



INTERNATIONAL RIGHTS OF NATURE TRIBUNAL

The International Rights of Nature Tribunal resolves that the 2019 fires were an Ecocide caused by State policy and agribusiness

The International Rights of Nature Tribunal (IRNT), during the reading of the verdict for the Case "Chiquitanía, Chaco and Amazonia vs. Plurinational State of Bolivia," declared that the 2019 fires were an "ecocide caused by State policy and agribusiness," and demanded the repeal of the designated "incendiary regulations" to prevent these events from ever being repeated. "Based on these antecedents, the plaintiffs find the administrative, legislative and judicial authorities of Bolivia who designed and approved the legislative package in question and who, after the fires, facilitated conditions of impunity for the perpetrators, to be guilty of the crime of ecocide. Additionally, they identify factions represented by large ranchers and agro-industrial businessmen as being co-perpetrators in this ecocide. Therefore, the tribunal concludes that the following entities are to be held collectively accountable for the crime of ecocide against the Chiquitanía, Amazonía and Chaco ecoregion of Bolivia: the Government of Evo Morales 2019, the Añez Government of 2020, including the Government of Santa Cruz and Beni; the Authority for the Supervision and Control of Forests and Land (ABT), the National Institute of Agrarian Reform (INRA) and others; the Legislative Assembly, including seats belonging both to the ruling party and the opposition; the Prosecutor's Office; the Agro-environmental Court; agro-livestock producers and producers of transgenic soybeans". Likewise, among these resolutions, the IRNT establishes provisions to prevent the recurrence of these events, among them the abrogation of the norms that promote expansion of the agrarian frontier and with it the burning and clearing. Specifically, this refers to the following laws:

- Law No. 337; Support for Food Production and Restitution of Forests and its DS 1578
- Law N ° 502, Law N ° 739 and Law N ° 952; extensions of the terms and modifications of Law 337.
- Law No. 741; Authorization for Clearing up to 20 hectares for small community or collective properties and properties for agricultural activities and livestock.
- Law No. 1171 on the Rational Use and Management of Burns.
- Supreme Decree 3973; Modification and Expansion of slash and burn for agricultural activities on private and community lands.
- Law No. 1098 and DS 3874; authorization of transgenic soybean events associated with the production of biodiesel.
- Departmental Law 93/2019 (Beni); approval of the Land Use Plan of the Beni region.
- DS 4232 and DS 4238; authorizes the National Biosafety Committee to establish abbreviated procedures for the evaluation of genetically modified corn, sugarcane,



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cotton, wheat and soy, aimed at supplying domestic consumption and external commercialization.

- RA 084/2020 SENASAG; approves phytosanitary requirements for the importation of Eucalyptus species for forestry.

The decision was made known by the judges Nancy Yañez, from Chile; Patricia Gualinga, from Ecuador; and Felicio Pontes, from Brazil, who led the hearings on Monday, August 17th and Tuesday the 18th of August, during which they received the testimonies of indigenous organizations, various organizations, activists, firefighters, the Government of Santa Cruz and the Municipal Government of San Ignacio de Velasco. The Court undertakes to follow up on this crime of ecocide of execution continues, as it continues to be repeated, and establish a permanent commission to monitor it.

The International Rights of Nature Tribunal strongly recommends that organizations, communities and groups that have presented evidence at this hearing, present this Rights of Nature case before the Bolivian legal framework.

Finally, the International Rights of Nature Tribunal will open this judgment to the entire Assembly of judges of the International Rights of Nature Tribunal to obtain more signatures and the support of other judges, after which it will be circulated in a month.

For more information, please visit the following link:

<https://www.rightsofnaturetribunal.org/cases/ecocide-in-the-amazon-chiquitania-case/>

To view the hearings, please refer to the following link:

https://web.facebook.com/pg/rightsofnaturetribunal/videos/?ref=page_internal

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OTHER RESOLUTIONS

Indigenous territories

In relation to indigenous peoples in high vulnerability situations, the IRNT demands the implementation of restorative measures, ranging from compliance with national regulatory frameworks on the protection of indigenous peoples in situations of high vulnerability, to provisions for the enhanced protection of their territories, especially that of the Ayoreo, who exist in voluntary isolation inside the Ñembi Guasu park area, the Charagua Iyambae, and the TCO Santa Teresita, as well as taking measures to guarantee their right to life, physical and mental integrity.

"The Court has learned that forest fires have affected 36 indigenous territories in an area of 1,226,714 hectares. Among the Indigenous peoples that were affected are: Chiquitano, Ayoreo, Guaraní, Guarayo (Santa Cruz), Cayubaba, Baures, Sirionó and Aaraona (Beni). Additionally, the tribunal calls attention to the impact on Ñembi Guasu, which was declared a protected area by the Autonomous Indigenous Government of Charagua Iyambae, and which is part of the territories of the Ayoreo people, who exist in voluntary isolation. The fires have consumed 426,028 hectares, 36% of its surface", they express in the list of facts.

Effects

The judges indicated that, according to the evidence presented, in Bolivia 6.4 million hectares burned, of which 65% of the affected area was concentrated in the department of Santa Cruz and 29% in Beni, mainly affecting the Chiquitanía region, which is part of the Amazon and the Bolivian Chaco, and is integrated, in turn, by the ecosystems of the Chiquitano Dry Forest, the Pantanal, the Cerrado and the Chaco. The plaintiffs point out that the 27% of the affected areas were burned for the first time. The fires also affected 1,133,037 hectares of protected natural areas, 969,718 hectares of land for forest use, 341,790 hectares of lands for silvopastoral use and 5,336 hectares land of restricted use.

Among the national protected areas, the largest burned area occurred in the San Matías Integrated Management Natural Area (ANMI), affecting 26% (772,831 hectares) of its surface, and in the Otuquis National Park, where 35% (313,744 hectares) of its surface was burned. 1,961,649 hectares were burned within eight RAMSAR sites, which are wetlands of global importance for the conservation of seasonal, numerous migratory birds. The consequent contamination of the waters by the ashes, damaged its quality, which also affected the populations that use that water, causing the migration of indigenous communities, during and after the fires. At this point, the International Rights of Nature Tribunal, determined to immediately inform the Office of the RAMSAR Convention on Fire Damage forestry in these



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regions, complying with the obligation of the State Bolivian established in the Convention Relative to Wetlands of international importance as Waterfowl Habitat.

Among the factors that they pointed out as having caused the fires, are the frost and droughts, climate change and administrative policies such as packages of regulations that allowed burning for the expansion of the agricultural frontier; as well as the weak institutional framework of the State organs responsible for the control and supervision of forests.

Comprehensive restoration measures

1. Immediately inform the RAMSAR Convention Office about the damage caused by forest fires to RAMSAR sites giving compliance with the obligation of the Bolivian State established in the Convention Relating to Wetlands of International Importance as Waterfowl Habitat.
2. Prepare Environmental Impact Studies to establish the real magnitude of the damage caused to ecosystems, their balance and components, animals and water sources.
3. The Bolivian State at its different levels must guarantee the participation and the free, prior and informed consent of indigenous peoples in the formulation, debate and application of any normative measure or administrative related to the restoration, recovery, regeneration and protection of the ecosystems of the Chiquitania, Chaco and Amazonia.
4. Review the Restoration Plans of the National Government and the Subnational Governments that have been prepared without the corresponding participation and consent of affected indigenous peoples.
5. Ensure that competent authorities, including indigenous autonomous community authorities, have the resources to be able to execute comprehensive restoration.
6. Respect the right to the existence of Nature and guarantee the comprehensive restoration and maintenance of their life cycles, structure, evolutionary functions and processes.

Reparation measures



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7. Guarantee an effective ecological pause in protected areas and RAMSAR sites to allow affected forests and ecosystems to regenerate and recover. Where there are subsistence activities, and where the ecological restoration pause is not an effective restoration mechanism, it will require an active or ecological restoration, which includes planting native species, among other techniques, to help the forest to regenerate. To ensure the regeneration of the forest, it is essential to avoid future burn and let nature recover naturally, by itself, at least initially.
8. Avoid the introduction of exotic species, particularly monocultures forestry, transgenics, the enabling of grasslands and the development of industrial agriculture.
9. Refrain from encouraging human settlement policies in the area considering the high ecological fragility and preventing illegal settlements.
10. Initiate investigation and punishment processes for those guilty of ecocide in the Bolivian legal system to determine the degree of responsibility of state authorities of the different levels of government and of private persons, whether they are natural or legal.
11. Establish Environmental Audits with independent external auditors and monitoring systems.
12. In relation to Indigenous Peoples in a situation of isolation and high vulnerability:
 - 12a. Fully comply with the provisions of Law No. 450 on the Protection of Native Indigenous Nations and Peoples in a Situation of High Vulnerability, and adopt the regulation that allows its immediate implementation. Proceed with the creation of the General Protection Directorate to Indigenous Peoples that the Law contemplates.
 - 12b. Take all necessary measures for the restoration of the Territory of the Ayoreo people in isolation (especially the area of Ñembi Guasu and TCO Santa Teresita) and guarantee its intangibility by preventing development of extractive activities and human settlements.
 - 12c. Take all measures to guarantee the right to life, to the physical and mental integrity and the health of the Ayoreo people affected by fires through the creation of sanitary protection cords, food sovereignty, environmental conservation, participatory design, appropriately, emergency or contingency plans, policies and health practices and anthropological advice for attention to contact if necessary.



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Non-repetition Guarantees

13. Abrogate the regulations that promote burning and clearing, specifically the following:

- Law N ° 337 of Support to Food Production and Restitution of Forests and Supreme Decree 1578, regulatory.
- Law N ° 502, Law N ° 739 and Law N ° 952, of extensions of the terms and modifications of Law 337.
- Law No. 741, Law of Authorization of Clearing up to 20 hectares for small properties and community or collective properties for agricultural and livestock activities.
- Law N ° 1171, Law of Rational Use and Management of Burns.
- Supreme Decree 3973 of Modification and Expansion of Clearing for agricultural activities on private and community lands.
- Law No. 1098 and DS 3874 on the authorization of transgenic soy, associated with the production of biodiesel.
- Departmental Law 93/2019 (Beni) on the approval of the Use Plan of Beni Soil.
- DS 4232 and DS 4238 that authorize the National Committee of Biosecurity establish abbreviated procedures for evaluation from corn, sugarcane, cotton, wheat and soybeans, genetically modified in their different events, intended to supply the internal consumption and external commercialization.
- RA 084/2020 SENASAG that approves phytosanitary requirements for the import of Eucalyptus spp. to be implemented in Forest plantations.

14. Annul the resolutions of human settlements in Fiscal Lands that have been authorized without respecting natural potentialities, the ability to greater use of the soil and the right to consultation and free, prior, and informed of indigenous peoples.

15. Revoke all authorizations for burning, cutting and clearing in the areas affected by fires, and prohibit the emission of new authorizations in order to avoid the repetition of fire events, except those that respond to traditional practices for the exclusive purpose of subsistence with due control of state authorities and/or authorities of autonomous indigenous people.

16. Establish forest areas and / or protected ecosystems a moratorium on those activities that require expansion for their development of the agricultural frontier, mainly agribusiness, large livestock and, production and marketing of agrofuels.



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17. Establish limits and prohibitions on the export of products that destroy biodiversity and ecosystems.
18. Comply with current legislation that guarantees the Rights of Nature and make the functioning of the Defense of Mother Earth effective.
19. Guarantee the application of the precautionary principle in all activities of possible impact on nature.
20. Define a new production model, respecting the capacities of regeneration of the components, zones and life systems of Mother Earth, according to the constitutional precepts and current legislation in harmony with Nature and Living Well.

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