementation of decentralisation reforms was slower than anticipated. The most commonly cited factors explaining implementation gaps are: (1) the prevalence of ineffective and weak local government institutions; (2) lack of capacity among local authorities; and (3) lack of political will among the authorities in charge of local government (Kohl and Farthing, 2006; Medeiros, 2001).

Less attention has so far been paid towards the territorial restructuring processes accompanying the LPP. Decentralisation reforms require careful thinking about the establishment of jurisdictional boundaries which spatially restrict the reach of fiscal, policy and planning interventions by local governments (Beard et al., 2008; Razin and Greg, 2017). In Bolivia, territorial restructuring occurred through municipalisation. Previously existing local jurisdictions, such as major cities like La Paz, El Alto, Cochabamba, Sucre, Potosi, Santa Cruz and Tarija, were expanded to include new suburbs and surrounding vacant land (Faguet, 2012). Government authorities, hence, recognised urbanisation trends affecting the country's major cities and, in line with principles of urban sprawl (Angel et al., 2011), decided to leave room for urban expansion by establishing generous municipal boundaries. In addition, 198 new municipalities were created from scratch, leading to the emergence of a total of 336 municipalities (Faguet, 2012; Tomaselli, 2015).

Territorial restructuring, however, occurred without establishing clearly defined boundaries between local jurisdictions. In La Paz, for example, territorial restructuring

was implemented as part of national law 1669 in 1995, which declares that the municipality comprises not only of La Paz city but also adjacent sparsely inhabited territories of Hampaturi and Zongo – areas that are currently considered urban expansion sites. Law 1669 also established the municipality of Palca which comprises predominantly rural areas. Coordinates that establish precise municipal boundaries between these jurisdictions have not been provided. When asked about this issue, authorities in Bolivia's Ministry of Autonomies, currently responsible for administering decentralisation and devolution, highlighted that government staff lacked technical capacity to undertake boundary lineation in the 1990s. Cartographic material issued by the National Institute of Statistics and the Institute of Military Geography, therefore, declare that municipal boundaries only have provisional but not legally binding status.

Legislative reforms by Bolivia's national government so far failed to resolve municipal boundary conflicts. A first attempt towards delineation was made in 2000 through the Law of Administrative Political Units (LAPU). Procedural guidelines outlined by the LAPU follow what Razin and Greg (2017) refer to as municipal determination, a situation whereby local authorities can annex land in line with national government guidelines. The annexation process must be initiated through application by one municipal government. Neighbouring municipalities affected by this application must then be consulted. Municipal boundaries can only be approved by the national government once all affected municipalities reach consensus. Nearly all municipalities in Bolivia – including Palca in the context of peri-urban La Paz – have applied using LAPU procedures. However, most applications remain gridlocked in the consultation stage due to conflicting territorial demands and a failure to reach consensus.

To address problems of the LAPU, Bolivia's national government led by former President Evo Morales introduced a new law on delineation – the 2013 Law on Delineation of Territorial Units (LDTU). Like the LAPU, the LDTU process needs to be initiated by one municipal government. To avoid gridlock in the consultation stage, the LDTU sets an 18-month time frame for completion of delineation and introduces principles of popular determination whereby final decisions on boundary changes are subject to referendum by residents affected by annexation. To date, only 17 municipal governments resolved boundary conflicts following LDTU guidelines and, in total, only 25 (7%) out of now 336 municipalities have officially recognised boundaries (Tomaselli, 2015). Several problems, hence, remain prevalent and explain a backlog. Most municipal governments opted against the initiation of the LDTU process. This is because the LDTU does not automatically replace LAPU procedures but both legislative options co-exist. While first-time delineation applicants must follow LDTU guidelines, municipalities that previously initiated an application under the LAPU are permitted to continue with this process and often remain gridlocked in the consultation stage.

Calculated informality Bolivia style: The politics of hyperregulation

What are the underlying political motivations for maintaining municipal boundary conflicts? What are the associated implications for the governance and planning of peri-urban spaces? A senior official in Bolivia's Ministry of Autonomies provided some tentative answers to these questions:

Places affected by boundary conflicts are lucrative sites. Here, most of our country's

urban development happens. A situation with unclear municipal boundaries provides flexibility for urban development to happen. For this reason, we face a lot of resistance to resolve boundary conflicts, including by people within our own national government. Basically, if you have boundary conflicts, you have different municipalities who are active in the same area and this is of benefit for some influential people. What one local authority declares illegal is declared legal by the next as all compete over resources and political control. This creates winners and losers. Most people lose out because they do not know how the system works and they lack influential contacts. But some, especially *loteadores* [a term used in Bolivia to refer to actors involved in plot-by-plot rural-to-urban land conversions], know the laws and different procedures by distinct government authorities. This legal know-how provides them with opportunities, for example to undertake land conversions. The people involved in such transactions have political weight, and they have an interest in the continuation of boundary conflicts. For this reason, there is no serious attempt to resolve these conflicts (Interview, 22 November 2016).

The processes described in this testimony challenge previous research in Latin America in general (Riofrío, 2003; Ziccardi, 2020), and Bolivia in particular (Blanco Cazas, 2017; Perales Miranda, 2011), which considers that developments in peri-urban spaces are characterised by the absence of government regulation and planning. Instead of state absence, it is argued here that developments in peri-urban spaces in Bolivia occur in contexts where different entities of the state are present. In particular, the Bolivia case allows for an analysis of the specific multi-scalar governance configurations, namely the introduction of national government legislation that seems to be deliberately engineered to allow local governments to remain gridlocked in municipal boundary conflicts, thereby generating a

situation in which multiple local jurisdictions, who follow distinct urban and rural regulatory and planning frameworks, exercise political control within the same peri-urban space. It is this situation that is referred to here as hyperregulation.

The analysis of hyperregulation presented in this article is positioned within, and further nuances, conceptual debates on calculated informality, a situation that ‘involves purposive planning and action and one where the seeming withdrawal of regulatory power creates a logic of resource allocation, accumulation and authority’ (Roy, 2009: 80). Previous urban research, for example, deploys a calculated informality perspective to highlight how planning authorities in Israel selectively apply land regulations to ‘whiten’ occupation practices by Jewish settlers while ‘darkening’ nomadic land-use patterns by indigenous Bedouins (Yiftachel, 2006), or how local authorities in Beirut, Lebanon issue exceptions for real estate developers (Fawaz, 2017). In Bolivia, a calculated informality perspective has to date only been applied by urban anthropologist Goldstein (2016) in his study on deliberate state neglect of informal market traders, and especially street vendors, operating in Cochabamba’s informal market ‘La Cancha’. Goldstein (2016: 7) identified a dynamic of state-organised disorder which he refers to as *disregulation* – a scenario whereby the ‘market’s chaos (like that of other neglected spaces, including poor urban neighbourhoods) is to a large degree engineered’ by the state who ‘administers its own preferred forms of regulation while ignoring others’.

Hyperregulation shares with other findings on calculated informality that it can be considered, to paraphrase Goldstein (2016: 7), as ‘*organised disorder* that is the result of the state’s presence rather than its absence’. But hyperregulation also differs from other articulations of calculated informality.

Contrary to a situation of state withdrawal, exceptionalism or *disregulation*, hyperregulation leads to a situation where different jurisdictions overlap – something Agnew and Oslender (2010) refer to as ‘overlapping territories’ and which has been noted also for other Latin American peri-urban settings (Lombard, 2016). Such a situation leads to the co-existence of distinct legal and planning regimes without clear coordination – a situation also often referred to as legal pluralism (Griffiths, 1986; von Benda-Beckmann, 2002) – that offer multiple, and at times contradictory and conflicting, pathways on how to govern, manage and plan places in urban transition. Hyperregulation can be a short-term phenomenon that occurs when legal regimes fade-in – for example, when urban land regimes are introduced in rural settings or when colonial regimes introduce new rules on colonised territory – while others disappear (von Benda-Beckmann and von Benda-Beckmann, 2014). In Bolivia, however, hyperregulation seems to be deliberately maintained through unresolved municipal boundary conflicts and represents a long-term phenomenon that has prevailed since the mid-1990s. Finally, unlike previous research which emphasised the key role of the state in creating and mobilising calculated informality, the findings presented in subsequent sections reveal that hyperregulation not only unfolds through state practices but through interactions of a loose coalition of members of the public, private and civil society sectors.

Hyperregulation in practice: The case of peri-urban La Paz

This section reveals how hyperregulation unfolds in practice through the implementation of different approaches to planning and governance by distinct local authorities operating within the same area. It also discusses how a loose coalition of elite actors make

strategic use of this situation to advance specific political and socio-economic interests.

Using hyperregulation to gain political control

The municipal governments of La Paz and Palca both operate within peri-urban neighbourhoods in Southern La Paz. In line with established rural-urban dichotomies outlined in section three, both municipalities strategically draw on distinct approaches to expand their political influence in disputed territories, engage in vote-seeking practices and increase revenues through charging, among other issues, for services and building permits.

The municipal government of La Paz follows an urban development approach, thereby presuming that these peri-urban places are in transition towards urban modernity while failing to cater to more rural elements. La Paz mainly engages in these areas through zoning and land use planning activities. For example, in 2011 the municipal government released an integrated land use plan for the peri-urban neighbourhood of Ovejuyo which divided this area into residential, business, protected and high-risk zones. La Paz's municipal charter (*Carta Organica*) ratified in 2012 as well as the municipal government's integrated development plan (*Plan 2040*) valid from 2015 to 2040 further emphasise the need to register occupied plots within peri-urban neighbourhoods; this is considered to be a precondition for the provision of services and public infrastructure (Horn, 2019). When registering plots of land and issuing title deeds, La Paz follows the 2012 Law to Regulate Property Rights over Urban Estates and Housing which only recognises individual tenure within urban conglomerations.

To implement the above-mentioned plans, La Paz introduced a municipal boundary fund that provides local district

authorities operating in peri-urban neighbourhoods with an additional annual budget of USD \$1.9 million. Between 2012 and 2016, district authorities in La Paz's Southern Zone granted tenure rights to 55% of households in Ovejuyo and more than 80% of households in Achumani, Cota Cota and Chasquipampa. Aligning with the 1994 LPP, district authorities also undertook annual participatory budgeting activities with neighbourhood associations, leading to the implementation of 150 road and public infrastructure improvement schemes in peri-urban neighbourhoods between 2012 and 2019. While municipal officials highlighted that these interventions mainly address basic needs of residents, a senior civil servant in La Paz's territorial planning unit provided an additional justification:

Through our interventions in these areas we increase our political influence. By providing residents with tenure rights we hope to gain new constituents who vote for us in elections and in case of a referendum around jurisdictional boundaries' (Interview, 10 December 2012).

Such interventions, hence, also represent a deliberate mechanism to deepen political control within disputed territories, confirming previous research that highlights infrastructure politics (referred to as *obrisimo* in Bolivia) as a common clientelist practice mobilised by national and local government authorities in Bolivia to gain political support prior to elections (Lazar, 2004).

The municipal government of Palca follows a distinct governance approach. Differences in approaches are understandable, especially when contrasting the unique characteristics of Palca to those of La Paz. In addition to disputed peri-urban areas, Palca's jurisdiction mainly contains rural areas inhabited primarily by indigenous peoples. Unlike La Paz, where the political party Movement Without Fear (MSM) holds a majority, Palca's municipal council

is controlled by the Movement for Socialism (MAS) – a political party with stronger ties to the country's peasant and indigenous movements and also in control of Bolivia's current national government. In contrast to La Paz, which represents one of Bolivia's wealthiest municipal governments, Palca's municipal government is under-resourced, employing less than 100 members of staff and relying on an annual budget of approximately USD \$5 million. Lacking human and financial resources, Palca struggles to provide basic services to residents. According to a World Vision (2012) study, 98.7% of Palca's rural residents lack access to basic physical and socio-economic infrastructure such as paved roads, water or sanitation.

A core objective of the municipality of Palca, hence, is to increase political influence in more populated peri-urban areas and generate revenues through collecting taxes and building permit charges. A senior civil servant working in the municipality explained this as follows:

We lack resources because La Paz is stealing our land. (...) By regaining political control over this area [referring to peri-urban neighbourhoods in Southern La Paz], we can increase our budget (Interview, 17 January 2013).

To substantiate its influence, Palca respects tenure rights of indigenous *comuneros* but also issues permissions for land subdivisions as well as construction permits not only to *comuneros* but also to private enterprises interested in investing in the area. Unlike La Paz, however, Palca's municipal government does not draw on an integrated development plan nor on land use plans. This reflects wider trends noted in Bolivia where smaller rural municipalities are often reported to fail to apply planning mechanisms introduced by the national government due a lack of experience and limited capacity (Kohl, 2003).

Lacking a clear spatial planning framework, Palca tends to issue permissions to develop land in areas otherwise declared as protected and grants more flexible building permissions, often ignoring building standards and height restrictions outlined by La Paz's municipal government.

In contrast to La Paz which only recognises individual tenure, Palca follows a rural development framework for peri-urban areas and recognises collective tenure rights, particularly for indigenous *comuneros* who used to inhabit these lands prior to urbanisation. Staff in Palca's municipality referred to relevant national government legislation, including the 1953 Agrarian Reform Decree and Bolivia's 2009 constitution, to justify this land management approach. Following reforms linked to the 1953 Agrarian Reform Decree, *ex-hacienda*⁵ lands were redistributed to indigenous peasant families. Interviews with *comuneros* in Chasquipampa and Ovejuyo revealed that local families received approximately three hectares of agricultural land per household. They were also granted collective rights to manage common land. Palca recognises these tenure rights up until the present. In addition, and building on article 30.1 of Bolivia's 2009 constitution which outlines specific indigenous rights (see section 3), Palca grants *comuneros* the right to self-govern their territories and to be consulted about interventions taking place on their lands. According to a senior official from Palca, respecting indigenous rights also represents a vote-seeking strategy as it serves to maintain 'a support base among original residents of this territory' (Interview, 17 November 2016). At the same time, though, as evident in the below testimony by the mayor of Palca, the promotion of an indigenous rights-based approach also has more pragmatic reasons:

Brother Evo [referring to former President Evo Morales] and his government clearly say

in the constitution that our indigenous original peasants can govern themselves according to their own principles. This is what we allow our residents to do in our municipality. What else should we do? The few people that work in the municipality do not have the resources to exercise control (Interview, 18 January 2013).

Political control within the same peri-urban area is, as suggested in the above testimony, exercised not only by local government authorities from La Paz and Palca but also by actors operating outside the state such as indigenous *comuneros*. The next section explores in further detail how non-state actors benefit from hyperregulation to advance their own interests.

The winners and losers of hyperregulation

In addition to local government authorities, other elite actors, including first and foremost resident leaders representing *comuneros* but also private sector representatives, take advantage of hyperregulation. Local leaders tend to form part of, both, indigenous peasant unions that interact with Palca and neighbourhood associations that interact with La Paz, and they are aware of the different governance approaches promoted by these municipalities. This is evident in a testimony of a *comunero* leader from Ovejuyo:

When in the municipality of La Paz, we need to talk urban politics. In La Paz it is about individual tenure rights and services for new plots. When in the municipality of Palca, we talk about collective indigenous rights (Interview, 29 March 2018).

Crucially, as evidenced below, local leaders strategically manoeuvre between the political agendas and governance approaches of both municipalities to advance their own interests.

A key interest shared by many local leaders is to profit from rural-to-urban land conversions. To achieve this, local leaders often

engage in processes that resemble what Karaman et al. (2020: 1125) define as plotting – the ‘subdivision of land into individual plots with fragmented ownership or entitlement’ through a ‘piecemeal plot-by-plot pattern of urbanisation’. Plotting (referred to as *loteamiento* in Bolivia) in peri-urban La Paz can be summarised through Francisco’s story, a *comunero* leader and *loteador* (a person engaged in plotting), member of a peasant union in Ovejuyo and of a neighbourhood association in Chasquipampa. Francisco’s family previously owned two large plots of agricultural land in Chasquipampa and Ovejuyo, both registered by Palca. In the early 1990s, Francisco and his brother sold parts of their land in Chasquipampa to incoming migrants who self-constructed houses. Buyers only received a confirmation of payment (in Spanish: *minuta de compra*) while Francisco held onto the original title deed issued by Palca and negotiated with this municipal government on behalf of his buyers to obtain building permits. In the meantime, Francisco noted that buyers obtained individual tenure rights from La Paz and negotiated access to road infrastructure and basic services such as water and electricity from this municipality. He claimed that, because of these interventions, land prices tripled from USD \$15/m² in the early 1990s to USD \$45/m² in the early 2000s. This encouraged him to further subdivide his agricultural land in Chasquipampa. This time, with support from friends in a construction company, he constructed 20 houses which were subsequently put out for rent. At this stage, Francisco – through his involvement in the local neighbourhood association – negotiated directly with La Paz to secure individual tenure rights and apply for the expansion of services to new houses. In recent years, he engaged in similar process of plot-by-plot urbanisation on his agricultural land in Ovejuyo, stating that ‘making

use of what Palca and La Paz have to offer is key for these land deals' (Interview, 29 March 2018). Most *comunero* leaders approached for this research alluded to being involved in similar practices of plot-by-plot urbanisation which require them to carefully manoeuvre between municipal authorities in Palca – who grant subdivisions and provide construction permits – and La Paz – who issue individual tenure and urban services for new developments.

While such transactions benefit *comunero* leaders with larger landholdings, ordinary residents who rent or purchase plots of land, often only receiving a *minuta de compra* for the latter, are left in a precarious situation. Some residents reported that *comuneros* simultaneously sell plots or rent out housing units to multiple people. Tenure insecurity also remains a concern for those residents who secured tenure from La Paz as *comunero* landowners keep hold of their original title deed registered with Palca. The below testimony of Maria, who migrated to Ovejuyo from a rural community near Bolivia's Lake Titicaca, illustrates how residents cope with conflicts around tenure and plot occupation:

In 1998 we started the complex bureaucratic journey of applying for a land title. We received some support from the local neighbourhood association. It took us two years to fulfil all the bureaucratic formalities to eventually receive a land title from La Paz. In 2002 a person who identified himself as *ex-comunero* from Ovejuyo knocked on our door and claimed that the plot belonged to him. He proved that he owned this land by showing us an authorised land title from Palca. We closed our door so that he could not enter. From that moment onward, to avoid that the *comunero* takes over what he considers to be his plot, I make sure that our house is always occupied. The *comunero* returned to our house a few more times but so far, I prevented him from taking over our plot. (Personal communication, 7 December 2012).

Ordinary residents are, hence, not passive victims but, like the urban majority living in peripheral settlements in Latin America (Caldeira, 2017), they do their best to stay put, relying mainly on tactics of occupation, self-help and self-defence.

In addition to plotting practices of locals *comuneros*, more large-scale developments – promoted by non-resident private enterprises – are also underway in peri-urban La Paz. According to data received from La Paz's planning secretary, between June 2015 and June 2016 alone, 272 illicit land developments covering an area of approximately 19,500 hectares took place in areas affected by municipal boundary conflicts. Most of these developments occurred in areas declared as environmentally protected zones by La Paz and/or on lands owned by *comuneros*. Illicit land developments include, among others, terracing work (in Spanish: *terraceo*) undertaken by construction companies who, through dynamite explosions, flatten larger areas in mountainous terrain to facilitate housing developments. As widely reported in local media, dynamite explosions are felt throughout adjacent neighbourhoods where residents often report the destruction of windows and brick material. Terracing also contributes to the erosion of land as well as to an increase in landslides. In addition, local residents reported that mining companies extract and load sand, gravel, grit and other materials from local riverbeds situated in areas declared as environmentally protected zones by La Paz to produce concrete that can be used for local housing developments.

According to a councillor from La Paz, not much can be done to stop such practices as they are rendered legal by Palca, the national government or *comunero* leaders:

The boundary problem stops us from acting. All these companies can legitimise their

practices by showing authorisations from Palca or from local indigenous leaders. More recently a company even had an official authorisation from the Ministry of Defence to undertake dynamite explosions. What seems illegal from our perspective, is declared legal by others and once the developments are underway it is hard to stop them. It is also hard to evict people from illicit housing developments as this is an unpopular measure. So, instead, and to build relationships with locals, we identify ways to work with them (Interview, 22 November 2016).

This testimony, hence, describes a cycle of peri-urban development activities and how these are facilitated by a loose coalition of elite actors operating in a context of hyperregulation. Palca issues permissions for land and housing developments as well as resource extraction activities on territories declared as environmentally protected zones by La Paz. When asked about the legal basis for such activities, Palca's mayor cited Bolivia's Law 3425, which declares municipal governments responsible for regulating resource extraction activities, or highlighted that these developments take place on lands of *comuneros* and that their authorities should allow or prohibit such interventions. *Comunero* leaders generally supported terracing and mining activities as is evident in this testimony by Pedro, *comunero* and peasant union leader from Chasquipampa:

We have the right to control what happens on our land. So, when a company wants to do something on our land, I start negotiating with them. If the payment is right, I allow them to do activities on my land. This is how we do politics here (Interview, 18 November 2016).

Once developments unfold, private companies or affected residents often approach La Paz to claim access to urban services (in case of housing developments) or relocation (in

case of landslides caused by dynamite explosions). Local authorities from La Paz generally seem to respond positively to these demands, avoiding political conflict and instead seeking to expand their own electoral support base.

Discussion and conclusion

Unlike previous research which highlights that peri-urban developments in Latin America, and particularly in Bolivia, are characterised by state *absence* and a lack of regulation and planning, this article demonstrated that such developments occur precisely because of the *presence* of particular multi-scalar governance configurations. Focusing on peri-urban La Paz, the article revealed how national legislation on decentralisation and delineation, which fails to establish clear guidelines around jurisdictional boundaries, leads to a situation of hyperregulation whereby multiple local authorities claim political control over the same territory by deploying distinct, and at times conflicting, regulatory and planning frameworks. This contributes to incoherencies within policy domains such as land management, housing or environmental protection.

Evidence from peri-urban La Paz suggests that hyperregulation enables a loose coalition of elite actors, including government authorities but also private sector representatives and local resident leaders, to advance specific political and socio-economic interests. Government authorities benefit from hyperregulation as it enables them to expand their territorial reach, grow their electoral support base prior to local elections and generate additional revenues. Private sector representatives and especially resident leaders, who represent landowning *comuneros* and act as local intermediaries between residents and different entities of the state, make use

of hyperregulation to engage in speculative peri-urban land developments. These include rural-to-urban land conversions on a plot-by-plot basis (confirming trends observed elsewhere by Karaman et al., 2020), large-scale ‘terracing’ efforts, and mining activities occurring on land otherwise declared as environmentally protected zone. While serving elite interests, the article also outlines the adverse consequences of hyperregulation, including environmental degradation as well as tenure insecurity and displacement risks for ordinary residents. Such trends are by no means unique to peri-urban La Paz. Newspapers in Bolivia frequently report that boundary conflicts, which affect 311 (93 per cent of all) local jurisdictions, represent one of the main driving forces for irregular developments in the country.⁶ Further research could draw on and apply the concept of hyperregulation to make sense of development processes occurring elsewhere in Bolivia.

The article contributes to broader conceptual and policy debates around what Roy (2009) refers to as calculated informality, a situation that is generally considered to be the outcome of state engineering and achieved through processes of withdrawal, deregulation or exceptionalism. Confirming such trends, previous research by Goldstein (2016: 247) on informal market relations in Cochabamba highlights that calculated informality in Bolivia is produced through *disregulation*, defined as the arbitrary application of regulations by the state to generate a situation of ‘organised disorder’ which allows local authorities to ‘interpret their mission and enact it through practices that they develop in response to local exigencies and their own personal objectives’. The findings of this paper on hyperregulation nuance debates on calculated informality in two important ways. First, the article reveals that ‘organised disorder’ may not just be the

outcome of state withdrawal or *disregulation*. Instead, such a situation can also be created by allowing the uncoordinated co-existence of different regulatory and planning regimes. Second, this article highlights that calculated informality is not just the result of state engineering and, instead, more attention needs to be paid to how situations of ‘organised disorder’ are generated through multi-level governance arrangements that include elite actors associated with the state but also with the private sector and civil society. More research is required to better understand the multi-scalar governance configurations and the composition as well as motivations of different actors belonging to elite coalitions that shape overlapping governance regimes elsewhere in different politico-legal environments.

Finally, this article reveals how efforts to better manage and control peri-urban development processes (in this case through delineation reforms) are often ineffective and disappointing, though understandable when examined through the perspective of several elite actors. Even those actors who might be considered the ‘losers’ of hyperregulation (e.g. residents who lack tenure rights or who obtained tenure rights from La Paz for a plot that is also claimed by *comuneros* who still hold title deeds from Palca) could potentially be worse off in a situation of resolved boundary conflicts. For example, residents who obtained a title deed from La Paz would most likely lose their tenure rights in a situation where their land would be considered part of the jurisdiction of Palca. A conclusion from this article, then, is that any effort towards greater policy coherence in emerging urban places must embrace several different, and at times conflicting, interests. In peri-urban La Paz, and most likely elsewhere in Bolivia and the global South, this means departing from historically rooted rural-urban dichotomies; it also requires

adaptability and the ability to harmonise and promote coherence between heterogeneous ways of understanding and governing places in urban transition.

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Notes

1. Bolivia shifted from being a predominantly rural society in the early 1900s to an urban society. By 2019, approximately 70% of the country's population lived in cities. While containing only one major city – La Paz – in 1950, by 2012 Bolivia contained five major cities with more than 250,000 inhabitants as well as 27 intermediate towns with 20,000 to 250,000 inhabitants and 134 minor urban settlements with 2000 to 20,000 inhabitants (see Horn, 2018; Torrico Foronda, 2011).
2. By focusing on 'governance', and not 'government', this article recognises shifts towards 'good urban governance' that occurred across the globe since the 1990s and that require local governments to be more proactive in involving public, private and civil society actors in decision making processes (Pierre, 1999). By multi-scalar, the article refers to the

continuous rescaling of urban governance arrangements upwards (e.g. to institutions at higher levels such as national governments or international organisations), sideways (e.g. to other policy sectors) and downwards (e.g. to institutions and organisations at lower levels such as local enterprises or community-based organisations) and associated coordination efforts and power dynamics between actors involved in these processes (Jessop, 2009). A multi-scalar governance approach is considered valuable as it demonstrates how peri-urban spaces are shaped by a variety of actors with distinct levels of power and by processes and relations that always exceed their local geographical boundaries.

3. The speculative practices discussed here are not unique to peri-urban La Paz. According to Smolka (2003), in Latin American countries such as Bolivia, where social security systems are weak, land speculation is not exclusive to high-income areas and holding on and selling land represents an important value reserve and a popular means of capitalisation.
4. For a detailed overview on the often-conflicting use of ethno-racial categories such as indigeneity in current rural and urban politics in Bolivia, especially under the government led by former President Evo Morales, see Postero (2017).
5. Haciendas represented large landed estates in which labourers – often of indigenous descent – were directly employed by the hacienda owners (often representing non-indigenous peoples and sometimes descendants of the colonisers) and worked in semi-feudal conditions (see also Keith, 1971).
6. See for example: <https://www.lostiempos.com/actualidad/local/20160717/90-ciento-municipios-afrenta-problemas-limites> or <https://www.paginasiete.bo/ideas/2018/5/27/seis-problemas-emergen-causa-de-los-conflictos-por-limites-en-el-pais-181098.html>

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