

Report of the organizations of indigenous people of the Highlands and Low Lands of the Plurinational State of Bolivia for the Universal Periodic Review (EPU) 2019

1. The organizations of Indigenous People of Highlands and Lowlands, autonomously and self-organized and with the accompaniment of organizations defending Human Rights, (we) prepared this Report that assesses compliance with the recommendations to the Plurinational State of Bolivia in the 2014 EPU on the Human Rights of Indigenous People. We have made a broad reflection about our current situation in light of the recommendations and action of the State, identifying progress, regressions and raising pending challenges in the direction of progress in compliance with our rights in the recommendations, which we request take into account in the interactive dialogue between States.
2. **POVERTY (Recommendations 113.12 - 114.13 - 114.14 - 114.15 - 114.16 - 114.17 - 114.18)** In the 2000-2010 decade, the proportion of indigenous people living in conditions of moderate poverty in Bolivia decreased by 32%, extreme poverty by 38%, although the poverty gap between indigenous and non-indigenous people increased by 32%¹.
3. There is no data disaggregated by gender and ethnicity, therefore, public policies are not differentiated based on these criteria. There is no specific allocation of resources for programs that link poverty with indigenous people. The Development Fund of Indigenous People, First Nations and Peasant Communities (FONDIOC), was intervened by the Government, which feeds from the direct tax on hydrocarbons (IDH). The projects of this Fund are executed by the State, through municipalities, in projects that are defined by instances where indigenous organizations do not participate or benefit directly from said resources². Indigenous nations and people continue to live in poverty. Bureaucracy stops indigenous people from accessing financing and credits, banks request too many requirements keeping indigenous people from strengthening economy of the community.
4. **RECOMMENDATIONS TO THE STATE. - It is recommended that the State should develop statistics disaggregated by gender and ethnicity as well as implement differentiated policies based on these criteria. It must rethink the structure and the strategic lines of support of the Indigenous Fund, where indigenous organizations have participation in the destination of the funds, control and supervision for the eradication of poverty in their communities and territories, to strengthen the community economy.**
5. **EVIORMENT (Recommendations 113.13 - 114.29 - 114.125 - 114.131).** According to data from the Ministry of Environment and Water, in 2017 the budget

¹ World Bank, *Indigenous Latin America in the 21st century. First decade.* 2015. <https://openknowledge.worldbank.org/bitstream/handle/10986/23751/LatinoamOrica00XXI000primera0dOcada.pdf>

² <http://www.cejis.org/navegador-indigena-la-mirada-desde-las-comunidades/>

was increased³ so several actions have been implemented to guarantee potable water, basic sanitation, water resources, irrigation and storm drainage.⁴

6. The "Mi Agua" program is implemented for the benefit of those who show adherence to the governing party. This program does not provide water in sufficient quality or quantity. Oil exploration, infrastructure works (roads and dams), deforestation and extractive activities have increased in recent years, modifying and contaminating natural water sources and severely affecting the environment, contributing to the vulnerability of communities against Climate Change. Decrees D.S. 2298/15 on prior consultation in indigenous territories on hydrocarbon activities and the D.S. 2366/15 of May 20, which authorizes hydrocarbon activities in Protected Areas, which are regressive in that they have lowered the international national standards on indigenous consultation and environmental protection of Protected Areas⁵. This was the enactment of Law No. 969/17 of August 13, which authorized the construction of a highway through the center of the Isiboro Sécure Indigenous Territory and National Park. (TIPNIS), that violates the rights to the Environment of three indigenous communities of that territory,⁶ as well as the cases of the construction of the Rositas dams, the Bala-Chepete complex and the oil exploration in the Aguaragüe National Park and Tariquíá National Integrated Management Area⁷.
7. The use of water for mining activities has been declared a priority over human consumption in the Mining Law N. 535/14. The importation of pesticides has increased six fold since 2004 to almost 63 thousand tons of active ingredients per year (INE 2018). More than 70% of the 229 registered active ingredients are highly dangerous due to their acute or chronic toxicity to human health and the environment, which are associated with the authorization of genetically modified seed events, threatening health and the economy of the communities.⁸
8. **RECOMMENDATIONS TO THE STATE. - It is recommended to implement a Law that declares a national priority to integral treatment of the basins, the supply of potable water, irrigation and preservation of the natural reserves. It is suggested that projects on water supply should not be used as an instrument of political cooptation. Native Indigenous People and Nations demand the abrogation of the D.S. 2195/14, 2298/15 and 2366/15. It is required to repeal Law N° 969 of Protection, Integral and Sustainable Development of the TIPNIS. Make an exhaustive review of the results of the consultations carried out by**

³ <http://www.comunicacion.gob.bo/sites/default/files/media/publicaciones/BOLIVIA%202025%20-%2047-redes.pdf>

⁴ Ministry of Environment and Water, Public Accountability Initial Audience, 2018, http://www.mmaya.gob.bo/uploads/RENDICION_DE_INICIO_1_PRELIMINAR_A_PRESENTAR.pdf

⁵ CNAMIB (2017) *Rights of Indigenous Peoples Bolivia. Status report 2016*. IWGIA, NINA, ORÉ, Santa Cruz de la Sierra. Pages. 31-35 <http://cejis.org/bolivia-derechos-humanos-de-los-pueblos-indigenas-informe-de-situacion-2016/>

⁶ The Isiboro Sécure is a Bolivian national park of 10,920 square kilometers. It is estimated that it houses more than 3,000 species of plants and 850 fauna, with almost 470 types of birds (National Service of Protected Areas of Bolivia). Some 14,000 people, concentrated between 64 and 69 indigenous communities, inhabit the TIPNIS. A study of the Strategic Research Plan in Bolivia (PIEB) of 2010 concluded that the construction of the highway would cause the cutting of 500,000 trees and in 18 years would have generated the destruction of 65% of the surface of the territory.

⁷ <http://cejis.org/wp-content/uploads/2019/01/informe-tribunal-final-jan-7th-2019-word.pdf>

⁸Ulrike Bickel: Master's Thesis in Environmental Protection, 2018: Use of pesticides by family farmers in Bolivia. Impacts on health, ecosystems and the peasant economy. Agro ecological alternatives and conclusions to achieve an orientation toward greater sustainability. www.welt-ernaehrung.de/wp-content/uploads/2018/11/Plaguicidas-en-Bolivia-tesis-UBickel.pdf

the Mining Administrative Jurisdictional Authority⁹. Prohibit the entry of pesticides, as well as transgenic seeds, associated technological packages and reform the registration system of SENASAG. Stop and/or cancel infrastructure works or exploitation of non-renewable natural resources that generate great social, environmental, cultural and spiritual impact, must interrupt the construction of the road that is being built through the TIPNIS, and must abrogate Law No. 969/17 August 13 The State must design, approve and implement policies to protect the environment with the effective participation of indigenous nations.

- 9. INFORMED CONSENT PRIOR CONSULTATION (Recommendations 113.46 – 114.131)** The Constitution and the international conventions in force in Bolivia guarantee, in all cases, that the consultation has the objective of obtaining consent when carrying out works or projects that affect indigenous people. For the hydrocarbons sector, the D.S. 29033/07 in which the prior consultation was properly regulated. In 2016, the Plurinational Electoral Body (EPO) approved the Regulations for Observation and Follow-up in Prior Consultation Processes.¹⁰
- 10.** The Mining Law 535/14, who's Sixth Title called "Prior Consultation in Mining Matters" of the Mining Law No. 535/14, in which it limits the completion of this process to certain cases, was approved. It also approved the Ministerial Resolution 023/2015 "Regulation of granting and extinguishing mining rights" by which the consultation became a process that the miners perform to obtain the approval of their contracts. In the hydrocarbons sector, Supreme Decree No. 2298/15 was approved, which reduces the consultation process to comply with formalities, repealing the D.S. 29033/07.¹¹ This norm is responsible for socio-environmental conflicts in the Guaraní zone and in the Amazon, as in the cases of Takovo Mora, Tacana II and Tariquíá.¹² The regulation of the Electoral Body applies only to the mining sector, it is activated only at the request of the Mining Authority and its conclusions are not binding. In the various socio-environmental conflicts registered so far, the international standards of prior consultation are not being complied with, on the contrary, in these processes the principle of good faith is violated, discrediting or pursuing judicially the leaders of the community who oppose to those projects. The consultations carried out by the State are never prior, the information is systematically denied or the actual impacts of the works are deceived, transgressing the nature of being informed, therefore, consent is not obtained on them.¹³ Nor is there any process that regulates consultation in parliamentary matters. Multiple invasions of indigenous territories authorized by the State are being recorded with "settlement resolutions".
- 11. RECOMMENDATIONS TO THE STATE. - It is recommended that the State to abrogate the D.S. 2298/15, replacing the full validity of the D.S. 29033/07. It is also recommended to repeal the Sixth Title "Prior Consultation on mining matters" of the Mining Law No. 535/14 as well as Ministerial Resolution**

⁹ CEDLA. Annual report of extractive industries. Ed. CEDLA. La Paz, 2017. p. 197

¹⁰https://www.oep.org.bo/consultaprevia/wp-content/uploads/sites/2/2016/12/reglamento_consulta_previa.pdf

¹¹ CNAMIB (2017) Pages. 35-38

¹² Sub central of Indigenous Councils of the Multiethnic Indigenous Territory , Sub central of the Indigenous Territory Isiboro Sécore National Park (TIPNIS), Indigenous Central of Communities Originating of Lomerío (CICOL), Capitanía Guaraní Charagua North (2018) *Memory of the meeting Resistance of the indigenous territories. Bases for a coordinated action*. CEJIS-APCOB-CEDIB-CIPCA-TIERRA-Colectivo Árbol. Santa Cruz de la Sierra. 32-38

¹³ CNAMIB (2017) pages. 57-74

023/2015 "Regulation of granting and extinguishing mining rights", in the part corresponding to the Prior Consultation The State must abstain from granting authorizations for settlement on indigenous territories and establish a regulation of land distribution agreed upon within the framework of the National Agrarian Commission.

- 12. EDUCATION (Recommendations 113.45 - 114.9 -114.22 – 114.24 – 114.25 – 114.26 - 114.28 – 114.87 - 114.129 – 114.130 – 114.132)** Data from the National Institute of Statistics ¹⁴ realize that there are advances with respect to the literacy rates of indigenous people,¹⁵ in the same way, in school attendance rates.¹⁶ The regionalized curricula have been written for the different indigenous people of Bolivia.¹⁷ Also, telecentres were implemented in rural areas, in addition to computer equipment and teaching materials. Law No. 848 declares the national decade called Afro-descendants, recognition, justice and development (2015-2024).
- 13.** There is no State funding to implement the policies of vitalization and revitalization of indigenous languages.¹⁸ There are no resources to implement the regionalized curriculum and there is not enough trained personnel to carry out Law No. 071/10 of Education.¹⁹ Teachers are not indigenous, if they are, they do not speak the native language and neither does a pedagogical strategy to educate in the languages and values of indigenous people. Higher education centers are far from the communities, forcing families to migrate, and generating community breakdown. The indigenous universities created do not have state recognition. Vocational training programs do not incorporate the gender approach and less promote equal opportunities between women and men. The State does not respect the right to self-education, there are many problems for indigenous sages to teach and strengthen the identity and native languages in educational centers. They do not enjoy salary and social security like other teachers. Despite the implementation of telecentres, in some communities they are not operational due to factors that the State does not clarify. The education staff does not coordinate educational processes with the community, nor does it respect the suggestions made by the indigenous nations. In rural populations, there is no adequate infrastructure for education. The quality of the education of the indigenous Universities is low and does not match that of the other public universities.
- 14. RECOMMENDATIONS TO THE STATE. - The State must assign additional resources to the Ministry of Education and the Plurinational Institute for the Study of Languages and Cultures (IPELC) so that the regionalized curriculum is fully implemented. It must provide the rural population with sufficient educational units, as well as their respective items to finance teachers, include the indigenous university to the national university system, and allocate more**

¹⁴ <https://www.ine.gob.bo/index.php/principales-indicadores/item/1899-los-chiriguanos-registran-la-mas-alta-tasa-de-alfabetismo>

¹⁵It shows that the original indigenous Chiriguano population has the highest percentage of literacy (99.0%), followed by the original indigenous village Ayllu Porco (98.9%) and then the Sirionó (98.1%), the Joaquiniano (97.9%), Guarayo (97.5%), Huari (97.5%), Moré (97.5%), QhapaqUmaSuyu (97.4%), Itonoma (97.4%), Canichana (97.2%), Aroma (97.2%) and UruChipayas (97.2%).

¹⁶ QhapaqUmaSuyu 96.4%, Uchupamionas 92.5%, Chiriguano 92.3%, Monkox 92.3%, Bésiro 92%, Tapiete 90.6%, Pacahuara 90%, Corque 90%, Chichas 88.8%, Ayllu Jila 88.6%, Jacha Carangas 88.4% and Ayllu Porco con 88.1%.

¹⁷ <http://www.paginasiete.bo/sociedad/2017/9/9/baja-analfabetismo-27-indice-bajo-historia-151427.html>

¹⁸ <http://nav.indigenounavigator.com/index.php/es/noticias>

¹⁹ <http://nav.indigenounavigator.com/index.php/es/noticias>

resources to intra and intercultural education policies. Design and implement the appropriate mechanisms for indigenous scholars to teach in educational centers and Indigenous Universities. Demand the restitution of the Community Councils of the Indigenous People of Highlands and Lowlands²⁰. Creation of items for indigenous teachers from the Ministry of Education.

- 15. Health (Recommendations 114.19 - 114.20 - 114.30 - 114.87).** The Comprehensive Health Care System was established ²¹ and there is the MI SALUD Program, on the other hand, the Economic and Social Development Plan in the frame of the Integral Development 2016 - 2020 proposes the universal access to health until the year 2020.²²
- 16.** The remote communities do not have health posts or hospitals and the cost to move to urban centers for medical care is high. When there are health posts there are no items, equipment and specific medications for doctors to use. Traditional medicine and natural medicines are not included in the public health system. Medical care is not carried out in the language of indigenous people or according to their culture and without a gender perspective. If you do not have money, there is no attention, health is not free. There are no specialized data in the Health System of diseases suffered by members of indigenous nations. In the territories affected by the mining activity, there are no health services specialized in mine diseases.
- 17. RECOMMENDATIONS TO THE STATE. - It is necessary to increase the budget for health and guarantee its sustainability, as well as strengthen traditional health systems. Health centers should be created in indigenous territories and urban centers with local personnel, qualified, with equipment, budget and infrastructure where traditional medicine is practiced and respected through the provision of items for traditional doctors and the implementation of natural medicine. Natural products must be transformed for rapid use without the incorporation of chemical products, as well as promoting their registration to safeguard the intellectual rights of indigenous people. Guarantee access to comprehensive and differentiated health for indigenous girls and women and even more if they are victims of violence.**
- 18. RACISM AND DISCRIMINATION (Recommendations 114.35 - 114.36 - 114.37 - 114.38 - 114.39 - 114.40 - 114.41 - 114.126)** There is law 045/10 against racism and all forms of discrimination, which helps to denounce these types of cases, it also has media that disseminate awareness spots and regulations. The National Committee and the departmental committees were created against all forms of discrimination. Law No. 848/18 declaring the Afro-descendant Decennium has been approved.
- 19.** The National Council and the departmental councils of Human Rights do not work. Law 045/10 is not complied with because it continues to discriminate against indigenous people. Policies in favor of people of African descent are not met. There is systematic political discrimination against indigenous leaders who defend their rights, who are publicly attacked and in some cases prosecuted.

²⁰ CPE, Article 30, num. 12

²¹ Center of Studies for Labor and Agrarian Development – CEDLA. Group on Fiscal Policy and Development (GPFDD). Health for all. The experiences of local health systems in Bolivia. La Paz, 2017. Page 9.

²² Plurinational State of Bolivia. Economic and Social Development Plan 2016-2020. Bolivia, 2016.

- 20. RECOMMENDATIONS TO THE STATE. - The State must socialize Law No. 045/10 with the indigenous and native people, as well as promote the organization and financing of the National Council and the departmental councils of Human Rights. Special education programs should be promoted in human rights and indigenous people to officials at all levels of the State.**
- 21. INDIGENOUS JURISDICTION (Recommendations 114.61 - 114.62 - 114.63 - 114.64 - 114.65 - 114.67 - 114.127) (Recommendations 114.61 - 114.62 - 114.63 - 114.64 - 114.65 - 114.67 - 114.127)** Rulings have been issued by the Plurinational Constitutional Court, in particular judgments 0874/14,²³ and the Constitutionality Declaration No. 0073/2018 of August 29,²⁴ with which the areas of competence of the Indigenous Jurisdiction are recognized by reimposing the rights of the indigenous and native authorities injured by the Jurisdictional Demarcation Law No. 73/10 of December 29.
- 22.** The Ordinary Jurisdiction applies punishments and judicial persecution without attending to cultural particularities.²⁵ The State continues to ignore the Indigenous Jurisdiction by prosecuting indigenous people who use their own right or who should be prosecuted through their own authorities.²⁶ The State does not foresee the intervention of interpreters in the trial of indigenous persons. There are no mechanisms for collaboration and coordination between the Ordinary Justice, the Agro-environmental Justice and the JIOC. The coordination protocols developed by the Supreme Court of Justice do not apply.
- 23. RECOMMENDATIONS TO THE STATE. - The State must respect the hierarchical equality that the Indigenous Jurisdiction has in the Constitution, avoiding interfering and/or usurping its competences, as it happens now. The State must foresee the intervention of interpreters and experts in the processes that judge indigenous persons. Training processes should be promoted for members of the other jurisdictions on the rights of indigenous people. The State must abrogate the Jurisdictional Demarcation Law 073/10 of December 29, having to construct a new norm adjusted to the Constitution and the international agreements, with the participation of indigenous people. It must establish mechanisms of collaboration and coordination between the Ordinary Justice, the Agro-environmental and the Indigenous Jurisdiction. It should promote the creation of Justice Councils and Indigenous Courts in Low Lands and Native Courts in the Highlands in order to strengthen the implementation of the JIOC.**
- 24. ACCESS TO JUSTICE (Recommendations 113.20 - 113.22 -113.24 - 114.61 - 114.62 - 114.128)** There are norms and procedures that respect the process of indigenous people, including the provision of translators in case they do not understand the causes for which they are being prosecuted (Article 10 CPP).

²³

[https://buscador.tcpbolivia.bo/buscador/\(S\(qh2jlr5rqnr3yir5lf2lkqp\)\)/WfrJurisprudencia1.aspx](https://buscador.tcpbolivia.bo/buscador/(S(qh2jlr5rqnr3yir5lf2lkqp))/WfrJurisprudencia1.aspx)

²⁴

[https://buscador.tcpbolivia.bo/buscador/\(S\(0txeg3tdcfbp2whedox31prp\)\)/WfrJurisprudencia1.aspx](https://buscador.tcpbolivia.bo/buscador/(S(0txeg3tdcfbp2whedox31prp))/WfrJurisprudencia1.aspx)

²⁵ <http://elmundo.com.bo/web2/index.php/noticias/index?id=liberan-a-las-mujeres-ayoreas-acusadas-de-biocidio-contra-loros>

²⁶ CNAMIB (2017) pages 91-93.

25. Many leaders are still on preventive detention or alternative measures of detention without having known any particular accusation in specific cases of social repercussion²⁷ and without the multiple ways of proving that they had no responsibility in the case. The State manipulates the conduction of the process.²⁸ The judicial system for cases of harassment and political violence against indigenous women is not an instance that resolves this problem.
26. **RECOMMENDATIONS TO THE STATE. - The State must train judges, prosecutors, lawyers, police and the military, in customary rights of indigenous people, incorporating a gender approach and promoting the application of specific regulations in ordinary criminal and civil proceedings. A census should be carried out on the indigenous detainees and promote "anthropological expertise" in criminal proceedings in which indigenous people are involved.**
27. **INDIGENOUS WOMEN (Recommendations 113.15 - 113.30 - 113.31- 114.82 - 114.87- 114.83- 114.84 - 114.85 - 114.86 - 114.107 - 114.113 y 114.8 - 114.82 - 114.87 - 114-113)** The "Multisectoral Plan for the advancement in the Depatriarchalization and the Right of Women to Live Well" was elaborated based on the previous Equal Opportunities Plan and in accordance with the guidelines of Law No. 777 of the Comprehensive State Planning System (SPIE). There is an integral Law No. 348 to guarantee women a life free of violence, which indicates that acts of violence against women become crimes of public action, establishing new criminal offenses
28. Indigenous women are beyond the reach of specific policies and programs that benefit the rest of their counterparts nationwide. In indigenous communities and territories there are no institutional mechanisms to enforce these policies. The statistics on poverty called "Statistics with a gender focus" reflect only the situation of non-indigenous urban women. The allocation of budget for the implementation of plans to care for women is incipient and there is no investment reflected in the women of indigenous communities. The application of Law 348, lacks mechanisms for its implementation due to the lack of budget, the little awareness of the members of the forces of order and of the Judicial Organ and experience in the attention of cases of indigenous women. Access to justice for indigenous women is far from their reality as well as the courts and judicial instances to which they should turn if they are victims of violence. The high rate of pregnancies of girls and adolescents in indigenous populations remains a constant,²⁹ without having increased mechanisms of prevention and much less instances of denunciation, since such pregnancies are not desired or planned, they are mostly the product of rape that is not always investigated and less punished.
29. **RECOMMENDATIONS TO THE STATE. - To allocate economic resources to the National Gender Mechanism and to incorporate an indigenous perspective so that in the implementation of national policies they are comprehensive, and they can consider diverse and different women, eliminating gender stereotypes, giving specific attention to the indigenous women. The State must develop specific indicators to measure the situation of poverty, marginality**

²⁷ <http://www.lostiempos.com/actualidad/economia/20171207/caso-fondo-indigena-acusacion-formal-casi-3-anos-denuncia>

²⁸ CNAMIB (2017), op.cit.

²⁹ CLADEM-Bolivia (2016) *Forced child pregnancy is torture*. Leading from the South. South Women's Fund, Diakonía. La Paz.

and violence against indigenous women in urban and rural areas. Intensify efforts to incorporate prevention mechanisms for pregnancies of girls and adolescents of the indigenous population, through sex education courses for men and women, and intensify the approval of laws regarding sexual rights and reproductive rights. The State must promote broad and comprehensive access to justice, with an intersectional view of the different sectors of the population, particularly in terms of access to justice for girls, adolescents and indigenous women victims of violence, protecting the rights of women in rural and urban areas. Install social services in indigenous communities with the interest of preventing violence against women. Promote a timely and transparent investigation that clarifies cases of violence and political harassment against women.

30. POLITICAL PARTICIPATION IN PUBLIC BODIES. - Indigenous people have representatives in the legislative, departmental bodies, the Plurinational Legislative Assembly (ALP), the Plurinational Constitutional Court (TCP) and the Plurinational Electoral Body (EPO). The Law on Political Organizations No. 1096/18 of September 1 was approved.³⁰

31. To date, the political participation of the indigenous people and the Afro-Bolivian people in the municipal legislative bodies has not been activated, despite being expressly provided in the Constitution and the Autonomy Framework Law 031/10. The proportion of indigenous male seats in Congress is 3.07% for all non-indigenous deputies and 2.3% for female deputies, despite the fact that indigenous people represent 49.8% of the population.³¹ Law No. 1096/18 provides indigenous political participation to elect the seats to Congress only through political parties and are prevented from being elected through their representative organizations in national electoral processes. The State has co-opted the indigenous representations and when it fails to do so, it activates mechanisms to remove them, replacing them with those who respond by manipulating the organs that it controls.³² In the case of indigenous women, between January and October 2017, 47 complaints of harassment and political violence against female councilors were registered.³³

32. RECOMMENDATIONS TO THE STATE.- Repeal the articles of Law No. 1096/18, for which they are being forced to participate through political parties, having to replenish the principle of direct representation, applying their own rules and procedures through their representative organizations, as foreseen by the CPE and International Treaties that guarantee the political rights of indigenous people. Transparent investigation and punishment of the acts of political harassment of indigenous women should be promoted. Respect the principles of parity, alternation and plurinationality in the election of members to the organs of public power: legislative, executive, judicial, electoral.

³⁰ https://www.oep.org.bo/wp-content/uploads/2018/09/Ley_1096_Organizaciones_Politicas.pdf

³¹ NINA PROGRAM (2018) *Political representation of the IOC nations and peoples in the municipal autonomies and the departmental autonomies: normative framework and tools for its exercise.* Edwin Armata Coordinator. La Paz, Bolivia.

³² CNAMIB (2017) op. cit

³³ Association of Female Councilors of Bolivia - ACOBOL (2017) *Harassment and political violence against women in Bolivia. Formal advances and real challenges for equal rights.* La Paz.

- 33. Free Determination and Autonomy.** The Constitution and the Autonomy Framework Law provide for access to self-government for indigenous people. To date there are 36 indigenous autonomies that began their procedures for access to self-government, 21 through municipal conversion and 15 through territorial or TIOC. Of these, 3 have already formed their governments and are in office.³⁴
- 34.** Efforts to access self-government have encountered many obstacles, despite the express constitutional and legal provisions. The autonomies that are in operation have serious obstacles in public management³⁵ not having enough resources to exercise their competence.³⁶ The state institutions continue to operate with norms and regulations that impede the exercise of autonomy within the framework of the Plurinational State, which require compatibility with the Indigenous Autonomous Statutes.
- 35. Recommendations to the State: Modify the national regulations, eliminating the formal requirements required by the Autonomy Framework Law 031/10 in order to facilitate and guarantee access to indigenous autonomies. The national regulations must also be adapted and updated to favor the management of economic resources in the Indigenous Autonomous Communities that are already functioning. Develop legislation in accordance with the systems of expenditure planning, administration of economic resources and execution of works in the autonomies**
- 36. Right to food: Food sovereignty and protection of native genetic resources.** In the Political Constitution of the State, the rights to food are recognized and guaranteed, healthy, adequate and sufficient for the population,³⁷ to collective intellectual property of the knowledge, sciences and knowledge of indigenous people.³⁸ This right is intrinsic to the economy of the nations and indigenous people, called the community economy, which must be respected, protected and promoted by the State. (art. 307, CPE).
- 37.** But the regulations and the institutions created and implemented are aimed at privatizing the seed, threatening the collective and ancestral property of the seed. The State implements three forms of seed control: registration (the creators of new varieties register their seeds, to the detriment of free use), certification (compliance with technical standards is required for their commercialization) and control (controlled the "quality" of the native seed and is authorized only for family use). Through Administrative Resolution No. 011/2014 of the Ministry of Rural Development and Lands, approved economic and administrative sanctions for violators who disobey the prohibitions dictated by the National Institute of Agricultural and Forestry Innovation - INIAF.
- 38. Recommendations to the State: Respect and protect the production and commercialization of native seeds as part of the heritage of indigenous nations and as a fundamental element of food sovereignty to guarantee the**

³⁴ These are: Charagua-Iyambae, in the Chaco region, Raqaypampa in the Cochabamba valley and Uru-Chipaya in the Oruro highlands. Indigenous World (2018) IWGIA, Copenhagen.

³⁵ The indigenous governments assume a total of 97 competences: 56 exclusive competences of the previous Autonomous Municipal Governments, 4 shared, 10 concurrent, 25 exclusive and 2 residual.

³⁶ All assignment or transfer of competences must be accompanied by the definition of the source of the economic and financial resources necessary for its exercise. (Art. 305 C.P.E)

³⁷ (art. 16, CPE)

³⁸ (art. 30, paragraph II, number 11; art. 100, paragraph I, CPE)

right to healthy, adequate and sufficient food for the population. Prohibit the entry of transgenic seeds and technological packages in indigenous territories.

39. Indigenous people in voluntary isolation.- The Law of Protection of Native Nations and Indigenous People in High Vulnerability Situation No. 450/14 of December 4 was approved as a development of Article 31 of the Constitution, which established mechanisms for prevention, protection and strengthening of populations in situations of high vulnerability.

40. The State is denying the existence of these people despite the systematic evidence of their existence.³⁹ This was the case with the segments of the Toromona people, contacted accidentally by the oil company BGP and Sinopec,⁴⁰ in the Amazon zone of the department of La Paz, south of the Tacana II Indigenous Territory.⁴¹ Law No. 450/14 has not been regulated nor has the General Directorate for the Protection of Indigenous and Indigenous Nations and People - DIGEPIO - been created (Arts 5-8, Law 450), which is the State's operation tool for the Law .

41. RECOMMENDATIONS TO THE STATE: The state must constitute the DIGEPIO and proceed to the delimitation and consolidation of the areas of intangibility of the Toromona, Ayoreode and others who are in a situation of voluntary isolation and initial contact. Any extractive or other project that violates the constitutional guarantee of non-contact and protection of the areas that inhabit these populations must be canceled.

42. Indigenous people in the cities.-It is estimated that 65% of people self-identified as indigenous in Bolivia live in capital cities of the department or intermediate populations. The Constitution and the laws make no distinction in the recognition of the rights of the indigenous people over the place where they live.

43. In practice it happens that the arrival of indigenous people in urban areas ends up being invisible and therefore denied their identity.⁴² The proposals of the urban indigenous organizations of social inclusion, application of the Constitution and regulations regarding development have no place in the municipal governments. The Autonomies Framework Law 031/10 provides for indigenous and Afro-descendant political and social participation in municipal councils and social control bodies, but to date, systematic negative responses have been received from the Plurinational Electoral Body and the municipal governments themselves.

44. RECOMMENDATIONS TO THE STATE: The State must promote policies of social inclusion of the indigenous people who live in the cities. The Constitution and the Autonomies Framework Law 031/10 should be applied in relation to guarantee the indigenous and Afro-descendant political participation in the municipal councils, as well as guarantee their participation in the local social control bodies and promote the implementation of specific development programs for indigenous people who live in urban centers.

³⁹ CAMACHO N. Carlos, between ethnocide and extinction. Isolated indigenous peoples, in initial and intermittent contact in the Lowlands of Bolivia. IWGIA report 6. Copenhagen, July 2010. Page 19

⁴⁰ Contractors of the Bolivian Fiscal Oilfields (YFPB)

⁴¹ CNAMIB (2017) pages 78-83,

⁴² https://www.un.org/democracyfund/sites/www.un.org.democracyfund/files/bol-10-403_libro_nunca_nos_fuimos_0.pdf

Signatory organizations

Asamblea del Pueblo Guaraní (APG)
Asamblea Permanente de los Derechos Humanos de Bolivia de Santa Cruz (APDHB - SC)
Asociación de Pueblos Indígenas y Afrobolivianos de Santa Cruz de la Sierra (APISACS)
Central Ayoreo Nativo del Oriente Boliviano (CANOB).
Central de Comunidades Indígena Tacana II – Río Madre de Dios (CITRMD)
Central de Pueblos Étnicos Mojeños del Beni (CPEMB).
Central Indígena de Comunidades Originarias de Lomerío (CICOL)
Central Indígena Paikoneca de San Javier (CIP-SJ)
Centro de Estudios Jurídicos e Investigación Social (CEJIS)
Comunidad de Querarani, Ayllu Cabeza, Poopó (Oruro).
Comunidad María Auxiliadora (Cochabamba).
Comunidad Vitichi, Plataforma de Justicia Fiscal desde las Mujeres (Potosí).
Consejo Continental de la Nación Guaraní (CCNAGUA)
Consejo de Estatuyentes de los 4 Suyus y Naciones Indígena Originarias de Oruro – COGNASOR.
Consejo de la Nación Chichas – CONACH (Potosí)
Consejo de la Nación Killakas (Potosí)
Consejo de Naciones Originarias de Potosí (CAOP)
Consejo Nacional de Ayllus y Markas del Qollasuyu (CONAMAQ)
Coordinadora Andina de Organizaciones Indígenas (CAOI)
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Juventudes del Jach'a Suyu Pakajaqi (La Paz)
Organización de Mujeres Indígenas del Norte Amazónico de Bolivia (OMINAB).
Subcentral de Cabildo Indígenales del Territorio Indígena Multiétnico (TIM - I)
Subcentral de Cabildos Indígenales del Territorio Indígena Parque Nacional Isiboro Sécuré (TIPNIS)
Subcentral de Mujeres Indígenas del Territorio Indígena Mojeño Ignaciano
Subcentral de Mujeres Indígenas del TIPNIS
Subcentral del Pueblo Indígena Movima (SPIM)
Subcentral del Territorio Indígena Mojeño Ignaciano (TIMI)
Subcentral Indígena de Organizaciones de Mujeres del TIM – I
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