

Proposal for a Law of Mother Earth

Plurinational State of Bolivia



Executive summary



PROPOSAL FOR A LAW OF MOTHER EARTH

Plurinational State of Bolivia

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1. Executive summary



The proposal for a framework Law of Mother Earth is to begin a transition to a new model based on the principle of living in harmony with nature (“Living Well” - in Spanish “Vivir Bien”). The objective is not to go back to the pre-industrial era. A transition to a new model will not take place immediately but the transition does need to begin. We urgently need alternatives to the capitalist development model that destroys the environment and has caused the financial, energy and food crises, as well as climate change and deep inequalities within and between societies.

This document was drafted by Bolivia’s main social movements in November 2010. The aim of this English translation is to share the proposal and philosophy so others can use the document as they wish in their regional, national and local contexts. The document below is the full version by Bolivia’s social movements. The Bolivian Plurinational Assembly has been due to approve a shorter consensus version of this law since early 2011.

Objective

The fundamental objective of the framework Law of Mother Earth is to guarantee the co-existence and preservation of life. The purpose is to protect, conserve, restore and safeguard the blessings of nature and Mother Earth. The law establishes legal instruments and mechanisms for the prevention and sanction of crimes against Mother Earth.

Philosophy – humans are part of nature

This law re-establishes the link between humans and nature that has been broken by the capitalist neo-liberal model. The link between humans and nature will be further weakened if the proponents of the

green economy are successful in putting a price on nature's functions such as trees capturing carbon and generating oxygen. It is incorrect to assume we will only care for nature if we put a price on it. The solution is not to make nature into a commodity but to shift our thinking to see humans as part of nature and therefore the need to protect the environment instead of endlessly exploiting it to make money.

Rights of Mother Earth – a subject with rights

This law establishes that Mother Earth is a subject with rights. Mother Earth is not an object to be exploited without limit. This is an attempt to create a new legal framework that goes beyond human rights. It establishes the obligation to defend the rights of Mother Earth.

The following are recognised as the rights of Mother Earth:

1. The right to life and to exist.
2. The right to respect.
3. The right to continue her cycles and vital processes, free from human disturbance.
4. The right to maintain her identity and integrity as a differentiated, self-regulated and inter-related being.
5. The right to pure water as the source of life.
6. The right to clean air.
7. The right to comprehensive health.
8. The right to be free of contamination and pollution, toxic and radioactive waste.
9. The right not to be genetically altered and modified in her cellular structure, threatening her integrity or vital health functions.
10. The right to full and timely restoration and decontamination due to the infringement of the rights recognised in this Law caused by human activities.
11. The right to reforestation.
12. The right to the balanced and harmonious management of the blessings of nature.
13. The right not to be affected by mega

hydroelectric, infrastructure and development projects which affect the balance of the eco-systems and populations inhabiting the territories concerned.

14. The right not to be subjected to high-risk energy technologies with profound ecological and social impact, such as nuclear energy and processes for extraction, enrichment and dumping of waste.

Duties of the state

The state must implement the Law of Mother Earth and public policies that protect nature and deal with the causes and effects of climate change. The state must prohibit extractive activities such as mining, hydrocarbon and forestry in ecologically fragile areas, and that affect water sources. In addition the state must apply legally binding free, prior and informed consultation with native, indigenous and campesino nations and peoples for any project that may affect the harmony and balance of the natural cycles of Mother Earth.

Duties of the population

Citizens are responsible for using nature in a sustainable and balanced way to ensure that human well-being does not affect the balance and well-being of Mother Earth. The population must pressure for institutions to meet their responsibility to defend the rights of Mother Earth and of all beings.

It is the duty of citizens to guarantee that those responsible for violations of the inherent rights of Mother Earth are punished and obliged to restore the integrity and health of Mother Earth. Citizens also need to participate in drafting environmental, economic and social public policies in harmony with Mother Earth as well as guaranteeing food sovereignty and security through ecological and organic production.

Policy proposals by sector

The basis for recommendations in each policy sector is a new way of seeing natural



resources. The capitalist neo-liberal model sees nature as a set of natural resources to be exploited without limit. This law re-orientes this view towards blessings of nature that are to be protected because they are part of the complex set of interconnected ecosystems we depend on.

A summary of policy proposals in the following areas:

Air:

- The entire population has the right to clean air. The state is obliged to control, preserve and secure a healthy environment.
- The state must regulate productive, transport and industrial activities, the management of solid residues, landfills and enterprises that generate gases that contaminate the atmosphere and ecosystems.

Water:

- Water constitutes a fundamental right for life. Water is a blessing of nature and the source of life. Water resources cannot be privatized or controlled through concessions.
- It is the duty of the state to manage, regulate and plan the adequate and sustainable use of water resources including processes, especially mining and hydrocarbons, which demand considerable volumes of water. Recycling of water for industrial use.

Soil:

- The state shall promote agricultural production programmes which permit the generative and regenerative capacity of the soil through crop rotation.
- Shift away from fertilisers and pesticides that cause contamination of soils, water and air that affect the health of living beings. Encourage and provide incentives for the use of ancestral knowledge and technologies for agricultural and organic agricultural production.

Biodiversity:

- The state shall prohibit imports of genetically-modified organisms for use in agricultural production. Prohibit the use of bio-technology to alter the genetic heritage of animal and vegetable species and micro organisms for commercial purposes.
- Prohibit and sanction by law indiscriminate hunting and fishing of native species.

Forests:

- Together with the Bolivian people the state shall create regulations for the protection and conservation of forests. A system of severe penalties for non-compliance for those who cause damage to the forests and jungles of Mother Earth including: cancellation of contracts, fines and 5 year prison sentences.
- Reforestation actions are a precondition for private and public



timber companies. Some species of trees must be protected by the State, for their value and ecological functions, and not be subject to deforestation despite their perceived financial value. Environmental audits shall be carried out for timber companies with the active participation of affected communities and civil society.

Alternative Energy sources

- The state shall commit the necessary resources to promote intercultural research to identify alternative energy sources. The state shall implement alternative renewable energies (e.g. wind and solar energy) with the prior and informed consultation of the peoples involved.
- The use of agricultural production for the manufacture of biofuels is completely banned.

Hydrocarbons (oil and gas):

- Public and private companies polluting the environment are obliged to carry out the corresponding environmental mitigation, rehabilitation and repair - guaranteeing compensation and indemnity for damage caused to the affected communities. This is of a retroactive and inalienable nature.
- Companies must use clean technology which does not contaminate Mother Earth in all stages of the hydrocarbon production process. They shall be subject to socio-environmental monitoring and evaluation by the communities involved. Formulation of hydrocarbon regulations and policies on the basis of co-management and consultation with local and indigenous communities.

Mining:

- The state must guarantee that mining companies comply with the corresponding requirements for mitigation, rehabilitation and environmental repair. Companies must guarantee compensation and indemnities for ecological damage caused. This shall be retroactive.
- Public and private mining companies

must build treatment plants to treat contaminated waters to avoid damage to Mother Earth. All companies involved in mining activities must recycle the water they use and re-use it in their own productive processes thus minimising the contaminating effects of this activity. It is prohibited to use practices, damaging technologies and toxic chemical compounds that can be replaced by other environmentally friendly adequate alternatives.

- Public and private companies shall be subject to ecological and external audits, monitoring, social control and accountability to society. The Bolivian people shall participate in supervision throughout the mining process.

Protected Areas:

- Promote the creation of more protected areas. Adequate state funding for management of Protected Areas via a direct tax on hydrocarbons. Establish National and Local Councils for co-management with direct participation of indigenous and local communities. Promote eco-tourism.
- Strictest evaluation of environmental impact during and after the implementation of activities and projects already being implemented within the Protected Areas. Development of future extractive



activities and projects (mining and hydrocarbons) and infrastructure (highways and mega reservoirs) is banned within Protected Areas - except in the event of prior informed consultation and consent of the affected population. Annulment of forestry, mining and hydrocarbon concessions that have not been agreed on with native, indigenous and campesino nations and peoples.

- Failure to comply with the Law of Mother Earth in Protected Areas shall be penalised by duplicating the maximum penalty provided by law. Enforce compliance of logging agreements. Penalise failure to comply with reforestation.

Across the policy sectors: the right to free, prior and informed consultation

- Native, indigenous and campesino nations and peoples have the right to free, prior and informed consultation to decide how the blessings of nature are exploited based on their own norms and customs, and to decide on construction and development of infrastructure in their territories. This applies to mining, hydrocarbons, forestry and alternative energy sources.

Two key principles of the law are **Social Control** and **Free, prior and informed consent of indigenous peoples**:

- ⊙ Social Control (Spanish: “control social”) involves active civil society participation in the drafting of laws and monitoring of the state to ensure transparency.
- ⊙ Free, prior and informed consent of indigenous peoples is a right of native, indigenous and campesino nations and peoples enshrined in the Bolivian Constitution and international norms. There must be consultation of native, indigenous and campesino communities on projects that could affect them and Mother Earth prior to environmental licenses being awarded.

Institutional Framework

- ⊙ A *Plurinational Council of Mother Earth* made up of representatives of civil society and government is established to oversee the implementation of the law. All government bodies and legislative bodies’ decisions are subordinate to the decisions of the Council. The remit of the Council is to formulate and implement policies which guarantee balance, harmony and complementarity between living beings and ecosystems. Other responsibilities include implementing policies to protect river basins and biodiversity, as well as to regulate the activities of extractive industries.
- ⊙ The *Ministry of Mother Earth* must comply with decisions issued by the Plurinational Council of Mother Earth. The Ministry’s mandate is to enforce compliance with the Law of Mother Earth, to implement policies for the sustainable management of Mother Earth and to guarantee legally binding consultation for native, indigenous and campesino nations and peoples. There is direct participation of civil society in the Ministry with gender equality.

Mechanism for Incentives and penalties

To encourage the transition and shift to a new development model based on Living Well (Vivir Bien):

Incentives:

- The state shall fund research and the use of clean and renewable technologies such as solar and wind energy.
- Tax breaks for companies that invest in the application of state-of-the-art technologies that reduce emissions.
- Special regime of incentives and penalties to promote the reforestation of cities and the modernization of urban, regional and international transport.

Penalties:

Formally include the violation of the rights



of Mother Earth in the Penal Code and declare this as a crime against nature and a crime against humanity. Crimes against Mother Earth, whatever their nature, are applicable because it is understood Mother Earth ensures the survival of all living beings.

The following are examples of environmental crimes against Mother Earth:

- ⊙ The manufacture and use of chemical, biological and nuclear weapons;
- ⊙ Deforestation;
- ⊙ Hunting endangered animals;

Sentences for environmental crimes are issued according to the degree of environmental damage caused to Mother Earth based on technical-scientific analysis. All crimes committed against Mother Earth shall have a penalty of not less than five years imprisonment.

Conclusions

A new economic, social and political model is needed to stop the destruction of the environment and prevent irreversible climate change, as well as reduce inequalities of wealth and power.

The Law of Mother Earth is a basis to start a transition to a new model based on living in harmony with nature. This is an alternative philosophy to the current capitalist development model where market forces determine our relationship with nature.

The Law of Mother Earth also proposes an alternative philosophy to the green economy that seeks to put a price on nature and speculate with new financial products based on nature's functions and cycles, as well as continue with the same

neo-liberal extractive model. Nature's complex inter-connected ecosystems cannot be separated into products to be bought and sold. We do not own nature; we are part of Mother Earth.

The full version of the law follows this executive summary. Link to the original document in Spanish (<http://www.cambioclimatico.org.bo/derechosmt/112010/AnteproyectoPactoUnidad.pdf>). Throughout 2010 over 1,500 members of Bolivia's five main social movements attended 20 workshops to draft the proposal for the law with technical support of the Bolivian Climate Change Platform. The proposal represents the voice of Bolivia's 36 indigenous nations. The social movements are the: Confederation of Bolivian Campesino Workers Unions (CSUTCB), National Confederation of Native Indigenous Peasant Women "Bartolina Sisa" (CNMCIOB BS), Confederation of Intercultural Communities of Bolivia (CSCIB), Confederation of Bolivian Indigenous Peoples (CIDOB) and the National Council of Ayllus and Markas of Qullasuyu (CONAMAQ).

Link to the Bolivian Climate Change Platform position on Rio+20 and the green economy. http://www.cambioclimatico.org.bo/derechosmt/052012/100512_2.pdf

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2. Glossary

Blessings of Mother Earth and nature are: water, air, soil and subsoil, forests, jungles and biodiversity. They are defined as blessings in this law because the concept of “natural resources” has been used to justify the endless pillaging of nature by the capitalist development model. These are not just mere economic resources, they are beings in themselves and are part of the complex set of inter-connected ecosystems we depend on.

The Bolivian people according to the Bolivian Constitution approved in 2009 are: native, indigenous, campesino (*peasant*), intercultural and Afro-Bolivian communities.

Cosmovision is the world view of indigenous peoples. For example the vision of Living Well (*Vivir Bien*).

Living Well (*Vivir Bien*) is most commonly understood as a model to live in harmony with Mother Earth that aims to achieve collective well-being with a focus on community rather than the individual. Its principles are based on indigenous cosmovisions (world views) from across the world.

Mother Earth (*Pachamama, Llumpaqamama, Mother Nature*) is a living being. She is comprised of all living beings, ecosystems, biodiversity and her own self-organisation.

Native, indigenous and campesino nations and peoples are the subject in the Bolivian Constitution approved in 2009 that have the right to free, prior and informed consent.

Rights of Mother Earth. This law establishes that Mother Earth is a subject



with rights. Mother Earth is not an object to be exploited without limit. This is an attempt to create a new legal framework that goes beyond human rights. It establishes the obligation to defend the rights of Mother Earth.

Social Control is the participation and monitoring of the state and government

by civil society to achieve transparency. It often refers to policy and budgets at the local level.

More key terms defined and explained in the Principles and Definitions sections at the end of the document.



3. Proposal for a Law of Mother Earth



SECTION A

Contents

- 1) Objective
- 2) Philosophy
- 3) Rights of Mother Earth
- 4) Duties of the state
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1) Objective

The purpose of the present Law is to defend, protect, conserve, restore and safeguard the blessings of nature, Mother Earth and its biodiversity. The purpose is to promote a comprehensive self-sustaining balance to guarantee the “*Live well*” (Vivir Bien) paradigm for present and future generations in line with native indigenous beliefs. In addition to regulate the responsible, sustainable and harmonious use and management of these blessings, fully respecting the regeneration of Mother Earth’s bio-capacity, and combating the effects of climate change.

OBJECTIVES

- The fundamental objective of the framework Law of Mother Earth is to guarantee the co-existence and preservation of life.
- Establish legal instruments and mechanisms for the prevention and sanction of crimes against Mother Earth.
- Restore, strengthen and revalidate ancestral and traditional knowledge, expertise, sciences, technologies, principles and values, for the care of Mother Earth in her cultural diversity.



- Implement and guarantee public policies based on indigenous cosmovisions for the appropriate management and use of the strategic blessings of nature: water, air, soil and subsoil, forests, jungles and biodiversity to “*Live well*” (Vivir Bien). Prevention and reduction of socio-environmental impact on soils, water, air and biodiversity.
- Conserve, protect and defend national parks, forests, places of ecological fragility and sacred places through public policies, plans, programmes and projects guaranteeing the “*Live well*” (Vivir Bien) paradigm.
- Guarantee the right to legally binding free, prior and informed consent and consultation of native indigenous campesino peoples in accordance with their own rules and procedures as recognised in the Constitution, International Labor Organization Convention 169 and the United Nations Declaration of the Rights of the Indigenous Peoples.
- Guarantee the effective monitoring and participation of by all citizens to defend, protect, conserve, restore and safeguard Mother Earth, the blessings of nature and its biodiversity, in accordance with national laws.

2) Philosophy

MOTHER EARTH

Mother Earth is a living being. She is sacred, fertile and the source of life that feeds and cares for all living beings in her womb. She is in permanent balance, harmony and communication with the cosmos. She is comprised of all living beings, ecosystems, biodiversity and her own self-organisation. The concept of Mother Earth is based on the cosmovisions (world view) of the native indigenous nations and peoples. Mother Earth is a subject of rights for all purposes of the present law.

LIVING AND NATURAL BEINGS AND BLESSINGS OF MOTHER EARTH

The *Tunapa* myth eloquently demonstrates

the life cycle. It tells of a God who sinks while travelling in a totora boat on the Desaguadero River. He sinks into the depths of the earth, the *Manqhapacha*, to re-emerge from the bowels of the earth in the form of a volcano which spits fire into the atmosphere, the *Alaxpacha*, falling on the earth as lava and dust and later becoming rock. The subsoil, surface soil and sky are connected and linked through a lucid and creative metamorphosis.

- Living beings (plural and differentiated entities) interact with Mother Earth to form a multiple living being.
- The blessings of Mother Earth are the physical forces and energies which are found at all levels of the earth's sphere, they are also called Natural Resources. This includes minerals in all their states, hydrocarbons, water, air, soil and subsoil, forests and jungles, biodiversity all those elements and physical forces of Mother Earth.

TO LIVE WELL (VIVIR BIEN)

An alternative model to capitalism, modernity and development based on the cosmovisions (world view) of native indigenous nations and peoples. The achievement of the Live Well Paradigm is understood as harmony, balance and complementarity among living beings and Mother Earth. To *Live Well* is a holistic coexistence applied on various levels: material, cultural, social and spiritual. This conception signifies living in harmony, in complementarity and spiritual balance with nature and societies: to *Live Well*: with nature, between us, with those around us, and with ourselves. In this sense, we understand to *Live Well* as the fullness of life.

ECOLOGICAL CRISIS

Taking into account the ecological crisis the state and government at all levels must develop policies, plans and programmes directed at the restoration, restitution and rehabilitation of ecosystems that have been negatively affected, degraded and



pillaged. The state must aim to attack the structural causes of the crisis, advancing the “Live Well” (Vivir Bien) paradigm which is an alternative to capitalism, modernity and the dominant development model.

3) Rights of Mother Earth

The following are recognised as the rights of Mother Earth:

15. The right to life and to exist.
16. The right to respect.
17. The right to continue her cycles and vital processes, free from human disturbance.
18. The right to maintain her identity and integrity as a differentiated, self-regulated and inter-related being.
19. The right to pure water as the source of life.
20. The right to clean air.
21. The right to comprehensive health.
22. The right to be free of contamination and pollution, toxic and radioactive waste.
23. The right not to be genetically altered and modified in her cellular structure, threatening her integrity or vital health functions.
24. The right to full and timely restoration and decontamination due to the infringement of the rights recognised in this Law caused by human activities.
25. The right to reforestation.
26. The right to the balanced and harmonious management of the blessings of nature.
27. The right not to be affected by mega hydroelectric, infrastructure and development projects which affect the balance of the eco-systems and populations inhabiting the territories concerned.
28. The right not to be subjected to high-risk energy technologies with

profound ecological and social impact, such as nuclear energy and processes for extraction, enrichment and dumping of waste.

4) The state at every level has a duty to:

- Preserve, care for and restore the *Pachamama* (Mother Earth) in the face of the destruction caused by human beings. Defend Mother Earth at the national and international level against ecological contamination, diversion of sources and flows of rivers, and the irrational exploitation of the blessings of nature.
- Implement policies, plans, programmes and projects, seeking to resist the causes and effects of climate change.
- Comply with legally binding consultation and free, prior and informed consent for native, indigenous and campesino nations and peoples for any work or project that may affect the harmony and balance of the natural cycles of Mother Earth.
- Recover and disseminate ancestral knowledge, expertise, sciences and technologies regarding the use of nature’s blessings.
- Prohibit mining, hydrocarbon and forestry extraction activities which affect water sources and springs, and sacred sites within national parks and/or in places of ecological fragility.
- Guarantee food sovereignty. Prohibit the import, introduction and commercialization of toxic, radioactive, transgenic material, fungicides and pesticides that affect and damage our *Pachamama* (Mother Earth) and the health of all living beings.

Based on the implementation of the Conclusions of the Cochabamba Peoples Agreement of April 2010 ([link](#)), which are binding for Bolivia and hopefully in the rest of the world, it is the duty of the state to demand repayment of the historical debt by the countries at the centre of the world capitalist system with respect to the



south and the periphery of this system. This entails demanding compensation for the looting, stripping and exploitation of mineral resources that has left behind degradation and environmental devastation. This has led to an imbalance in the interactive life of ecosystems and negative effects on the reproduction of human life.

5) Citizens have the duty to:

- Recognise and participate in the full application and implementation of the rights and responsibilities established in the law.
 - Raise awareness and empower human beings and institutions to meet their responsibility to defend the rights of Mother Earth and of all beings.
 - Not commodify nature's blessings, especially water.
 - Use nature's blessings in a sustainable and balanced way.
 - Manage solid waste responsibly.
 - Ensure that human well-being does not affect the balance and well-being of Mother Earth in the present and the future. Guarantee damage caused by human violations of the inherent rights recognised in this law be rectified. Guarantee those responsible are punished and obliged to restore the integrity and health of Mother Earth.
- Respect, protect, conserve nature, ecosystems and biodiversity and, when necessary, restore the integrity of the cycles, processes and balances that are vital to Mother Earth.
 - Establish precautionary and restrictive measures to avoid and prevent human activities from leading to the extinction of species, the destruction of eco-systems or the alteration of ecological cycles.
 - Draft environmental, economic and social policies in harmony with Mother Earth, and in keeping with the rights recognised in this law.
 - Guarantee food sovereignty and security through ecological and organic production. Promote comprehensive pest and disease management. Abandon the use of chemical and agro-chemical fertilizers.



SECTION B

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Policy sectors:

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- 8) Mining
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- 10) Land and Territory.

Policy sectors

LIVING BEINGS AND THE BLESSINGS OF NATURE

As human beings who are the result of millions of years of evolution we must share life with other living beings in the diverse ecosystems that form Mother Earth. From the indigenous native cosmivision world view four elements constitute the life of Mother Earth: fire, air, water and earth. Everything is alive and the cosmos is composed of multiple living beings. For this reason, the components of Mother Earth are called *living beings* and *blessings of nature*.

This perspective differs from the colonial, modern and capitalist conception that codifies and classifies nature's blessings as *natural resources* converting them into exploitable objects and materials. This is based on the supposed supremacy of modern humanity over nature.

1) AIR

The cosmivisions of native indigenous peoples conceive air to be a living being. Air forms a primordial and constituent part



of living beings and in this sense gives life. Air can also be conceived as the carrier of the distinct forms of cosmic energy. Air is a blessing of nature, forming part of the life-cycles of Mother Earth. It is the condition permitting the development of the different forms of life of Mother Earth. Air is a mixture of the gases making up the atmosphere including nitrogen, oxygen, carbon dioxide and other gases. Contamination of the atmosphere as a result of human activity – for example industrial processes and hyper-consumption in cities at the centre of the world-wide capitalist system - creates a greenhouse effect that has caused the climate change crisis.

Agricultural activities such as agri-business also contribute to this effect with their high levels of nitrous oxide emission and commercial livestock breeding with high methane emissions.

The entire population has the right to clean air and therefore the state is obliged to control, preserve and secure a healthy environment.

Policy proposals

- The state must regulate productive, transport and industrial activities, the management of solid residues, landfills and enterprises that generate gases that contaminate the atmosphere and ecosystems.
- The state must implement controls to reduce noise pollution.

2) WATER

In the cosmovisions of native indigenous nations water is conceived as the blood of *Pachamama* (Mother Earth). Water is a living being and a blessing of nature. Water flows generate and regenerate the life of all beings, ecosystems, biodiversity and the life cycles of Mother Earth. Water is essential to cycles of precipitation and condensation. Water is also a source of energy. As it is abundant in the composition of Mother Earth it constitutes the most significant part of living beings. It acts as a regulator of ecological harmony and balance, and also as a transport

medium for nutrients and life within living organisms.

Since the colonial era and with the advancement of capitalism water became a resource and then a commodity. It was reduced to an input into the capitalist productive process forming part of a system of primitive and increased capital accumulation. In the neoliberal phase it was proposed to privatize water, dispossessing the majority of people from cheap access and incorporating it into ruthless financial speculation and shifting towards exorbitant user rates. This privatisation project was defeated by the social movements forming the The Coalition in Defense of Water and Life (Coordinadora de Defensa del Agua y de la Vida) in the Cochabamba “Water War” in 2000. The Bolivian Constitution institutionalized the popular conquest of the fundamental social right to water.

River basins are ecological continents that contain diverse ecosystems which we call biodiversity. They sustain an ecological matrix including the generative, re-generative, self-evolving and self-organizing cycles of Mother Earth. River basins sustain the life of ecosystems, forests, water cycles, air cycles and the regenerative cycles of the soils.

Policy Proposals

- Water resources in all their conditions - surface and underground - constitute finite, vulnerable and strategic resources that fulfil a social, cultural and environmental function. These water resources cannot be privatized or controlled through concessions.
- Water constitutes a fundamental right for life. It is the duty of the State to manage, regulate, protect and plan the adequate and sustainable use of water resources, with social participation, to guarantee access to water for all its inhabitants based principles of solidarity, complementarity, mutual support, equity, diversity and sustainability.



The state shall:

- Regulate the sustainable handling and management of water resources and river basins for irrigation, food security and basic services, respecting the individual norms and procedures of communities. The state shall recognise, respect and protect the uses and customs of the communities, of their local authorities and of the native, indigenous and campesino organisations on rights, handling and sustainable management of water.
- Oversee and regulate the recycling of water for industrial use.
- Regulate the use of water for processes, especially mining and hydrocarbons, which demand considerable volumes of water. The state shall also determine the value of water use and payment procedures. It must be taken into account that water for domestic and irrigation use are not strategic to guaranteeing life cycles.
- Implement clean technology and mechanisms compatible with ecological, scientific and traditional knowledge for the storage of rainwater.
- Protect the use of water springs including underground waters, above all in arid and semi-arid regions.

3) SOIL

The soil is another blessing of nature making up the biodiversity matrix. The Cosmo visions of the native indigenous peoples conceive of soil as a living being and the sustenance of the biological activities of all living beings including the life-cycles of air and water, the generation and regeneration of forms of nutrition of vegetable components and the basis of the food chain. Soil is an eco-system which forms plant and animal life and thus it is a fundamental condition for the food production process.

When the vital cycle of the soil is negatively affected by degradation and deforesting we are affecting the complex and connected cycles of all beings and the ecosystems. To maintain the balance and harmony of the soils is to defend the rights of Mother Earth.



Currently Agri-business crop production systems directed at the external market are based on the extraction and export of the nutrients of Mother Earth. This predatory system is responsible for the uncontrolled advancement of the agricultural frontier; causing deforestation, desertification and the marginalisation and discrimination of indigenous populations.

Policy proposals

The state shall:

- Promote agricultural production programmes which permit the generative and regenerative capacity of the soil through crop rotation in line with the cosmovision of the Bolivian people. These programmes will allow the soil to recover its mineralogical and organic composition.
- Encourage and provide incentives for the use of ancestral expertise, knowledge, sciences and technologies - that complement clean technology - for agricultural and organic agricultural production.
- Promote research to enhance organic ecological agricultural production and integrated pest and disease control; with the aim to shift away from fertilisers and pesticides that cause contamination of soils, water and air that affect the health of living beings.
- Develop policies with civil society participation for the harmonious, appropriate and responsible management of soils respecting the balance of living and non-living elements.

4) BIODIVERSITY: DOMESTIC AND WILD FLORA AND FAUNA

Biodiversity makes up the variety of ecosystems which form and configure the interaction between Mother Earth's living beings allowing the combination of multiple forms of life, whose mutual interactions - with the rest of their surroundings - form the basis of the sustenance of the complex and multiple being that is Mother Earth.

Flora and fauna are part of the mythology of the indigenous peoples. In Amazon mythologies, certain animals are the fathers and mothers of the origin of fire, of hunting and agricultural tools. Animals and plants are classified according to the ancestral calendars, the appearance of the constellations, the approximation of the constellations and the configuration of the stars. This allows the reading and prediction of rainy periods, fishing, sowing and harvesting periods and the time for gathering fruits. The cosmovisions of the indigenous peoples include associations, analogies and links with animals and plants; they form part of the cultural imagination of the communities and are closely linked to human destinies.

Biodiversity contains a wealth of genetic information whose qualities are still-unknown. They could potentially be used to resolve problems of humanity, living beings and of Mother Earth in the areas of health, adaptation to climate change, increase in harvest yields, resistance to pests and diseases and cures for living - including human - beings.

Policy Proposals

The state shall:

- Prohibit imports of genetically-modified organisms for use in agricultural production.
- Prohibit the use of bio-technology to alter the genetic heritage of animal and vegetable species and micro organisms for commercial purposes.
- Regulate imports and use of fertilizers, pesticides and other chemical compounds. Illegal importation shall be penalised by law.
- Prohibit and sanction by law indiscriminate hunting and fishing of native species.
- Implement policies, plans, programmes and projects to promote the use, recovery and sharing of ancestral and ecological knowledge, expertise, sciences and technologies for the conservation and harmonious use and balance of biodiversity. These policies shall also promote



agro-biodiversity and guarantee the intellectual and collective property of the native, indigenous and campesino nations and peoples.

- Elaborate policies and plans to conserve wild and domestic native and naturalized species in danger of extinction. Encourage the repopulation of flora and fauna with the participation of the native, indigenous and campesino nations and peoples.

5) FORESTS

Forests are diverse ecosystems and eco-regions with native species of flora and fauna that provide ecological functions. Native indigenous peoples conceive forests and jungles as the Great Home (*Casa Grande*) that is Mother Earth where humans coexist, interact and inter-relate with plants, animals, water and pure air. Forests and Jungles are complex systems formed primarily by trees, areas of trees and flora sheltering a diversity of fauna and blessings of Mother Earth. Jungles include tropical forests in different levels of density and humidity. Forests provide shelter, natural medicines, and habitats for different living beings. Without forests there would be no clean air and no rains.

They provide food through hunting and fishing and the collection of wild fruits. They provide shelter and natural medicines that can cure illnesses using the secret knowledge of the plants. Forests protect against floods, erosion, pests, diseases and natural disasters, and offer the opportunity of living in a healthy environment. Plantations and mono-crops are strictly not considered as forests.

Policy Proposals

Using the forest:

Forestry blessings are those tree species that can be employed for domestic, industrial and others uses. Their value must be recognised in the elaboration of handicrafts, construction materials, and a variety of medicines, textile fibres for clothing and food for some types of livestock.

There must be legal recognition of traditional medicine, and the inclusion of this knowledge in the practice of Western medicine, in keeping with the principal of complementarities between traditional knowledge and scientific Western knowledge.

- The state at its different levels shall begin and sustain research to identify, register and create inventories of the diversity of medicinal plants and associated traditional knowledge in order for it to be better conserved and used.
- Through public and private universities, the state shall create national, departmental and regional research centres to preserve the forests and their native genetic resources.

Timber Industry:

- Reforestation actions are a pre-condition for the exploitation of timber, principally for private timber companies. Tree species that are cut down by timber companies must be strictly protected for appropriate and balanced use.
- Some species of trees must be protected by the state, for their value and ecological functions, and not be subject to deforestation despite their perceived financial value.
- The resources obtained by timber companies must benefit the regions and communities where the raw material is obtained.
- Environmental audits shall be carried out for timber companies with the active participation of affected communities and civil society.
- Forestry concessions granted illegally by previous governments to timber companies shall be rescinded by law in favour of native, indigenous and campesino nations and peoples.

Conservation of forests

Forestry reserves encompass all timber and non-timber resources, flora and fauna, in specific territories, and is a form of holistic protection of the forest.



- Border controls shall be strengthened to avoid the pillage of the blessings of the forests. Lands possessed by foreigners in border zones shall be confiscated.
- The competent institutions must be strengthened for the control and protection of the forests. There must be participation and control by the native, indigenous and campesino nations and peoples with the aim of shared management of forests and lands.
- Native, indigenous and campesino nations and peoples have the right to free, prior and informed consultation to decide how the blessings of nature are exploited based on their own norms and customs, and to decide on construction and development of infrastructure in their territories.
- The state, together with the native, indigenous and campesino nations and peoples shall create regulations for the protection and conservation

of forests. These regulations must be accompanied by a system of severe penalties for non-compliance for those who cause damage to the forests and jungles of Mother Earth.

In case of non compliance, the procedure shall be:

- i. Revocation or cancellation of contracts
- ii. Revocation of ownership rights
- iii. Fines
- iv. Establish penalties with a minimum of 5 years
- v. Penalise those contaminating water in forests

Reforestation policies

- All levels of government must work on a national reforestation plan of native timber and non-native tree species together with civil society.
- The corresponding authorities must establish norms for the reforestation of deforested areas prior to the extraction of timber. The granting



of permits, grants and contracts for timber management will be conditional on ascertaining the extent of forested areas proportional to the surface area of planned timber exploitation.

- Control mechanisms must be established to avoid unnecessary damage in areas surrounding the extraction zones, and appropriate technologies for the type of forest.
- All deforestation activity must be stopped and new planning carried out for these areas.

6) ALTERNATIVE ENERGY SOURCES

The capitalist world economy is based on highly polluting forms of energy which have caused the climate and ecological crisis - thus deepening the economic and social crisis – and put the life of Mother Earth in danger. As well as contaminating the air, soil and water the capitalist development model based on fossil fuels has come into contradiction with life, the balance of life-forms, harmony of the ecosystems, and with the generation and regeneration of the life of Mother Earth.

This situation obliges humans to choose another paradigm and another energy model which integrates it with the matrix of Mother Earth and the harmonious interaction between all living beings. In the “Live Well” (Vivir Bien) paradigm the possibility emerges of a harmonious use of what is known as alternative energy, meaning clean, non-polluting energy.

The principal objective of the state is to implement the “Live Well ” paradigm as an alternative model to capitalism, modernity and development. This paradigm implies a shift away from the extractive economic model towards a social and communitarian economy based on deploying the capacity and potential of territory in a complementary productive model. In the context of this strategy alternatives to fossil fuels are important. We envision a transition in the economic and energy model where there will be a transformation away from the use

of fossil fuels and extractive production which have increasingly less weight in the economic structure, towards new forms of production based on relationships of solidarity and community.

Policy proposals

- The state shall commit the necessary resources to promote intercultural research to find alternative energy sources. The state shall implement alternative energies that do not contaminate the environment (e.g. wind and solar energy), with prior and informed consultation of the peoples involved.
- The use of agricultural production for the manufacture of biofuels is completely forbidden.

7) HYDROCARBONS

Shifting from the modern capitalist model to the “Live Well” paradigm implies a transition. In this transitional stage, human beings and human societies must begin to leave behind the economic practices inherited from the model of extractive exploitation and the industrial model based on fossil fuels. This transitional process must combine the substitution of energy from a western centric vision to an ecological and harmonious perspective which respects the rights of all beings and of Mother Earth. In the transition the production chain must cause the least possible damage to Mother Earth. The sustainable use of hydrocarbons must be carried out dynamically with co-management by the communities.

Policy Proposals

- Public and private enterprises, cooperatives and individual persons polluting and/or damaging the environment are obliged to carry out the corresponding environmental mitigation, rehabilitation and repair, guaranteeing compensation and indemnity for damage caused to the affected communities. This is of a retroactive and inalienable nature.
- Hydrocarbon resources must use clean technology which does not



contaminate Mother Earth in all stages of the production process. They shall be subject to socio-environmental monitoring and evaluation by the communities involved.

- Incorporate the Bolivian people into decision-making and formulation of hydrocarbon regulations and policies, on the basis of co-management and consultation. The native, indigenous and campesino nations and peoples have a right to participate in the benefits from the “exploitation” of sources of fossil fuels within their territories.

8) MINING

Minerals are part of nature’s blessings. With the arrival of colonialism and capitalism mineral blessings were reduced to *natural resources* to be explored, exploited and exported under the extractive model. Capitalism has left cemeteries in the mines in the bowels of Mother Earth abandoning in the darkness the skeletons of indigenous peoples and slaves. These bodies fed the insatiable greed of capitalism transferring wealth to the imperialist centres and leaving behind misery in mining regions and countries.

Policy Proposals

- No policy or activity in the mining production chain (exploration, exploitation, industrialization and commercialization) shall affect the rights of Mother Earth. For the wellbeing of Mother Earth it is prohibited to use practices, damaging technologies and toxic chemical compounds that can be replaced by other environmentally friendly adequate alternatives.
- State, private and cooperative mining companies must build treatment plants to treat contaminated waters to avoid damage to Mother Earth. All companies involved in mining activities must recycle the water they use and re-use it in their own productive processes thus minimising the contaminating effects of this activity.

- The state must guarantee that companies, cooperatives and individuals carrying out exploitation of mining resources comply with the corresponding requirements for mitigation, rehabilitation and environmental repair. Companies, mining cooperatives and individuals must guarantee compensation and indemnities for ecological damage caused. This shall be retroactive.
- It shall be a priority responsibility of the state to elaborate and apply policies aimed at the restoration, restitution and repair of the ecosystems affected by environmental liabilities caused by public and private mining exploitation.
- All mining activities, work or projects must be subject to the process of legally binding free, prior and informed consultation when these activities are carried out in territories and affect the interests of the native, indigenous, and campesino nations and peoples. Public and private companies shall be subject to ecological and external audits, monitoring, social control and accountability to society. The Bolivian people participate in supervision throughout the mining process.
- Public companies must include direct participation, and practice co-management and self-management jointly with the social movements and communities involved.
- Incorporate the Bolivian people into the formulation, decision-making and application of mining policies and norms. They have priority participation in the benefits generated by these blessings of nature in their territories, based on co-management and consultation.
- Water is a blessing of Mother Earth and the property of all citizens. This strategic resource must be oriented towards achieving the “Living Well” paradigm. The use of water by mining companies must be considered an input of the productive process with an economic value.



- Under no circumstance shall the state subordinate the sovereignty of the people over natural resources – during the transition this term becomes blessings of nature – in favour of public or private companies
- In accordance with the Bolivian Constitution, which defines the blessings of nature as the property of the Bolivian people all concessions are declared null as mining companies shall become service providers only and must conform to the normative conditions of the Bolivian Constitution.

9) PROTECTED AREAS

These territories of collective heritage are created through laws and decrees. Their purpose is to conserve biodiversity, the integrity of Mother Earth and contribute in the struggle against the ecological crisis and climate change. In protected areas there is a great diversity of flora and fauna whose benefits we have the right to protect and use in a holistic and balanced way.

Policy proposals

- A special Law of Protected Areas must be drafted to create National System

for Protected Areas to conserve them throughout the country. Recategorization of existing Protected Areas as ecologically fragile sacred sites.

- Promote the creation of increasing numbers of protected areas.
- Create a national and local council to control and manage Protected Areas comprised of civil society (social movements, local communities) and the corresponding authorities.
-
- Prohibition of Extractive Activities in Protected Areas:
 - Annul forestry, mining and hydrocarbon concessions that have not been agreed on with the social movements.
 - The development of future extractive activities and projects (mining and hydrocarbons) and infrastructure (highways and mega reservoirs) is prohibited within Protected Areas, except in the event of prior informed consultation and the consent of the affected population.
 - Enforce compliance of logging agreements.
 - Penalise failure to comply with reforestation.



- Establish mechanisms to prevent smuggling of the blessings of nature (illegal logging etc) within the country and across international borders.
- Failure to comply with the Law of Mother Earth in Protected Areas shall be penalised by duplicating the maximum penalty provided by law.

Territorial Management and Shared Responsibility (state and community) for Protected Areas:

- Shared responsibility must guarantee the direct participation of the native, indigenous and campesino nations and peoples in strategic decision-making, in keeping with their own norms and procedures, allowing for the equal distribution of the benefits from Protected Areas.
- Policies, plans and programmes must be elaborated to promote and encourage ecological tourism in Protected Areas thus generating resources for the communities involved. Economic resources generated by this activity must be invested in favour of the communities.
- Implementation of sustainable ecological management programmes must be encouraged to incentivise handicrafts production and culture. The state is obliged to provide financial resources for these projects in Protected Areas.
- Funds must be channelled from the National Treasury for the management of the Protected Areas. Economic resources must be allocated a direct tax on hydrocarbons to establish protective policies for Protected Areas and the environment.
- The strictest evaluation of environmental impact is imperative, during and after the implementation of activities and projects already being implemented within the Protected Areas.
- All Protected Areas must be administered and controlled by the social movements in coordination with their respective governments (central, departmental or local).

- The State, in coordination with the Bolivian people shall promote and implement environmental education campaigns to protect the rights of Mother Earth.

10) LAND DISTRIBUTION, AGRICULTURAL PRODUCTION, INDIGENOUS TERRITORY AND HUMAN SETTLEMENTS

Policy Proposals

Land distribution:

- The process of land titling in Bolivia must be concluded prioritizing the regions where the greater part of land titling still remains to be done. This process must have the required budget and guarantee civil society participation and monitoring by the Bolivian people.
- The state shall elaborate a report on compliance with land functions with the participation of the Bolivian people for the immediate confiscation of lands not fulfilling a Socio-Economic Function.
- The acquisition of state land by mining or industrial companies, national or foreign, is prohibited.
- Gender equity in access to land ownership and use of the blessings of Mother Earth: State lands shall be distributed equally, prioritizing women, native, indigenous and campesino nations and peoples.
- The distribution of state land shall take place collectively according to the ecological and productive vocation of the regions, and considering the reality and characteristics of the different communities. This shall be done to guarantee the *“Live Well”* paradigm for the native, indigenous and campesino nations and peoples.
- The state shall protect the right to privacy of non-contacted indigenous peoples living in isolation.

Agricultural Production:

- The National Treasury should allocate resources directed at agricultural production.
- Provide Agricultural Insurance nationally to promote agricultural



production.

- The mechanisation of agricultural production and use of agro-chemicals must be regulated towards progressively banning them from use in the agricultural sector to prevent soil degradation.
- Promote organic and ecological production policies (including crop rotation) as a means to change agricultural production to conserve Mother Nature and strengthen food security and sovereignty.
- Education programmes on ancestral practices and knowledge.
- Elaborate norms on land use and management plans with the Plurinational Council of Mother Earth and participation of local communities.

Indigenous Territories:

The territory of the Great Home (*Casa Grande*) cares for human beings with their cultural and spiritual identities, feeds them and contains biodiversity, forests, and river basins. Land is a space where we live, work and farm. Land titling must be based on the territory of native, indigenous and campesino peoples and nations.

Policy Proposals

- The statutes, practices and customs of each one of the native, indigenous campesino peoples and nations governs the life and activities of these territories including the native, indigenous and campesino justice system.
- Regulate mining, lithium, hydrocarbon, timber and agricultural activities and exploitation to guarantee the environmental, social and economic balance of native, indigenous and campesino peoples and nations territories.

Comprehensive Planning of Human settlements:

- The state shall regulate migrations caused by climate change, or due to other causes, respecting the territories of the indigenous nations, protected areas and forests to

preserve biodiversity.

- Implement training programmes on productive, ecological and cultural characteristics and vocations of the region where migrants will settle, among other actions.
- The state shall implement comprehensive planning in human settlements, in coordination with local government and social movements to contribute to the development of the country.

ECOLOGICAL MANAGEMENT OF MOTHER EARTH

The management, care, conservation, protection, control, planning, research, evaluation, administration and monitoring of nature's blessings - land, water, air, flora and fauna, forests, biodiversity and ecosystems – and promotion of their use and exploitation in the framework of the "Live Well" paradigm.

The state and the population have the duty to conserve, protect and make harmonious use of living beings and the fruits and blessings of nature; as well as to maintain the balance of ecology and the ecosystems. The population has a right to participate in ecological management as well as to be consulted and informed prior to decisions being taken that could affect Mother Earth.

Technical and financial responsibility for mitigation and adaptation actions by each state are determined by their historic responsibility for greenhouse gas emissions that have caused climate change, degradation, plundering, deforestation, food insecurity and external dependence.

Precautionary and Preventive mechanisms

- Using a baseline the state shall incorporate the management of river basins, water, forests, territory, soils, air, biodiversity and agricultural management into its precaution and prevention policy. The instruments for management, precaution and prevention are aimed at achieving



the “*Live Well*” (Vivir Bien) paradigm.

- Damage to Mother Earth must be avoided and in the event that any activity, piece of work or project causes this it must fulfil the obligation to rehabilitate and restore the damage caused to the ecosystem of Mother Earth.
- An environmental impact study (EIS) is required for the implementation of infrastructure and industrial activities using nature’s blessings. The EIS must be elaborated together with the communities and populations involved.
- It is mandatory for all activities, activities and projects involving the use of nature’s blessings to have an environmental license. The environmental license for the use of nature’s blessings must have the validation and approval of the affected communities and populations.
- Instruments are established for the evaluation of and compliance with environmental norms:
 - a) Declaration of environmental impact
 - b) Environmental study
 - c) Licenses and permits
 - d) Implementation of economic and socio-environmental audits

Mechanisms shall be established for the follow-up, monitoring and social control to enforce the reparation of impacts and to repair the bio-capacity of Mother Earth.

The state has the duty to:

- Develop plans for the use, conservation, balance and harmonious management of hydro-geographical river basins for irrigation, food sovereignty and basic services, while respecting norms and procedures of local communities.
- Carry out studies for the identification of fossil, glacial, wetland, underground, mineral and medicinal waters to ensure their protection and harmonious management.
- Elaborate a national plan for the holistic management of forests.
- Elaborate a national plan for the management of biodiversity, flora and fauna.
- Intellectual Property Rights: Conserve, safeguard and improve the genetic heritage (domestic and wild) recognizing the contribution of the native indigenous peoples to the history of humanity.



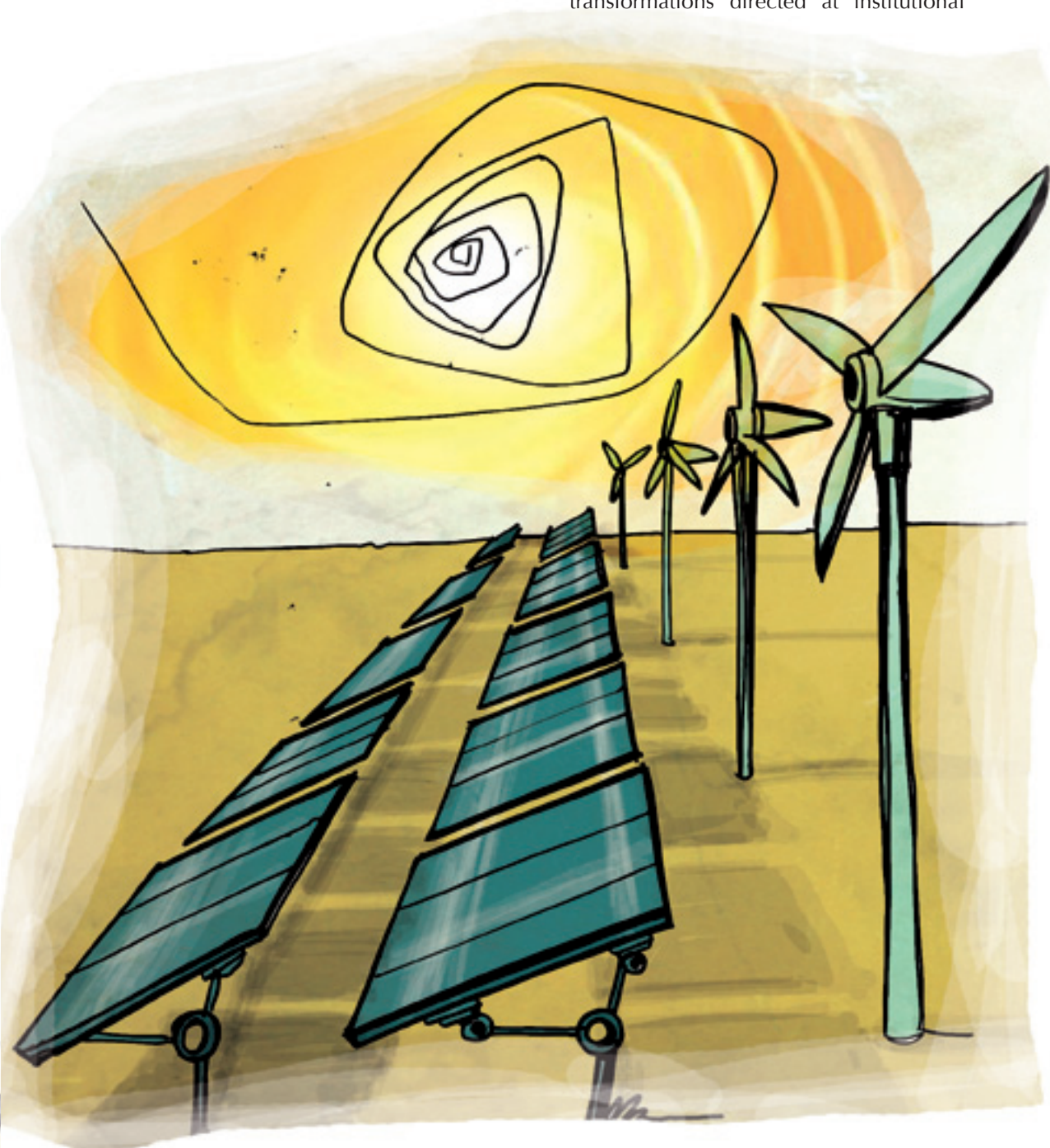
SECTION C

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1) Institutional Framework – Plurinational Council of Mother Earth and Ministry of Mother Earth

Bolivia is constituted as a Plurinational State. It is free, independent, sovereign, democratic, intercultural and decentralized with autonomies. Bolivia is founded on principles of political, economic, legal, cultural and linguistic pluralism. The spirit of the Constitution is to establish a Communitarian and Autonomous Plurinational State. This decolonizing task involves a set of institutional, economic, political, social and cultural transformations directed at institutional



pluralism and a new relationship between State and society, converting the state into an instrument of society.

PLURINATIONAL COUNCIL OF MOTHER EARTH

A Plurinational Council of Mother Earth will be formed based on ideas of citizen oversight and monitoring to shift towards the new paradigm of “*Live Well*” (*Vivir Bien*). The creation of this Council paves the way for the transformation of the management of Mother Earth including ecological, environmental, territorial and agricultural management. This entails a transformation in the form of government to include interaction between beings and the ecosystems respecting their ways of life and habitats. This involves a transformation within institutions and also in community forms of management.

The state shall promote decentralised management at the regional, provincial and local levels that shall permit effective monitoring of compliance with the Law of Mother Earth. This decentralisation shall facilitate the effective monitoring of companies and private individuals who could commit violations of the present law and the Bolivian Constitution.

The state recognises and respects the authorities of the native, indigenous and campesino nations and peoples through their own legally-established institutions in defence of Mother Earth according to their individual norms and procedures.

National level

The Plurinational Council of Mother Earth is formed by the main rural social movements, spiritual leaders, civil society and NGOs and representatives of central government and the Plurinational Legislative Assembly. Due to its composition and attributions the Council is the highest policy-making body to develop the norms, plans, programmes and projects of the Ministry of Mother Earth. Government bodies and legislative bodies decisions are subordinate to the decisions of the Council. This implies that

it’s decisions are mandatory for all citizens of the Plurinational State of Bolivia.

Attributions:

- Define, formulate and implement policies to *Live Well* in harmony and management of Mother Earth and which guarantee balance, harmony and complementarity between living beings and ecosystems. Plan actions to repair damage done to Mother Earth.
- Regulate extractive industrial activities, guaranteeing coherence with the new paradigm of *Live Well*.
- Define, formulate and implement policies to respect river basins including their complex and reproductive life cycles and ecosystems, and to care for biodiversity including wild and domestic flora and fauna
- Apply and promote an intra and intercultural ecological education system based on ancestral expertise and knowledge.
- Define the economic and financial system to sustain the maintenance, recovery, restoration and care of Mother Earth - of beings, river basis and ecosystems.
- Design comprehensive and participatory plans for Mother Earth. Formulate, agree and implement the participatory budget which includes macro-financing for Mother Earth’s policies and management.
- Design policies to preserve and respect sacred territories.
- Oversee environmental disasters, extractive activities and their impact.
- Promote intercultural coordination between central, departmental, regional and municipal government, and with indigenous peoples.

Regional Level

The Regional Councils of Mother Earth are created as the highest decision-making bodies for plans, programmes and projects at the regional level. They are formed by representatives of regional civil society, social movements, regional government



and spiritual representatives. The Regional Councils are created with a framework of participation of civil society and gender equality. Regional Directorates for Mother Earth are created with mandates at regional level and similar attributions to those at the national level.

Attributions:

- Protect, care for and preserve the rights of Mother Earth. Promote ecological balance and harmony.
- Ensure that agricultural projects at regional level guarantee the ecological balance in Mother Earth, and the paradigm of *Living Well* for present and future generations, based on the reevaluation of ancestral knowledge, expertise, science and technology.
- Design mechanisms and promote the creation of regional institutions for the comprehensive management and administration of Mother Earth.
- Comply with and enforce the norms and regulations of the Law of Mother Earth in coordination with sectorial norms and policies.
- Plan comprehensive management of nature's blessings at regional level.
- Design policies to preserve and respect sacred territories and spaces.
- Take joint action (the state and civil society) regionally to repair the harm caused to Mother Earth by transnational and national companies and public entities.
- Ensure compliance with the Law of Mother Earth in industrial, extractive and large scale infrastructure projects to achieve *Living Well*.
- Design policies to prevent, mitigate and remedy environmental and socio-economic impacts of ecological disasters caused by extractive activities including mining, hydrocarbons, industry and artisanal projects.
- Guarantee legally binding consultation and prior and informed consensus for native, indigenous and campesino nations and peoples in the face of the activities of extractive industries,

infrastructure and mega projects.

- Promote policies, plans, programmes and projects in line with the new paradigm to *Live Well*.

Municipal level

Municipal Councils of Mother Earth and Municipal Directorates of Mother Earth are created to implement mandates from the national and regional levels.

THE MINISTRY OF MOTHER EARTH

The Ministry of Mother Earth is created with the sufficient resources and the necessary Vice Ministries, Regional Directorates and Departments to enact public policies and implement plans, programmes and projects for the management of Mother Earth. The Ministry will work for the balance and harmony in the interaction of nature's blessings and living beings. The Ministry must have the participation of social movements in a framework of gender equality.

Attributions:

- Comply with and enforce compliance with the Law of Mother Earth and its environmental norms.
- Comply with decisions issued by the Plurinational Council of Mother Earth.
- Plan the comprehensive management of Mother Earth's blessings, balance and harmony.
- Guarantee legally binding consultation and prior and informed consent for native, indigenous and campesino nations and peoples on public policy, legislative and administrative measures, or any other activity that might affect them.
- Develop and encourage sustainable agricultural projects.
- Define mechanisms and encourage the creation of technical advisory institutions for the comprehensive management and administration of Mother Earth.
- Report and demand application of sanctions by the Commission of Environmental Crimes and Violation of the Rights of Mother Earth.



LEGAL BODY

A legal body is created which encompasses and comprehends the rights of Mother Earth and the responsibilities of the state, society and all citizens to Mother Earth.

2) Social control

The Law shall establish the general framework for the implementation of social control

Definition: *Social Control* ("control social" in Spanish) is the participation and monitoring of the state and government by civil society to achieve transparency. It often refers to policy and budgets at the local level.

Social control

Social control is one form of social participation. It goes beyond the existing forms of monitoring of the state such as audits and external monitoring. It is participatory and includes all sectors of society. It must be fully autonomous and independent from all levels of government.

- Regulation and monitoring of the environment.
- Training of technical advisors in ecological matters for the care, conservation and restitution of Mother Earth.
- Legally binding prior and informed consultation and consent.

Social participation includes:

- Civil society shall participate in the design of public policies and support the legislative branch of government (Congress) in the collective drafting of laws.
- Monitor the quality of public services and comment on annual reports of state bodies and institutions.
- Civil society shall organise to define the structure and nature of participation for social control.
- State bodies shall create spaces for participation and social control by society at all levels of government.
- Civil society shall exert social control over public management at all levels of the state, companies and



institutions (public, private or mixed) that administrate state funds.

- Ensure the transparent management of information and the use of resources in all areas of public management. Information asked for cannot be denied and shall be submitted in its entirety, truthfully, adequately and opportunistically.
- Present cases before the relevant institutions for investigation and sentencing where appropriate.
- Cooperate in the public monitoring of the allocation of relevant government positions.
- Support the Electoral Body in making applications by candidates for public offices transparent where relevant.
- Prepare reports to support the process of a recall referendum of a mandate in accordance with the procedure established in the Constitution and by law (*in Bolivia elected representatives can be recalled after they are 50% into their mandate*).

Functions of Participation and Social Control

- The Law of Participation and Social Control must define the means, mechanisms, instruments and forms of participation and social control. All those who participate in social control must commit to defend the rights of Mother Earth.
- Participation involves collective political decisions, public administration and the drafting of laws. Social control is implemented at all levels of public and private sector management.
- Participation and social control for the management of Mother Earth shall be implemented via democracy in its direct, representative and communitarian forms. This shall be applied through the collective elaboration of public policy, strategic planning, participatory budgets, follow-up and monitoring of policies, plans, programmes and projects. Social control will be led by the social movements in accordance with their respective ancestral

structures and forms of organisation.

- Legally binding consultation and free, prior and informed consent of all communities is obligatory to initiate and implement the following activities which could affect Mother Earth: logging, hydrocarbons (*oil and gas*), mining, road building and large scale infrastructure projects.
- Civil society, through participation and control mechanisms to be established, must guarantee and participate in the accompaniment, observation, supervision and verification of environmental impact evaluation procedures which companies are obliged to comply with in order to continue with their activities.
- The state guarantees to protect those persons who exercise social control in their communities.
- All private activities must be paralyzed where there is suspicion or proof of possible damage to Mother Earth in accordance with the precautionary principle. This is within the framework of autonomous and legal pluralism, established in the Bolivian Constitution, meeting individual norms and procedures pursuant to the rights of the native, indigenous and campesino nations and peoples.
- The School of Public Administration must support those who carry out participation and social control by training them in the relevant skills, abilities, practices and knowledge. This training must respect the norms and procedures of the native, indigenous and campesino communities. Training at the School of Public Administration is not a requisite for participation and social control, which are fundamental rights of the Bolivian people.
- The Treasury shall grant adequate funds for the compliance with the procedures set out in this Law.

Democracy

The Plurinational State of Bolivia has adopted participative, representative and communitarian forms of democracy with



equality of between women and men. Democracy shall be exercised in the following ways through this Law:

Direct and participatory: By referendum, assembly, public meetings, citizen participation in the legislative branch of government (Congress), recall of elected representatives mandates, and prior consultation.

Representative: Through the election of representatives by direct, secret and universal vote.

Communitarian: By election, allocation or nomination of authorities and representatives via the norms and procedures of, among others, native, indigenous and campesino nations and peoples.

The Bolivian nation is made up of the totality of Bolivian men and women. The Bolivian people constitute: native, indigenous, and campesino nations and peoples; intercultural and Afro-Bolivian communities (*Article 3 of the Bolivian Constitution approved in February 2009*).

The Plurinational State of Bolivia recognises social control and participation as an inalienable right and a responsibility of the Bolivian people. This is implemented through consultation and free, prior and informed consent while respecting organisations cosmovisions (world view), spirituality and cultural identity.

3) Access to information

Prior to the issue of environmental licenses and permits the competent authorities - in coordination with authorities of native, indigenous and campesino communities - must consult the affected community affected to enquire whether they give consent in relation to activities, operations and projects that could affect them and Mother Earth.

Citizen participation and access to information

All levels of government must elaborate ecological norms with the participation of civil society.

Participation and social control shall take place at the national, regional, municipal and community level in accordance with the traditional structures of all societies, nations and peoples in Bolivia.

Policy proposals

- The state is obliged using every means at its disposal to inform and publicise information; to always be transparent; and to create free and democratic access to information on all subjects concerning Mother Earth. To this effect, a Mother Earth Data Centre is necessary. This Data Centre must guarantee quality and up-to-date data.
- The state must guarantee the right to access of information on policies, plans, programmes and projects. Governmental authorities are obliged to grant information requested in a timely manner.
- Public and private organisations and institutions are obliged to provide information by all available means to the Bolivian people on the activities they carry out relating to Mother Earth.
- The state is obliged to provide information through the mass media on the ecological situation, ecosystems, conditions and changes experienced by Mother Earth.
- The state, at all levels, must issue annually, and whenever else necessary, a report on the ecological situation and activities, actions, results and impacts on Mother Earth, for purposes of follow-up and social control.

Plurinational Council of Social Control and Monitoring

The Plurinational Council of Social Control and Monitoring in Defence of Mother Earth is created with the direct representation of civil society (including native, indigenous and campesino peoples) with gender and generational balance.

The Council will be established at the national, regional, municipal and community level.



Attributions:

- Oversee the adequate management of policies, plans, programmes and projects of the Ministry of Mother Earth as well as other relevant ministries, institutions, public and private entities.
- Oversee implementation of and compliance with technical, legal, administrative norms and policies for the defence of Mother Earth guaranteeing harmony between ecosystems.
- Coordinate tasks relating to transparency: free access to information and combating corruption regarding the management of Mother Earth, ecological and territorial management to evaluate their socio-economic and ecological impact.
- Accompany and participate in the process of monitoring policies and implementation of productive, economic and business activities affecting Mother Earth.

4) Free, Prior and Informed Consultation

The March by indigenous peoples for Land, Territory and Dignity in 1990 was historic for indigenous people's rights because the mechanism for consultation of ancestral communities became obligatory for the State and society. Prior consultation and consent are part of international treaties including International Labor Organization Convention 169 and the United Nations Declaration of the Rights of Indigenous Peoples. They are part of the Bolivian Constitution to recognise the existence of pre-colonisation native indigenous peoples and nations.

Prior consultation and consensus are part of the rights of native, indigenous and campesino nations and peoples. The exercise of consultation is an expression of self-government and the self-determination of these peoples. It is a means for the implementation of self-government as a plural democratic practice established in participatory systems of government which includes

communitarian democracy. In addition it builds a vital mechanism for participation and social control allowing other inherent rights of indigenous peoples to be exercised.

It should also be noted that prior consultation and consensus are a part of the functioning of the social and communitarian economy established in the Bolivian Constitution. The social and communitarian economic paradigm is fundamental to the model of the Plurinational State and to achieving "*Living Well*". The functioning of the communitarian economy includes ancestral forms of production and collective and complementary institutions. In this context - and respecting indigenous people's norms, procedures and practices - the Plurinational State must incorporate prior consultation and consensus into the functioning of the plural economy. The plural economy can be understood as an intercultural economy involving coordination between forms of government, forms of assembly and forms of planning, in the framework of the new paradigm that is the basis of the Plurinational State.

From the perspective of indigenous peoples consultation has three attributes: it is free, prior and informed. Prior consultation becomes a preventive instrument for the respect and safeguarding of the rights of Mother Earth for the prevention, care and potential of all the blessings that she provides - in keeping with the "*Live Well*" paradigm - which is of collective benefit.

Informed consultation applies to native, indigenous and campesino peoples as the subject. However, contrary to how consultation has been conceived native, indigenous campesino peoples should not only be informed of possible human actions. The process should also collect information, expertise and knowledge of indigenous peoples as a means to document this knowledge which has the greatest likelihood of preserving ecosystems and which today is not taken into account by the Western science.



Definition: *All nations and peoples sharing cultural identity, language, historical traditions, institutions, territory and cosmovision (world view) existing prior to the Spanish colonial invasion shall be considered native and indigenous.*

The state guarantees, respects and protects the rights of native, indigenous and campesino nations and peoples enshrined in the Bolivian Constitution and the Law.

The Bolivian Constitution enshrined the following rights of native, indigenous and campesino nations and peoples:

- To exist freely.
 - To self-determination and territory.
 - To collective titling of lands and territories.
 - To their cultural identity, religious beliefs, spirituality, practices and customs, and their own cosmovision (world view).
 - The cultural identity of each of their members, if desired, can be registered alongside Bolivian citizenship in their identity card, passport or other legally valid identity documents.
 - Their institutions are part of the general structure of the state.
 - To the protection of their sacred sites.
 - To create and administer their own communications systems, media and networks.
 - That their traditional knowledge and expertise, their traditional medicine, languages, rituals, symbols and clothing are valued, respected and promoted.
 - To live in a healthy environment, with adequate management and use of the ecosystems
 - To the collective intellectual property of their knowledge, sciences and expertise as well as their appreciation, use, promotion and development.
- To an intracultural, intercultural and multilingual education throughout the educational system.
 - To universal free health care that respects their cosmovision and traditional practices
 - To the exercise of their political, legal and economic systems, according to their cosmovision.
 - To be consulted via appropriate procedures and their structures whenever legislative or administrative measures are under consideration that may affect them. In this framework the right to mandatory prior consultation shall be respected and guaranteed when carried out by the state in good faith and consensus, with respect to the exploitation of non-renewable natural resources in the territory they inhabit. (*Article 30, -15 of the Bolivian Constitution approved in February 2009*).
 - To participation in the benefits from the exploitation of the natural resources in their territories.
 - To autonomous indigenous territorial self-management and the exclusive use and exploitation of renewable natural resources existing in their territory, without prejudicing the legally-acquired rights of third parties. (*Article 30, -17 of the Bolivian Constitution approved in February 2009*).
 - To participation in state bodies and institutions.

The state shall:

- Advance, promote and expedite the spaces necessary for the elaboration, treatment, enactment and enforcement of the Free and Informed Prior Consultation and Consent Framework Law with the participation of the native, indigenous and campesino nations and peoples.



SECTION D

Contents

- 1) Mechanisms for the defence of Mother Nature: Incentives and Penalties
- 2) Incentives
- 3) Penalties

1) Mechanisms for the defence of Mother Nature: Incentives and Penalties

Aim: Promote respect for, balance and harmony with Mother Earth (Mother Nature) to *"Live Well"*.

Policy proposals

- Co-management and use of the blessings of Mother Nature (both renewable and non-renewable) by the state and civil society.
- Mining, hydrocarbon, agricultural, hotel, timber companies and private individuals must compensate and indemnify by law for the exploration, exploitation, transport and marketing operations and/or actions involving the blessings of nature to preserve Mother Earth.



- Prior consultation and consensus of local communities.
- Restoration of ecological damage in territories of native, indigenous and campesino peoples shall be carried out by way of their norms and procedures.

2) Incentives – Renewable energy and taxes

The state needs to define incentives to reduce pollution levels of ecosystems and prioritize the allocation of incentives.

Investment Fund for Clean Technologies and Renewable Energy (which shall operate as a Trust):

The state must design and setup a Fund to incentivise cleaner production patterns. The Fund shall be run by a financial entity and the Ministry for Mother Earth with two operational arms:

- a) Support for cleaner production patterns through credits, support infrastructure and raw materials that promote cleaner production patterns;
- b) Technical support and advice on the best options for investment in cleaner technologies. Such advice shall be in line with the Law of Mother Earth.

Activities financed by the Fund:

1) Investment portfolios for loans with preferential interest rates and grace years compatible with the purpose of the credit:

- Technologies that contribute to reducing the production of pollution or waste deriving from productive processes.
- Clean energy: biomass, solar energy, wind energy, micro reservoirs and others.
- Infrastructure for recycling of waste, particularly water and chemical products.
- Infrastructure to process waste: oxidation ponds and treatment plants.
- Inputs that are 100% consumed during the productive process.

2) Portfolio of technical assistance and advice:

- Research on cleaner production systems.
- Technical assistance less polluting processes.
- Waste treatment systems.
- Better options for waste management.
- Development of products that are produced more cleanly.



Variable tax rate according to levels of contamination:

The Plurinational State shall establish a payment for dumping a determined quantity of pollution in the soil or areas of water. Once the baseline is established for the standard contamination level for each industrial or artisanal activity the rates of payment per amount of annual contamination shall increase or decrease according to a greater or lesser level of dumping of the pollutant. The tax discount rate must be greater than the annual cost of introducing clean technology.

State credit for the reduction of emissions polluting ecosystems:

The state must establish tax breaks, known as *Tax Incentives*, on the profits of individuals or companies as long as they invest in the application of state-of-the-art technologies that reduce emissions of pollution.

This credit shall apply in the following cases:

- Investments in productive sectors such as oil, agro-industry, technical conversions in industry, eco-tourism, cleaner production and others that affect ecosystems shall be exempt from the payment of VAT (*Value Added Tax*) for the import of machinery and equipment. There shall be a deduction of up to 20% on the net profit for investments made determined prior to subtracting the value of the investment.
- Investments in the reforestation of new plantations of Brazil nuts (*Bertholetia excelsa*), rubber (*Hevea brasiliensis*), cocoa (*Teobroma cacao*), fruit trees, irrigation and drainage work, deep wells and silos for the treatment and primary processing of agricultural products shall have the right to annually deduct from their revenue the value of these investments made in the respective tax year.
- Direct investments or through not for profit Research Centres, Technological Development Centres, Groups of higher Education Institutions in

projects classified as scientific, technological or technologically innovative in nature by the National Institute for Agricultural and Forestry Research (*INIAF*).

Urban areas and reforestation:

As places of demographic growth, commercial and industrial activity cities concentrate the use of energy and resources as well as the generation of waste to the point that the systems, both artificial and natural, are overwhelmed and exceed their management capacity. The reforestation of cities and the modernization of urban, inter-departmental and international transport must be considered a priority by the state and shall be subject to a special regime of incentives and penalties.

3) Penalties - the penalty system and sanction regime

Crimes against Mother Earth and Sanctions:

The following are considered to be environmental crimes against Mother Earth:

- ⊙ The manufacture and use of chemical, biological and nuclear weapons;
- ⊙ Excessive and indiscriminate use of slash-and-burn techniques;
- ⊙ Emissions of waste and other contaminants, including passive pollution (solids, liquids, gases), of any nature which affect water, air and soil and encroach on protected areas;
- ⊙ Deforestation;
- ⊙ Indiscriminate use of chemical agents;
- ⊙ Use of explosives that affect biodiversity;
- ⊙ Hunting endangered animals;
- ⊙ Trafficking of wild animals, dead or alive, as well as exotic and native vegetable species;
- ⊙ Depredation, degradation and desertification of water sources, waterholes, wells, springs, lagoons, river headwaters and streams.



Penal code:

- Formally include the violation of the rights of Mother Earth in the Penal Code and declare this as a crime against nature and a crime against humanity.
- A law shall determine the different administrative procedures and violations affecting Mother Earth.
- Serious proven environmental crimes against Mother Earth must be presented to a court to be penalized by imprisonment for 30 days without the right to appeal.
- The material and intellectual authors of serious environmental crimes shall provide reimbursement and compensation for the damage and harm caused to Mother Earth to the affected communities.

Civil actions:

- All private individuals and/or groups who have been affected by damage to Mother Earth must appeal to civil action for compensation of damage for the victims and restoration of the ecosystem.

Constitutional actions:

- All private individuals and/or groups impacted by environmental contamination, which affects the rights recognised by the Bolivian Constitution, shall lodge constitutional action regarding illegal acts or omissions with the judicial system.

Sanctions:

Environmental crimes are criminally sanctioned according to the degree of environmental damage caused to Mother Earth, with prior technical-scientific analysis evaluated by a competent authority and sent to the agro-environmental body for its information.

- All crimes committed against Mother Earth shall have a penalty of not less than five years imprisonment.
- Crimes against Mother Earth (*Pachamama*, *Llumpaqaqamama*, Mother Nature) whatever their nature, have applicability, in the knowledge that Mother Earth ensures the survival of all living beings.



4. Principles and Definitions



Principles underpinning the Law of Mother Earth

ECOLOGICAL ENVIRONMENT

The ecological environment is the home and habitat shared by all beings. The ecological environment includes our entire natural, artificial, socio-economic and cultural surroundings. This means all those elements that coexist on the planet,

human beings and the relationships with everything around them. It comprises all environments, including living beings, other biotic systems, air, water, soils, the blessings of Mother Nature, flora, fauna, human beings and their inter-relation and interaction.

HARMONY

The dynamic balance and between living



beings and human beings. Harmony is a balance with the cosmic cycles and complete spiritual serenity based on symphony with the stars, birdsong, and union with animals, hills, rivers and plants.

COLLECTIVE WELL-BEING

The benefits shared by all beings and ecosystems. Collective well-being is the set of ecological, historical, social, political and cultural conditions which imply well-being for all living things within the model of *Living Well*. There is no conception of the individual or private. It is based on shared and complementary inter-action.

COMPLEMENTARITY

Complementarity implies recognition of the other, women or man, as part of a balanced and harmonious relationship. It involves forms of interaction including *ayni* (retribution with equivalent support for different services received) and *minka* (retribution with equivalent support but with a service equivalent to that received). Complementarity means a growing and full relationship between all beings that establishes complementary connections and contacts, compensating and connecting their differences, forming a balanced and harmonic whole.

DUALITY

In the Andean world duality between feminine and masculine is conceived in the relationship of all cosmic beings and Mother Earth. It implies the dual complementarity of energies intimately linked to fertility, generation, regeneration and cosmic creativity.

ROTATION

A fundamental principle of community organizations and institutions - in particular in indigenous communities (*Ayllu*). It implies the circulation and rotation of mandates, authorities and chieftainships thus promoting the participation of the whole community in the responsibility of

communitarian self-government. Those participating are also persons that already have the responsibilities of a family, home, house and agricultural labor. Rotation links self-government to that of the community starting with government in the home.

MUTUAL SUPPORT

The social, cultural, economic, political and spiritual relationships that generate flows and circuits of giving and receiving, generating dependencies, alliances and prestige. Mutual support is made up of: *gift circuits*, the political valuation of family and territorial alliances, and the cultural valuation of the giver. Mutual support takes different forms known as:

- **Ayni:** retribution with equivalent support for different services received;
- **Minka:** retribution with equivalent support but with a service equivalent to that received;
- **Jaima:** collective support on lands for social use and on different levels - this can be economic, political or spiritual - but in this case it is a community effort.

Anthropologists have wanted to find a common structure to the distinct forms of circuits present in the world of ancestral communities. There is no common structure, nor one homogeneous general form. Other forms of circulation and interchange that are different from the world-wide capitalist commercial system do exist.

REDISTRIBUTION

The equal, fair and shared participation of goods, benefits, and collective, social and community products. The aim of redistribution is economic balance and social harmony.

BALANCE

The complementary relationship of opposites. It ensures the permanent existence and conservation of the make-



up of ecosystems. Balance maintains the stability of life, in spite of the dynamics and changes.

RESPECT

The moral, ethical and spiritual conduct of human beings that values diversity, equality, liberty, self-determination and the right to life of all living beings. There is respect in all types of biological, cultural and intercultural, social, economic and political relationships.

EQUALITY

A relationship that establishes harmonious conditions between beings based on respecting differences and individual identities, and excludes any type of discrimination.

RESPONSIBILITY

The commitment of human beings to Mother Earth. The commitment to maintain, preserve, conserve, and restore the balances of ecosystems. The commitment to harmony and equality between beings, societies, cultures, nations, peoples and communities.

ECOLOGICAL RESPONSIBILITY

It is the duty of human beings to care for, repair, restore and compensate ecological damage caused to Mother Earth, her blessing and living beings. This duty should be taken forward despite the corresponding penal or administrative sanctions those responsible could be convicted with. The activities of human beings cannot affect the resilient capacity of eco-systems.

SOLIDARITY

The emotional support between beings which leads to harmony, balance and mutual support.

HOLISTIC

Forms a complementary, harmonious and articulated whole in constant inter-action between beings, processes, components,

different economic, social and cultural forms; producing complex and inter-linked realities in accordance with the "Live Well" paradigm.

PLURALITY

The affirmation of difference and diversity of social, cultural and ecological forms.

PLURICULTURALISM

The coexistence of different cultures, interpreted from their individual codes and values, recognizing their intercultural nature.

INTERCULTURALISM

The harmonious and balanced cohesion and co-existence between nations and peoples, respecting cultural differences, cosmovisions, beliefs, wisdom, knowledge and languages.

PRECAUTIONARY PRINCIPLE

Establishes that uncertainty, ignorance or lack of scientific consensus over possible damage to Mother Earth by projects or interventions shall lead to an indefinite moratorium on that activity. The moratorium may only be lifted when new findings or knowledge determine the unthreatening nature of the activity.

IN DUBIO PRO NATURA

Establishes that where doubt exists in the penal or administrative system and constitutional actions relating to the protection and defence of Mother Earth it is the duty of the competent authorities to issue their corresponding judgment in favour of Mother Earth, her blessings and the environment.

ECOLOGICAL SUSTAINABILITY

The capacity of eco-systems to balance and maintain their reproduction of all living beings including animistic and numismatic interactions.

HISTORICAL DEBT

The commitment of the countries



responsible for depredation, climate change, degradation - and the energy, economic and ecological crises - to repair and restore ecological balance through transfer of technological and financial resources for mitigation and adaptation. As the role of human beings and nations is different in terms of their contribution to green gas emissions they have different levels of historical debt.

NORMATIVE CONGRUENCE

The Law of Mother Earth is a framework law. Therefore the normative structure of the state must adapt to this to ensure it is enforced.

RIGHTS OF MOTHER EARTH

The rights of Mother Earth and all living beings are a means to eradicate the depredation, degradation, climate and ecological crises, and for equal access to ecological harmony.

RETROACTIVITY AND IMPRESCRIPTIBLY

All damage and crimes against Mother Earth are retroactive and imprescriptible.

ANIMISM AND IMMANENCE

Everything has life: All beings, forces, energy, particles, every star, atom and constellation and all components of the Cosmos. Everything has a will; life itself is this Cosmic will.

Definitions

ECOLOGICAL EDUCATION

The process of recovering and implementing ancestral practices, expertise, sciences, knowledge and technologies. Based on the intercultural, multi-disciplinary vision of native, indigenous and campesino nations and peoples ecological education is a means to implement decolonization.

ECOLOGICAL MANAGEMENT

A set of actions aimed at achieving a balance in the decision-making process relating to

conservation, protection, restitution and improvement of the environment as a tool for the defence of Mother Earth. It is based on an inter-disciplinary and global approach to mitigate the impact of human activities and modify, influence and guide the uses and management of Mother Earth's blessing. Ecological management implies shared responsibility between the state and society as a whole. In the case of the indigenous nations and peoples ecological management is exercised through the application of their own rules and procedures.

TERRITORY

The cultural, historical and ecological mass which contains the air, water, soil, subsoil and biodiversity. It is the space for harmonious, complementary and reciprocal co-existence where living beings interact among themselves and Mother Earth, enjoying her blessings.

INDIGENOUS TERRITORY

Indigenous territories are the forests, jungles, hills, valleys, rivers, lakes and lagoons where an indigenous nation or people live and that have provided their livelihood. They inherit this territory from their ancestors and are obliged to pass this on to their descendents as their legacy. In this space each small manifestation of life and expression of nature - sacred in the collective memory and experience of this nation or people - is shared in close inter-relation with all living beings, whilst respecting their natural evolution, as the only guarantee of mutual development.

THE PLURINATIONAL COMMUNITARIAN STATE (OF BOLIVIA)

The Plurinational Communitarian State is the political embodiment of the decolonizing project by the Bolivian people. It establishes a new institutional map with transformations in the economic, political, social and cultural arenas where the state is integrated into society and thus becomes an instrument of society. These



institutional transformations conceive of institutional pluralism, normative pluralism, administrative pluralism and management pluralism. Thus putting an end to the single-culture and single-nation institutional structure of the *Nation State*, the *Modern State*, the *Liberal State* and the *Colonial State*. The Plurinational Communitarian State is founded on a new relationship between state and society based on participatory democracy, direct democracy, representative democracy and community democracy. The Plurinational State is also a political instrument for the

integration of society with Mother Earth to construct the model of *Living Well*.

STRATEGIC PLANNING BY THE PLURINATIONAL STATE

Holistic and participatory planning, focused on achieving the paradigm of *Living Well* in coordination with the Bolivian people, all levels of government, legislative assemblies and other forms of self-government. Holistic and participatory planning is an instrument for community and government management.





