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Cultural genocide? Civil society perspectives on the contemporary human rights situation of indigenous people in Bolivia: A critical analysis

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ABSTRACT

Bolivia is the first country to incorporate the United Nations Declaration on the Rights of Indigenous Peoples into domestic law, yet some have suggested that Indigenous People (IP) remain subjected to extensive rights violations that may amount to cultural genocide, or the effective destruction of a people by systemically destroying or undermining the integrity of their culture and system of values. This study examines whether there is empirical evidence to support such claims in civil society organizations' submissions to the latest United Nations Universal Periodic Review (UPR). The analysis confirms evolving rights and governance reforms yet details how IP are subject to discrimination, denial of land rights, exclusion from decision-making, violence and suppression of indigenous languages. We argue that whilst this currently falls short of cultural genocide, the present constitutes a critical juncture. Unless there is urgent action by government and other parties, over coming years this is likely to lead to the cultural genocide of some of the more vulnerable indigenous groups in the plurinational state.

KEYWORDS

Civil society; indigenous peoples; human rights; cultural genocide; Bolivia; UNDRIP

Introduction

This study explores civil society organizations' (CSOs') perspectives on the human rights situation of Indigenous Peoples (IP) in Bolivia. This is deserving of attention because Bolivia is one of the most ethnically diverse countries in Latin America (Lidchi, 2002).¹ Furthermore, it was the first in the world to incorporate the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into domestic law (National Law No. 3760) (Rice, 2014). The purpose of the Declaration is to identify standards by which governments can recognize the rights of indigenous peoples. Legal scholarship underlines that, as a UN General Assembly resolution, UNDRIP carries significant legal weight and has far-reaching legal implications in international human rights law (Barnabas, 2017). *Inter alia*, it sets the minimum standards for the survival, dignity and well-being of IP. By incorporating the Declaration in 2009, the country's

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new constitution set out a broad range of rights and freedoms for indigenous people (Schilling-Vacaflor & Kuppe, 2012). Notably, it sought to embed the Indigenous notion of *Vivir Bien* ('living well') as critical cultural and ecological paradigm (Dolhare & Rojas-Lizana, 2018; Ranta, 2018).

Despite official embracing of UNDRIP, over recent years a number of authors have referred to cultural genocide (CG) (alternatively, cultural ethnocide) in the context of contemporary rights practices (Avila & Guereña, 2020; Bessire, 2014; Bilsky & Klagsbrun, 2018; Crevels, 2002; Danbolt Drange, 2011; Eichler & Bacca, 2021; Kröger & Lalander, 2016; Saaresranta, 2014; Springerová & Vališková, 2016; Tinker, 1993; Totten et al., 2002). Whilst, as a leading account notes, 'because it has never been codified, cultural genocide has come to mean quite different things to different people' (Kingston, 2015; Luck, 2020; Tinker, 1993). In response, here we synthesize extant work, to provide a clear conceptualization. This paper defines it as: *the intentional (or unintentional in order to achieve other goals) destructive targeting of group cultures, heritage, resources and property so as to destroy, weaken and ultimately annihilate them in a process of conquest or domination by systematically eroding, or undermining self-determination and the integrity of the practices and system of values that defines a people and gives them life*. It is in this context that Damien Short (2010, p. 844) observes

What is needed ... is more research into the context and manner in which indigenous cultures are 'changing' in the face of continuing settler colonial expansionist projects driven by global capitalism and a 'logic of elimination'. Such research should unashamedly utilize the analytical lens of genocide as assaults on the essential foundations of life of national groups.

At this juncture, it is germane to locate the present discussion in the contemporary literature on indigenous peoples in Bolivia. Based almost exclusively on anthropological and ethnographic studies, it makes the following specific assertions about cultural genocide. First, Laing (2020, p. 32) cites activists that conclude:

Historically, indigenous peoples have belonged to them [territories]. It is where we live in common and from where we live, we eat, we do everything. The defence is important for that reason – because the issue of constructing roads and of the access of other people, it is ethnocide. For us, it is death.

More recently, Eichler and Bacca (2021, p. 465) observe:

the very concept of cultural genocide finds application [through ...] continued forms of neo-colonialism materializing in extractive policies, one-sided identity recognition processes at grassroots levels and a wide range of homogenizing practices culminating in what could be identified as infringements on cultural rights.

In his survey, Linstroth (2022, p. 129) refers to the situation of indigenous peoples in Bolivia and concludes 'more needs to be done to raise awareness about ongoing genocides throughout the world and more concerted efforts need to be exerted on the behalf of indigenous peoples everywhere'. In turn, Winchell (2020, p. 615) refers to 'the integrity and force of Indigenous practices [being] at odds with hegemonic narratives of ethnocide or assimilation: that is, of Indigeneity's inevitable subsumption within or displacement by Western modernity'. In addition, Barié's (2024, p. 80) analysis refers to a series of forest fires associated with resource exploitation in the Chiquitania

region. These had a severe impact on indigenous peoples. The subsequent Court hearing ruled ‘that the state, in partnership with agribusiness, has committed ecocide ... understood as “massive damage or destruction of the ecological system, that is, of biodiversity and ecosystems produced by humans”’.

In contrast to the foregoing anthropological and ethnographic accounts, this study makes an original contribution by analysing human rights data to see if this supports the earlier claims. Thus the parameters of this discussion of Bolivia are to examine civil society perspectives and the situated knowledge (Stoetzler & Yuval-Davis, 2002) of organizations campaigning and working for Indigenous People, often in community settings. This is an appropriate locus of enquiry because such accounts offer an independent viewpoint based on daily praxis of working in indigenous communities. Our analytical framework synthesizes extant work on cultural genocide with human rights in order to examine whether data from the most recent cycle of the UN’s five yearly monitoring programme, the Universal Periodic Review (UPR), support assertions of cultural genocide. Accordingly, a discourse-based methodology is used to explore civil society organizations’ reports to the UPR (see Methodology). This study’s twin research questions are: what do the third cycle UPR data tell us about the human rights situation of Indigenous People in Bolivia? And do the UPR data support recent assertions of cultural ethnocide?

As the following reveals, our central argument is that, against the backdrop of evolving rights and governance reforms, UPR data show how indigenous people are subject to discrimination, denial of land rights, exclusion from decision-making, violence and suppression of indigenous languages. In part, these pathologies stem from inadequate monitoring and enforcement of the law, power disparities in governance structures that privilege central government at the expense of indigenous communities, and fundamental conflicts between indigenous interests and neoliberal capitalism and extractive industries. We argue that whilst this currently falls short of cultural genocide, the present constitutes a critical juncture. Unless there is urgent action by government and other parties, over coming years the ongoing and cumulative effect of these negative forces is likely to lead to the cultural genocide of some of the more vulnerable indigenous groups in the plurinational state.

The remainder of this paper is structured thus: following an outline of the research context, an analytical framework based on indigeneity and cultural genocide is proposed. This is followed by the research methodology. The findings are then presented, followed by a discussion of how they relate to recent assertions of cultural ethnocide.

Rights, Indigeneity and Cultural Genocide

Analytical Framework

The purpose of this section is to outline the analytical framework and to present a succinct contextual overview of the modern history of indigenous people in the plurinational state. The analytical framework is based on Vašák’s classification of different generations of human rights (Vašák, 1977). This helps us to better understand indigeneity and the case for contemporary cultural genocide because it maps different types of human rights onto the concept of cultural genocide. This allows us to draw in a broad cross

section UPR human rights data submitted by 49 NGOs, to consider the issue of cultural genocide, thus extending our knowledge base in a way that complements existing work that is predominantly made up of individual community case studies that are anthropological and ethnographic in nature.

First-generation rights are the right to life, freedom of speech, freedom of religion, right to fair trial, equality before the law, and other civil and political rights. The second generation of rights address social and economic inequalities and require active state involvement. They were encompassed in the Universal Declaration of Human Rights (UN General Assembly 1948) as well as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).

Vašák's third-generation rights have particular salience to Indigenous Peoples. They are solidarity rights (and include the right to development, right to peace, right to a healthy environment, to share in the exploitation of the common heritage of mankind and to humanitarian governance). They are set out in UNDRIP and the International Convention on Economic, Social and Cultural Rights (ICESCR).

Context

As noted, Bolivia is one of the most ethnically diverse countries in Latin America.² In definitional terms, many Indigenous People are the descendants of populations living in the region at the time of colonization. Here we follow the former Special Rapporteur on Indigenous People, Martínez Cobo (and UNDRIP Article 8), in noting the principal diagnostic for indigeneity is self-identification (Martínez Cobo, 1986). In the 1980s, indigenous groups advanced territorial claims leading to the 1990 March for Territory and Dignity (Dockry & Langston, 2019). Much of the following decade was shaped by neoliberal reforms that heightened social inequalities in the country prompting further calls to uphold Indigenous People's rights (Kohl, 2002). Under economic globalization and its political arm, neoliberalism

extensions of land in the east – were turned into large-scale and export-oriented sites of production, which ultimately removed many small-scale and migrant farmers from the production process... These trends, in combination with the rise of a powerful, regional oligarchy in the late twentieth century, further marginalized indigenous people in their relationship to the land and to their living. (Fabricant, 2012, p. 79)

In the face of growing indigenous protest and mobilization, under the first Agrarian Reform Law in the wake of the 1952 revolution (– and, subsequently the 1996 agrarian reform law (Ley INRA)), significant areas of land were granted as *Tierras Comunitarias de Origen*.³ However, these fell short of self-government based on Indigenous norms and institutions. A further flaw was that, whilst IP often possessed the land title, the central state retained jurisdiction over subsoil rights. Growing frustration at the situation in 2006–2007 saw an alliance of Indigenous and peasant groups (Pacto de Unidad, 2007) call for constitutional and governance reforms to secure plurinationalism (Schaefer, 2009) – or a decolonized mode of sovereignty intended to extend local autonomy for Indigenous communities. Under this devolved system, IP would shape their communal politics, social and economic policies, and judiciary. Far from a one-size-fits-all approach,

the idea of the plurinational state was to embrace diverse types of government, resulting in what has been termed Bolivia's *formación abigarrada* – or 'motley, disjointed formation' (Augsburger, 2021). Under this, traditional concepts of participatory and representative democracy operate alongside Indigenous communitarian democracy founded on participation through assemblies and *cabildos* (mass meetings) (Fontana, 2014). Following the election of Evo Morales and *Movimiento al Socialismo – Instrumento Político por la Soberanía de los Pueblos* (MAS) in 2006 (and notwithstanding amendments in Congress), these reforms were incorporated into the 2009 constitution. Key changes were also made in the operation of government. For example, the standalone Ministry of Indigenous and First Peoples' Affairs was abolished. Henceforth their needs and issues were to be mainstreamed across all areas of government (Rice, 2020).

Central to these reforms, UNDRIP was adopted by the UN General Assembly in September 2007. Swiftly thereafter, on 7 November 2007, Law No. 3760 was enacted. This gave binding force to the whole of the UNDRIP in Bolivian law.⁴ The provisions of UNDRIP shaped the revised Constitution.⁵ For example, Article 2 states,

Given the pre-colonial existence of nations and rural native indigenous peoples and their ancestral control of their territories, their free determination, consisting of the right to autonomy, self-government, their culture, recognition of their institutions, and the consolidation of their territorial entities, is guaranteed within the framework of the unity of the State, in accordance with this Constitution and the law.

This meant Indigenous territories or municipalities with a significant Indigenous population could convert themselves into self-governing entities that simultaneously restored traditional governance whilst having the rights and responsibilities of municipalities. Under the revised arrangements Indigenous autonomies coordinate with departmental governments but are not (directly) subordinate to them. Unsurprisingly, the implementation of this policy on autonomous areas has been fraught with controversy and resistance (Tockman, 2018). 'Self-determination' has been limited such that decisions on resources are determined by the Bolivian state, not Indigenous areas. During this period, Morales also put Indigenous Peoples in the vanguard of climate change discussions. In 2010, he organized the People's Conference on Climate Change and the Rights of Mother Earth.⁶ The People's Agreement⁷ that emerged highlighted the important role that indigenous peoples play safeguarding the planet. However, 'Much of the recent debate in Bolivia has divided the country into highlands dominated by Aymara and Quechua peasants ... National political divisions often run along these lines but such a schema obscures important differences' (Canessa, 2014).

As subsequent analysis highlights, Bolivia faces major challenges in reconciling indigenous people's rights with the needed economic gains of extractive industries because 'neoliberal market tendencies and capital accumulation come with a local impact and catalyse exceptionally high levels of resource extraction in indigenous territories' (Eichler, 2018, p. 11). This is part of ongoing tensions between capitalism, new democratic modes of governance and the implementation of UNDRIP wherein class-based human rights have tended to trump ethnically defined rights. This is in large measure due to the political elite's flipping the nature and aims of populist engagement. Specifically, a populist ideological and rhetorical strategy in the lead up to the election of Morales was to challenge neoliberal forces. Yet, post-election, indigenous demands for

emancipatory socio-environmental change began to be viewed as a threat to resource-based accumulation. Thus ‘populist signifiers that originated in indigenous-popular struggles were used by the Morales government to legitimize repression of the indigenous movement’ (Andreucci, 2018, p. 825). This aligns with Vašák’s second generation of social, economic and cultural rights. These relate to equality and how people live and work together and the provision of the basic necessities of life, including access to key economic and social goods, welfare, services and opportunities.

Methodology

The UPR discourse for this study comprises submissions to the United Nations Universal Periodic Review (UPR). The UPR emerged in the wake of the 2006 UN General Assembly resolution (60/251). Its purpose is to monitor governments’ UN human rights observance. In reviewing state practices, UN monitoring bodies also consider the views of those outside government. The associated policy framework is unambiguous. HRC resolution 5/1 of 18 June 2007 provides that the UPR should ‘ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions’ (Cochrane & McNeilly, 2013). Accordingly, civil society reports submitted to the UPR form the basis of the following analysis. NGOs provide a detailed data source based on the situated knowledge of organizations made up of and working on behalf of Indigenous People. This approach complements legal and ethnographic analyses and provides needed insight into the pursuit of participatory rights implementation. The integrity of NGO submissions to the UN is supported by the requirement that submitting NGOs pre-register with the United Nations ahead of the UPR in a process that establishes their bona fide status. An indication of the robustness of the UPR registration and data submission process is that it forms the basis of all UN Working Group assessments of the human rights observance of all 180+ UN member states and may be used in legal proceedings against rights violating governments.

The CSO UPR discourse comprised 49 reports submitted to the UPR.⁸ Here it should be noted that this figure under-reports the extent of civil society input because many are joint submissions authored by broad alliances and networks of CSOs. For example, *La Coalición De Organizaciones De La Sociedad Civil Sobre Los Derechos Humanos Para El Examen Periódico Universal (Epu) De Bolivia* is a coalition of 138 NGOs (see Appendix).⁹ Because the current scientific method focuses on all CSO submissions to the UPR it constitutes an example of corpus analysis (Vaughan & O’Keeffe, 2015), a methodology that concerned with the issues and framings in an entire UPR discourse.

The discourse analysis was operationalized using thematic analysis (Fereday & Muir-Cochrane, 2006; Neuendorf, 2018). First, to generate initial codes of Indigenous People’s rights violations, a formative exploratory reading was undertaken of the submissions. Subsequently, the texts were re-read. Through this iterative process recurrent themes were identified related to violations and implementation issues around human rights set out in UNDRIP (see ‘pathologies’, Table 1). This disaggregation of the UPR corpus into different human rights articles maps directly onto our analytical framework based on Vašák’s classification of different generations of human rights (Vašák, 1977). This allows us to reflect on the nature of violations faced by indigenous peoples and the salience of, for example, first-generation rights versus second-generation social, economic

Table 1. UNDRIP violations referred to in CSOs' third cycle UPR discourse.

Pathology	Article
Generic references to discrimination/rights denial	1, 2, 8, 9, 15
Resources & Land Rights	8, 32
Participation in decision-making	18
Gender equality issues	44
Violence	7
Sustainable development	3, 29
Legal redress/access to justice	27, 28
Govt. failure to act on previous UPR recommendations	37, 41
Autonomy	4, 5, 14
Education	14
Health	21,
Human rights defenders/freedom of civil society	1, 34
Indigenous Languages	13, 14, 15, 16
Poverty/work/employment	17, 21

and cultural rights, or civil and political rights, and third-generation solidarity rights (including the right to development, right to peace, right to a healthy environment, to share in the exploitation of the common heritage of mankind, and to humanitarian governance). In turn, this allows us to address our core research question, namely whether the UPR data elide with our definition of cultural genocide and thus supports recent academic work highlighting cultural genocide affecting today's indigenous peoples. Attention now turns to the study findings.

What Do the Third Cycle UPR Data Tell us About the Human Rights Situation of Indigenous People in Bolivia?

This section examines NGOs' UPR discourse on different types of human rights violations faced by Indigenous People. Following our analytical framework, we discuss examples from each of Vašák's three generations of human rights (Vašák, 1977).¹⁰

First-Generation Rights

Generic references to discrimination against Indigenous People/rights denial (Articles 1, 2, 8, 9, 15) are a key pathology in the UPR discourse (Table 1). In today's Bolivia 'racial hegemony [of the ideology of *Mestizaje*] contributes to the persistence of internalized racism and the reproduction of structural racial inequalities in contexts where racial hegemony is being challenged' (Ravindran, 2020, p. 148). Following the previous UPR in 2014, Bolivia accepted 16 recommendations on tackling discrimination against indigenous peoples. This included the recommendation (No: 114.67) to 'expeditiously and fully investigate and prosecute acts of violence and discrimination targeting indigenous ... persons and guarantee an effective remedy to victims and their families'.¹¹ This was accepted by the Bolivian Government, yet in the present UPR discourse CSOs complain about a lack of progress. For example, one observed 'There is systematic political discrimination against indigenous leaders who defend their rights, who are publicly attacked and in some cases prosecuted' (Fundamedios and Fundación Nueva Democracia, 2019, p. 3).

The Bolivian constitution of 2009 has been classified as one of the most progressive in the world regarding indigenous rights. Significantly, the Indigenous principles of *Suma Qamaña* and *Vivir Bien* or Good Living and a harmonious relationship with nature are established in the constitution. Nonetheless, as well shall see in the discussion of third-generation rights (below), ‘these rights clash with the constitutionally recognized rights of the nation state to extract and commercialize natural resources (mainly hydrocarbons and mining) under the banner of redistributive justice, welfare reforms and the common good’ (Lalander, 2017, p. 479).

Article 44 violations of the gender equality provisions of UNDRIP¹² are prominent in the UPR discourse. Existing work underlines the value of UNDRIP. Specifically, how women use its language of rights to express and legitimize their gender equality demands, as well as invoke their Indigenous rights and advance claims for autonomous government (Böhrt, 2017). When the CSO data on this violation is disaggregated, gender-based violence is the lead issue. This reflects the high incidence of intimate partner violence against women across Bolivia (the country is ranked second amongst Latin American countries). Estimates suggest psychological intimate partner violence in Bolivia affects nearly one-in-two women and often occurs in addition to physical violence (Meekers et al., 2013). Existing work denounces the failure of successive governments to deal effectively with this issue. It also highlights its impact on women in public and political life (Valverde, 2011). In particular, women face difficulties in seeking legal redress under Law 348 (violence against women). The corpus underlines that the rate of future progress will depend on civil society organizations advocacy and mobilization (Rogers, 2020). The UPR data repeatedly call on the authorities to ‘Investigate and prosecute without delay and thoroughly acts of violence and discrimination against indigenous women’ (Coalición De Organizaciones De Derechos Humanos De La Población LGBTI, 2019, p. 11). Yet others complain of resistance. One noted that ‘Women human rights defenders in the country are still subjected to gender-based attacks’ (Centre de recherches et de publications sur les relations entre le Tiers Monde et l’Europe, 2019, p. 9).

Other key issues include discrimination against women in decision-making. Here, earlier analysis shows that recent gains in women’s descriptive representation in politics do not automatically lead to equal access to power and decision-making. Socio-cultural obstacles continue to abound. These include ‘the notion of machismo; this male aggressiveness which is visible at all levels of society ... has resulted in widespread political violence against women’ (Domínguez & Pacheco, 2018). The CSO discourse reveals how the discriminatory malaise also extends to the private sector. For example, one complained that

Companies entering indigenous territories conduct inappropriate consultations without taking into account procedures that ensure the full participation of women in decision-making [... and] limit access to prior and good faith information on the nature and real consequences of their projects in indigenous territories (Alliance of Indigenous and Native Women of Bolivia, 2019, p. 4).

A further key theme in the UPR corpus is child marriage. Recent work reveals that approximately a fifth of girls get married below the age of 18: ‘The tradition *marianismo* ... and families’ ideas about investing in their female children, overpower the child’s wish

to continue her education and delay marriage’ (Lytle, 2017, p. 94). These concerns are reflected in the UPR discourse. For example, ‘A social problem of notorious relevance are forced early marriages and unions of girls and adolescents, in rural and Indigenous contexts, there is a higher proportion of girls and adolescents married: before the age of 15, 5.6% are already married and by the age of 18, it is 1 in 5 girls’ (Coalition of Civil Society Organizations on the Human Rights of Children and Adolescents for Bolivia, 2019, p. 2).

The numerous longstanding causes of violence and conflict include economic inequality and ethnic mobilization on the issue of natural resource extraction (Mahler & Pierskalla, 2015; see also Cusicanqui, 1993; Thorp et al., 2006). Article 7 violations (‘Indigenous peoples ... shall not be subjected to any act of genocide or any other act of violence ...’) are a worrying pathology in the UPR discourse. The CSO discourse illuminates the diverse institutional and cultural dimensions to the violence. For example, ‘There is systematic political discrimination against indigenous leaders who defend their rights, who are publicly attacked and in some cases prosecuted’ (Andean Foundation for Social Observation and the Study of Media, et al, 2019, p. 4). Accordingly, in their UPR submissions CSOs call for

The easing of the Laws for Extractivism, Mega Projects, Agribusiness and Mass Deforestation, which advance on indigenous territories, denying them the right to free consultation, prior and informed with consent, has led to the displacement of indigenous families, threatening the extinction of indigenous peoples ... they are harassed, threatened and denigrated. (Alliance of Women Indígenas and Originals of Bolivia, 2019, p. 5)

Another theme is the demand to ‘Adapt Law 450, implementing the inviolability of territories and the prohibition of extractive activities due to the high risk of ethnocide’ (Alianza Por Los Derechos Humanos y el Medio Ambiente, 2019, p. 9). The present analysis also reveals how violence extends not only to indigenous people in general, but also to human rights defenders (HRDs) intervening on the issue. For example, ‘Despite the national government’s efforts to improve the treatment of indigenous persons, these populations still face disproportionate rates of poverty and unemployment – and HRDs who attempt to change the situation are often met with intimidation, threats, and attacks’ (Front Line Defenders, 2019, p. 4).

The UPR discourse also discusses first-generation access to justice/ right to a fair trial issues. Key elements of UNDRIP on IPs’ access to justice are detailed in Article 171 of the Constitution.¹³ Yet, as the Inter-American Commission on Human Rights concludes

Despite the importance of constitutional recognition, there are frequent complaints that these rights are not included at all levels of national life. There is a widespread perception that the situation will not move beyond declarations until collective rights are effectively exercised. (Inter-American Commission on Human Rights, 2017)

Weighing the advances and impediments to fulfilling UNDRIP-related rights in the courts, over recent years the Plurinational Constitutional Court (*Tribunal Constitucional Plurinacional*, TCP) – Bolivia’s highest mediator on constitutional questions, has made a number of key decisions favouring IP. Foremost, was its confirmation that UNDRIP is fundamental in Bolivian jurisprudence. However, despite support from the Vice-ministry of Autonomies, party political factors mean that state-wide government is generally no longer a fruitful venue for pressing indigenous demands. The UPR data also underline

that neither can Indigenous Peoples expect much support from the judiciary or legislature. Future compliance with UNDRIP will require far-reaching institutional changes; namely strengthening of the judiciary, making it more independent, and broadening access to the courts by civil society. In response, ‘Indigenous groups and their allies in Bolivia should consider making reform of Bolivia’s antiquated judicial system a higher priority’ (Tockman, 2018, p. 327).

Allied to the foregoing, the CSO discourse highlights the different dimensions of contemporary legal redress violations. A core theme centres on harassment by the authorities. For example

Judicial harassment is often used against lawyers who represent indigenous groups or work on environmental issues. As a result, there are few lawyers working on the legal defence of indigenous peoples’ rights, which represents another barrier to their access to justice. (FLD, 2019, p. 4)

and we condemn ‘rights violated by harassment and political violence at the local, public, private level and lack of access to justice’ (Alianza De Mujeres Indigenas De Tierras Altas, 2019). Others highlight the slow pace of jurisprudence limiting redress. For example

Access to justice for indigenous women needs to be ensured; the legal proceedings of the lawsuits for violence and harassment against women [need to] be expedited, trials be made effective ... The judicial system must act *ex officio* and quickly. (Alianza De Mujeres Indigenas De Tierras Altas, 2019, p. 5)

A further issue is the side-lining of indigenous legal processes. For example, as this CSO complained, ‘the State must respect the hierarchical equality that the Indigenous Jurisdiction has in the Constitution, avoiding interfering and/or usurping its competences, as it happens now’ (Andean Foundation for Social Observation and the Study of Media, et al, 2019, p. 17). The authorities’ lack of training and cultural awareness is a further repeated concern in the corpus. For example, ‘The State must train judges, prosecutors, lawyers, police, and the military, in customary rights of indigenous people, incorporating a gender approach and promoting the application of specific regulations in ordinary criminal and civil proceedings’ (Organizations of Indigenous People of the Highlands and Lowlands of the Plurinational State of Bolivia, 2019, p. 11).

As reflected in declining human rights index rankings,¹⁴ Bolivia is part of a wider international trend of increasing government constraints on civil society freedoms and criticality (Anheier et al., 2019; Ayvazyan, 2019). As one account puts it, ‘The concept [of civil society] diminished in Bolivia following Evo Morales’s government’s return to central state patronage after a decade of austerity and liberal state decentralization’ (Shakow, 2019; p. 568, see also Santiago, 2016). More recently, there has been a further diminution of civil society freedoms. This is linked to political shifts and party politics:

those who ousted Morales in 2019 appealed to traditional Catholic and racist values as a counterpoint to Morales’ pro-indigenous leanings [... the country has] found it hard to establish political institutions and practices in which elite power is prepared to adapt itself to shifts in political power involving greater participation, inclusion and redistribution. (Crabtree, 2020, p. 139)

A factor in the shrinking space for civil society is the Law on Legal Entities (*Ley de Otorgación de Personalidades Jurídicas*, 351),¹⁵ which Bolivia’s Plurinational Assembly

passed in March 2013.¹⁶ Law No. 351 requires civil society to align its goals and activities with government policies. It gives the executive power to close civil society organizations that it determines are not contributing to the economic and social development of the country. At a subsequent legal hearing, the Constitutional Court rejected opponents' claims that this legislation threatened any constitutional rights linked to international human rights instruments. Accordingly, violations of Articles 1 and 34 (*inter alia*, 'Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized [...] in international human rights law') were a further key theme in the UPR corpus. The CSO discourse is typified by:

spaces for participation for civil society, resulting from the judicialization of politics and the criminalization of protest, are closing alarmingly, with the consequent weakening of indigenous organizations and human rights defenders. Without their territories and without their organizations, all the rights of indigenous peoples and women are vulnerable. (Alliance of Women Indígenas and Originals of Bolivia, 2019, p. 11)

In a further example, another CSO stated

HRDs also face high levels of discrimination, despite constitutional provisions against it. Despite the national government's efforts to improve the treatment of indigenous persons, these populations still face disproportionate rates of poverty and unemployment – and HRDs who attempt to change the situation are often met with intimidation, threats, and attacks. (HRD, 2019, p. 9)

Second-Generation Rights

The UPR discourse reveals widespread concerns about the denial of Indigenous People's social and economic (welfare) rights. Notably, previous studies show how it is only a small elite that have benefitted from the vast wealth generated by resource extraction in Bolivia. In contrast, Indigenous People are subject to major wealth inequalities with many living in poverty (Gigler, 2009; Velásquez & Bahadur, 2012; Zoomers, 2006). Earlier work suggests that in the decade 2000–2010 the poverty gap between indigenous and non-indigenous people increased by 32% (World Bank, 2015, p. 37). Thus poverty, work/employment (Article 17 and 21 violations, *inter alia* 'Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, employment or salary') are further key pathologies in the UPR discourse. The CSO submissions emphasize that, 'Despite the national government's efforts to improve the treatment of indigenous persons, these populations still face disproportionate rates of poverty and unemployment' (FLD, 2019, p. 7). They also underline the gendered dimension to Indigenous People's poverty, 'The State should ... take into account the particular impacts suffered by indigenous women with the implementation of megaprojects that deepen their situation of discrimination and poverty' (Alliance of Women Indígenas and Originals of Bolivia, 2019, p. 6).

In terms of education, comparison between indigenous and non-indigenous peoples reveals that while, on average, Indigenous Peoples complete 6.5 years of schooling, whereas non-indigenous peoples complete nearly 10 years of school education. Indigenous peoples are also shown to have higher levels of illiteracy: over 40% for males and nearly 60% for females (Camargo, 2019, p. 263). Whilst these aggregate measures

conceal significant differences within and between indigenous groups, they present a clear picture of the educational inequalities faced by IP (Reimao & Tas, 2017, p. 241). Accordingly, Article 14 violations on education (*inter alia*, ‘Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination ...’) are a significant rights pathology in the UPR discourse. A key theme in the UPR corpus is the need to uphold rights in higher education. For example, ‘The State must incorporate indigenous universities into the national university system and allocate greater resources for intracultural and intercultural education policies’ (Coalition on the Rights of the LGBTI Community, 2019, p. 8). Failings in relation to the funding of indigenous education are a further key theme. For example, one CSO complained

There are no resources to implement the regionalized curriculum and there are not enough trained personnel to carry out Law No. 071/10 of Education ... indigenous universities created do not have state recognition ... The quality of the education of the indigenous Universities is low and does not match that of the other public universities. (Andean Foundation for Social Observation and the Study of Media, et al, 2019, p. 5)

Previous analysis has highlighted how ‘Indigenous peoples have the worst socio-demographic indicators and the largest inequalities in terms of access to social services and health in the Latin American region, Bolivia included’ (Torri & Hollenberg, 2016, p. 213). Article 21 violations on access to effective healthcare are a further troubling pathology in the UPR discourse. Healthcare provision in rural areas was a particular concern in the UPR submissions. For example, as one CSO explained

The health system needs to implement procedures in a differentiated way between rural and urban, for which it is urgent to have information disaggregated by ethnicity and age, in order to make the situation of indigenous women, girls and young people visible. (Alliance of Women Indígenas and Originals of Bolivia, 2019, p. 7)

According to another

The remote communities do not [generally] have health posts or hospitals ... When there are health posts there are no items, equipment, and specific medications for doctors to use. Traditional medicine and natural medicines are not included in the public health system. Medical care is not carried out in the language of indigenous people. (Andean Foundation for Social Observation and the Study of Media, et al, 2019, p. 3)

The negative impacts of natural resource exploitation and agriculture are a further key theme in the discourse on healthcare pathologies. It is typified by this submission

The use of water for mining activities has been declared a priority over that of human consumption in the NRO Mining Law. 535/14. The importation of pesticides has increased sixfold ... it is a fight against the health and economy of our communities. (Organizations of Indigenous People of the Highlands and Lowlands of the Plurinational State of Bolivia, 2019, p. 4)

Third-Generation (Solidarity) Rights

Resources and land rights violations are a major pathology in the UPR discourse. UNDRIP Article 8 asserts that ‘States shall provide effective mechanisms for prevention of, and redress for ... Any action which has the aim or effect of dispossessing them [IP] of

their lands, territories, or *resources*'. The CSO discourse outlines how this article is widely disregarded by the authorities and businesses. For example, one noted 'The new state-owned Bolivian Gold Company (EBO), which is supposed to regulate exploitation in Amazonian rivers, operates without any transparency and omits policies to protect the rights of indigenous peoples' (Alliance of Women Indígenas and Originals of Bolivia, 2019, p. 4). Article 8 violations are closely linked to Article 18 and 19 violations on indigenous people's right to participation in decision-making, including prior and informed consent.¹⁷ The key problem highlighted by the civil society discourse is legal inconsistency between UNDRIP, domestic law, and earlier UN resolutions on title to – or ownership of, natural resources on indigenous people's lands and territories. For example, current mining law limits FPIC to the exploitation phase of land concessions, instead all stages of projects that affect indigenous peoples' rights to land and resources. It is a clear example of a 'bifurcated system of justice, [wherein] there are many challenges to the international human rights standards to which Bolivia has acceded as part of its participation in the United Nations' (Cooper, 2018, p. 2; see also Perreault, 2015).

The key tension evident in the UPR data is whilst UNDRIP talks about free, prior and informed consent of IP, the reality is that international law vests sovereignty – or the right to implement and enforce laws and adjudicate disputes – with unitary states. In part, this stems from UN General Assembly resolution 1803 on 'Permanent Sovereignty over Natural Resources' (adopted in December 1962).¹⁸ Until domestic courts decide to challenge this principle, as the UPR data reveal, there will always be such UNDRIP violations. The UPR discourse provides numerous examples of this. Several CSOs highlight the Mining and Metallurgy Act (Law No. 535/2014)¹⁹ and the Regulations on the Grant and Extinction of Mining Rights (ROEDM) (Ministerial Resolution of the Ministry of Mining and Metallurgy No. 23/2015). Both passed since Bolivia's Second Cycle UPR in 2014. These regulate the consultation procedures involving Indigenous Peoples. As one CSO complained, under these enactments the right to prior consultation becomes 'a mere administrative process by the State to indigenous nations' (Red Latinoamericana y del Caribe para la Democracia, Red UNITAS, La coalición hizo, 2019). It continued, if all IP community meetings oppose the proposed development

the last decision is made by the Minister of Mining and Metallurgy; their decisions are always aimed at promoting the interests of mining entrepreneurs, leaving indigenous communities defenceless violating the right to self-determination and ancestral dominance over their territories ... This prioritizes economic development over the right of indigenous peoples to their territory. (Red Latinoamericana y del Caribe para la Democracia, Red UNITAS, La coalición hizo, 2019)

The CSO discourse presents further criticism in relation to Article 19 rights and FPIC. For example, 'There is no compliance with the political participation of indigenous peoples under their own rules and procedures ... This affects the violation of the right to political participation' (Alternative Report of the Alliance of Women Indígenas and Originals of Bolivia, 2019). Others pointed to the Bolivian Government's failure to respond to earlier Second Cycle UPR Recommendations (circa 2014) on this issue, noting tersely, 'Further progress on the participation and consultation of indigenous peoples, in particular with regard to mining ... Not implemented' (Coalition of Civil Society Organizations on Women's Human Rights, 2019, p. 4).

The CSO discourse also highlights numerous examples of violence and harassment when resource extraction proceeds without free, prior and informed consent. For example, this CSO complained:

Human rights defenders who engage on environmental issues have been subjected to intimidation, threats, surveillance, and criminalization ... a judge declared the indigenous communities' popular action against the Rositas Hydroelectric Project inadmissible [...] it will flood approximately 45,000 hectares of land, leaving the territory of twelve Guaraní communities (approximately 500 families) under water. (FLD, 2019, p. 5)

These findings resonate with international studies. As one concluded

Unfortunately, in practice, the recognition of the right to free, prior and informed consent is not widely accepted by governments and business actors, especially when dealing with the licensing process to explore and exploit natural resources or to execute infrastructure projects since have large economic interests at stake. (Alva-Arévalo, 2019, p. 237)

Such UPR discourse illustrates how domestic law and international treaty obligations fragment or compartmentalize rights and protections for IP, whilst failing to fully address their combined impact: 'extractive and other impacting operations have given rise to particular participatory rights such as the right to prior consultation and consent remaining largely disintegrated from the prohibition of (cultural) genocide' (Eichler & Bacca, 2021).

Existing analysis underlines that 'radical climate changes [affecting Bolivia] are exacerbating pre-existing problems of racism and uneven access to basic resources like water and food and ultimately will lead to the destruction of lands and ecosystems' (Fabricant, 2012). Article 29 violations on upholding sustainable development are prominent in the UPR discourse. The indigenous concept of *suma qamaña* (living well together) emphasizes the need for harmony between nature and humans and the promotion of sustainability. Yet as earlier research observes, implementing these principles has proved problematic, 'the government has not overcome the conflict between growth-driven approaches and sustainability that is inherent in all its legislation' (Artaraz et al., 2015, p. 222). The CSO discourse widely reflects this tension and highlights a raft of shortcomings in government policies and the domestic legal code. For example, one explained

The 2025 Agenda [*Agenda Patriótica*]²⁰ announced by the national government aims to expand the agricultural frontier, as well as the authorization for oil exploitation in the Protected Areas, [it] call[s] into question the sustainable development of indigenous peoples so these policies need to be revised. (Alliance of Women Indígenas and Originals of Bolivia, 2019, p. 11)

Allied to this, water is a vital, yet threatened resource in Bolivia (Ballivián, 2010). This is reflected in the CSO discourse. For example, CSOs' demand that government 'implement a comprehensive investment plan and sustainable public policies for the maintenance of watersheds, potable water supply, irrigation and preservation of natural reserves' (Coalition of Organizations of Civil Society on Human Rights, 2019, p. 7). The government law (Law No. 969) allowing a highway to be driven through Indigenous Territory and National Park Isiboró Sécuré (TIPNIS) is a totemic grievance alluded to in the UPR data. According to the civil society submissions this legislation must be repealed and highly polluting elements' entry into water courses must be

restricted. Yet, references to Article 27, 28 violations on legal redress/access to justice suggest countering such threats to the environment in Indigenous communities is fraught with difficulties.

In the wake of UNDRIP, across Latin America indigenous groups are trying to assert alternative forms of sovereignty. Yet, ‘there is a fundamental paradox at play in these demands: indigenous actors must negotiate their self-determination with the states whose essential characteristic is exerting territorial sovereignty’ (Postero & Fabricant, 2019, p. 95). In consequence, references to Article 4 violations (‘Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs...’) in the UPR discourse are perhaps, unsurprising, given that, limited progress can be seen as a function of deep-set power inequalities (Wilhelmi, 2018): ‘Despite the official slogans of the MAS [*Movimiento al Socialismo*] government, the sovereignty of the Bolivian state has not been yielded to the plurinational masses, and the historic project of capitalist modernization more or less carries on’ (Augsburger, 2021).

The CSO discourse details the daily realities of Article 4 violations, with the funding of IPs’ institutions being a core theme. For example

Efforts to access self-government have encountered many obstacles, despite the express constitutional and legal provisions. The autonomies that are in operation have serious obstacles in public management not having enough resources to exercise their competence. The state institutions continue to operate with norms and regulations that impede the exercise of autonomy within the framework of the Plurinational State, which require compatibility with the Indigenous Autonomous Statutes. (Andean Foundation for Social Observation and the Study of Media, et al, 2019, p. 8)

Several CSOs called on government to modify national regulations and working practices to uphold IPs’ autonomy. As one demanded, ‘eliminate the formal requirements required by The Framework Law on Autonomy 031/10 in order to facilitate and guarantee access to indigenous autonomy’ (Organizations of Indigenous People of the Highlands and Lowlands of the Plurinational State of Bolivia, 2019, p. 14).

Language is integral to indigeneity. Yet as earlier work has observed that ‘state language policy is often fragmented and improvisational... It remains to be seen whether the new state position will lay the groundwork for robust language revitalization at the level of Indigenous language communities’ (Gustafson, 2017, p. 31). The present analysis tells us that much remains to be done. The CSO discourse describes vividly the different dimensions of indigenous language rights violations (Articles 13, 14, 15, 16). One explained that

there is no State funding to implement the policies of vitalization and revitalization of indigenous languages. There are no resources to implement the regionalized [schools] curriculum and there is not enough trained personnel to carry out Law No. 071/10 of Education [a commitment to education in Indigenous languages]. Teachers are not indigenous, if they are, they do not speak the native language and neither does a pedagogical strategy [exist] to educate in the languages and values of indigenous people. (Andean Foundation for Social Observation and the Study of Media, et al, 2019, p. 14)

It is not just the school curriculum that is beset with problems; major shortcomings also exist in higher education. As one CSO complained, ‘The State must... allocate greater

resources for intracultural and intercultural education policies’ (Coalition of Organizations of Civil Society on Human Rights, 2019, p. 5). A further aspect of the malaise is that public services, including healthcare, fail to provide adequate provision in indigenous languages (Paulino et al., 2019, p. 59). For example, as this CSO complained, ‘Medical care is not carried out in the language of indigenous people or according to their culture and without a gender perspective’ (Organizations of Indigenous People of the Highlands and Lowlands of the Plurinational State of Bolivia, 2019, p. 10).

Discussion: Do the UPR Data Support Recent Assertions of Cultural Ethnocide?

The foregoing analysis of the latest UPR data based on NGOs’ situated knowledge of daily working with indigenous communities highlights a broad range of international human rights violations. However, we diverge from recent ethnographic and anthropological accounts and argue that such violations currently fall short of our definition of cultural ethnocide. Notably, the current data set show the rights breaches documented in the UPR data to be incremental in nature rather than being systematically aimed at indigenous annihilation. As this study reveals, Indigenous People face rights breaches on many fronts. Reversing this depends upon swift action by government and other actors. Without this, the combined violations charted here are likely to lead to the cultural ethnocide of some of the more vulnerable indigenous groups in the Plurinational State.

Our analysis charts evolving rights and governance reforms, yet these suffer from flawed implementation and the UPR data show how indigenous people are subject to discrimination, denial of land rights, exclusion from decision-making, violence and suppression of indigenous languages. Significantly, many of these pathologies stem from inadequate monitoring and enforcement of the law. A further shortcoming is the power dynamics of the evolving governance structures. Under the plurinational project, indigenous communities are not independent from – and neither are they equal to, the central Bolivian state; though it must be said they are leading to new relations with it. Another reason is that, far from moving beyond the neoliberalism of the 1990s, the present is a time of growing tension between capitalism, new modes of governance and Indigenous People’s rights. As one account explains

Within the state bureaucracy, the execution of 20 years of neoliberal reforms ... has left its mark on the internalized practices of technical experts and public servants, who tend to oppose indigenous change. This is the biopolitics of capitalism ... the State seems unable to tackle any re-composition of the cultural production of persons and communities. (Ranta, 2018, p. 156)

This view is echoed by a number of authors who have suggested that contemporary practices may lead to cultural ethnocide (Avila & Guarena, 2020; Bessire, 2014; Crevels, 2002; Danbolt Drange, 2011; Eichler & Bacca, 2021; Kröger & Lalander, 2016; Laing, 2015; Saareanta, 2014; Totten et al., 2002). This study set out to examine whether such assertions are supported by the latest UPR data. Based on three non-discrete rights dimensions of cultural genocide, the present analytical framework reveals provides mixed evidence.

First, our analysis has identified examples of rights violations stemming from the broad power relations in which indigenous actors are immersed. These require attention. They

stem from enduring structures of inequality including, racism, and rights denial in political and economic institutions, and cultural logics. They resonate with Vašák's first and second-generation rights and span equality issues and how people live and work together, as well as the provision of the basic necessities of life, including access to key economic and social goods, services and opportunities. There is ample attention to this in the UPR corpus. Generic references to discrimination against Indigenous People and associated rights denial (including, Articles 1, 2, 8, 9 and 15 violations) are a major pathology in the UPR discourse. The corpus also details the widespread prevalence of gender discrimination (Article 44 violations). This includes gender-based violence and the high incidence of intimate partner abuse of women across Bolivia (the country is ranked second amongst Latin American countries). The UPR corpus also presents a clear picture of Article 14 violations, and the educational inequalities faced by IP. Moreover, it emphasizes that Indigenous peoples have the worst socio-demographic indicators and the largest inequalities in terms of access to social services and welfare in the Latin American region, notably with extensive Article 21 violations on access to effective healthcare. CSOs also emphasize the poverty gap between indigenous and non-indigenous people and associated Article 17 and 21 violations (*inter alia* 'Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, employment or salary').

The second dimension of cultural genocide concerns politics and citizenship and the role of indigenous people as political actors. This includes NGOs making claims for recognition and inclusion; engaging with, contesting and creating political institutions; and indigenous people's participation in civic and political life. These factors also link to Vašák's first generation of civil and political rights and the present analysis of UPR data underlines the pervasive nature of such violations. Article 18 and 19 violations on Indigenous People's right to participation in decision-making, including prior and informed consent are often referred to in the corpus. A key problem highlighted by the civil society discourse is legal inconsistency between UNDRIP, domestic law and earlier UN resolutions on title to – or ownership of, natural resources on indigenous people's lands. For example, current mining law limits free, prior and informed consent to the exploitation phase of land concessions, instead all stages of projects that affect indigenous peoples' rights to land and resources.

The corpus also provides extensive testimony of violence and denial of physical integrity and personal safety. Notably, how human rights defenders who engage on environmental issues are subject to intimidation, threats, disappearance, surveillance and criminalization. As one CSO reported, 'There is systematic political discrimination against indigenous leaders who defend their rights, who are publicly attacked and, in some cases, prosecuted' (Andean Foundation for Social Observation and the Study of Media, et al, 2019, p. 4). In addition, Article 4 violations ('Indigenous peoples exercising their right to self-determination ... ') is a further key rights violation in the UPR corpus. Associated with this, the funding of IPs' institutions is an allied theme. Despite the constitutional and legal provisions, the functioning of governance institutions intended to facilitate IPs' autonomy is hampered by a shortage of resources and the actions of state institutions which continue to issue regulations that impede their operation.

In addition, there is the relational field of governance, territorial and organizational dimensions, subjectivities and knowledges. This dimension has particular salience to Vašák's third-generation rights. These are solidarity rights (and include the right to

development, right to peace, right to a healthy environment, to share in the exploitation of the common heritage of mankind and to humanitarian governance). The present study reveals major issues in this regard. For example, there is extensive reference to Article 8 violations²¹ as well as Article 29 violations on upholding sustainable development. The malaise is compounded by manifold Article 27 and 28 violations on legal redress and access to justice. The UPR data detail the difficulties Indigenous People face in countering threats to the environment. For example, the corpus underlines how, despite support from the Vice-ministry of Autonomies, party political factors mean that state-wide government is generally no longer a fruitful venue for pressing indigenous demands. The corpus also underlines how Indigenous Peoples often fail to secure support from the judiciary or legislature. The UPR discourse highlights how future compliance with UNDRIP will require far-reaching institutional changes, including strengthening the judiciary, making it more independent and broadening civil society's access to the courts.

The study data also show how Bolivia is part of a wider international trend of increasing government constraints on civil society freedoms. For example, the UPR corpus highlights how Law No. 351 requires civil society to align its goals and activities with government policies. This gives the executive power to close civil society organizations, including those campaigning for Indigenous rights that it determines are not contributing to the economic and social development of the country. The UPR discourse reveals how, in consequence, spaces for participation for civil society, resulting from the judicialization of politics and the criminalization of protest are closing alarmingly, with the consequent weakening of indigenous organizations and repression of human rights defenders. Key amongst solidarity rights are language rights (Crevels, 2002). The UPR corpus also repeatedly underlines that there is insufficient state funding to implement policies of indigenous language revitalization in formal educational settings and beyond. A further key failing is that public services, including healthcare, fail to provide adequate provision in indigenous languages.

The foregoing evidence shows that the present constitutes a critical juncture underlines the urgent need for action to address the situation. To begin with there is a need for greater investment in indigenous policies by state-wide government. Crucially, there needs to be a rebalancing of neoliberal economics with policies on sustainable development. A step-change in data gathering and monitoring of indigenous people's rights also needs to take place, accompanied by an effective and independent national human rights institution. As noted, judicial reform and the administration of criminal justice needs to be transformed to give Indigenous People access to justice and effective legal redress. In addition, comprehensive institutional reform of government and public services to eliminate discrimination is imperative to uphold the principle of Indigenous People's autonomy as set out in UNDRIP and the constitution.

In turn, whether these changes will be forthcoming depends on diverse factors including party politics, executive competence, political will and the governing elite's ability to withstand the lobbying power of multi-national extractive industries. A further fundamental issue is the need to address the current limitations in international treaty monitoring (Cole, 2015; Kalin, 2015). The endurance of such a broad range of violations revealed by the present analysis underlines that the United Nations should also do more to fulfil its own obligations under Article 42 of UNDRIP (*inter alia*, 'The United Nations ... shall follow up the effectiveness of this Declaration').

Notes

1. Estimates of the number of different indigenous groups vary the World Population Review says <https://worldpopulationreview.com/countries/bolivia-population> [Last accessed 14.05.22] others such as Victoria Lidchi (2002) state that there are over 100.
2. <https://worldpopulationreview.com/countries/bolivia-population> [Last accessed 14.05.22]
3. For a discussion, see Jane Benton (1999).
4. <https://www.lexivox.org/norms/BO-L-3760.xhtml> [Last accessed 14.05.22]
5. https://www.constituteproject.org/constitution/Bolivia_2009.pdf [Last accessed 14.05.22]
6. <https://pwccc.wordpress.com/> [Last accessed 14.05.22]
7. <https://therightsofnature.org/wp-content/uploads/Cochambamba-Peoples-Agreement.pdf> [Last accessed 14.05.22]
8. All data are provided in full in the results section of this paper.
9. Organizational names cited in this study use the language used by the organizations themselves in their UPR submissions.
10. It is acknowledged that the complex nature of rights violations means there is often an overlap, with breaches spanning more than one generation of rights.
11. <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BOindex.aspx> [Last accessed 19.06.22]
12. *Inter alia*, ‘All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals’.
13. https://www.constituteproject.org/constitution/Bolivia_2009.pdf [Last accessed July 8, 2022]
14. For example, on civil liberties, Freedom House rates Bolivia as in the lower half of ranked countries 38/60. <https://freedomhouse.org/country/bolivia/freedom-world/2020> [Last accessed 15.06.22]
15. Ley de Otorgación de Personalidades Jurídicas (Law on Legal Entities), Gaceta Oficial, No. 351/2013, signed into law on March 22, 2013, <http://www.gacetaoficialdebolivia.gob.bo/normas/descargarPdf/141719>
16. Reglamento parcial a la Ley de Otorgación de personalidades jurídicas (Regulatory Decree on the Law on Legal Entities), Gaceta Oficial, Decree No. 1597/2013, signed on June 5, 2013, <http://www.gacetaoficialdebolivia.gob.bo/normas/descargarPdf/142134> [Last accessed July 1, 2022].
17. Specifically, Article 18 says, ‘Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions’. Article 19 asserts ‘States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent [FPIC] before adopting and implementing legislative or administrative measures that may affect them’.
18. <https://www.ohchr.org/Documents/ProfessionalInterest/resources.pdf> [Last accessed 15.06.22]
19. [https://uk.practicallaw.thomsonreuters.com/w-010-2113?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/w-010-2113?transitionType=Default&contextData=(sc.Default)&firstPage=true) [Last accessed 15.06.22]
20. http://www.planificacion.gob.bo/uploads/AGENDA_PATRIOTICA2025_MPD.pdf p. 216 (Last accessed July 8, 2022)
21. ‘States shall provide effective mechanisms for prevention of, and redress for ... Any action which has the aim or effect of dispossessing them of their lands, territories, or resources’.

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Appendix †Names given in the form/language they appear in the UPR discourse

La Coalición De Organizaciones De La Sociedad Civil Sobre Los Derechos Humanos Para El Examen Periódico Universal (Epu) De Bolivia: 1. ABO, 2. ABP Cacao Beni, 3. AGRUPACION MUJERES TRABAJANDO POR LA IGUALDAD amTIDES. 4. AIPE, 5. Alta JVD2 Barrios Mineros, 6. AMTSC, 7. APAP, 8. APCOB, 9. APISASC/HD, 10. APP Bolivia, 11. APPI, 12. APROSAH, 13. Asamblea del Pueblo Guaraní, 14. Asamblea Permanente de Derechos Humanos de Bolivia, 15. Asamblea Permanente de Derechos Humanos de Cochabamba, 16. Asamblea Permanente de Derechos Humanos de La Paz, 17. Asamblea Permanente de Derechos Humanos de Pando, 18. Asamblea Permanente de Derechos Humanos de Tarija, 19. Asamblea Permanente Derechos Humanos de Chuquisaca, 20. Asociación Aguayo, 21. Asociación de Comerciantes Minoristas, 22. Asociación de Padres, Madres y Familias de Niños, Niñas y

Jóvenes con discapacidad Jach'a Uru, 23. Asociación de Víctimas, 24. Asociación Discapacidad Estudiantes UMSS, 25. Asociación Nacional de Periodistas, 26. Asociación Padres con Autismo Potosí, 27. Asociación Psinergia, 28. ASOCRUZ, 29. Aywiña, 30. CAEP, 31. Campaña Boliviana por el Derecho de la Educación, 32. CANOB, 33. CAOI, 34. Capítulo Boliviano de Derechos Humanos, Democracia y Desarrollo, 35. CCNAGUA, 36. CDST, 37. CECASEM, 38. CEDIB, 39. CEJIS – BENI, 40. CEJIS – Santa Cruz, 41. Central Campesina de San Jacinto, 42. Centro Afroboliviano para el Desarrollo Integral y Comunitario (CADIC), 43. Centro de Cultura Popular CCP – AMAZ, 44. Centro de Madres Tomas Frías – Potosí, 45. Centro Femenino Victoria, 46. Centro Rebelría, 47. CEPROSI, 48. CETA-CJA, 49. CICOL, 50. CIPCA, 51. CIPCA BENI, 52. CIP-SJ, 53. CISTAC, 54. Colegio de Trabajadores Social, 55. Comité Cívico Femenino, 56. Comité Impulsor de la Agenda Política y Legislativa desde las Mujeres, 57. Comunidad de Derechos Humanos, 58. CONAGUA, 59. CONATROSC, 60. Consejo Deporte, 61. Consejo Municipal de la Mujer, 62. Cooperativa 10 de noviembre, 63. Cooperativa Villa Imperial, 64. Cruz Roja Bolivia Filial Santa Cruz, 65. D.M.S.C., 66. D-10, 67. Derechos en Acción, 68. DESAFIO, 69. ECAM, 70. EEA – Imata Beni, 71. FEBOS, 72. FEDECOMIN, 73. FEDEMETRA Medicina Tradicional, 74. Federación de Mujeres Huanuni, 75. Federación Gremial, 76. FEJUVE Cercado, 77. FENACIEBO, 78. FENATRAHOB, 79. Fondo de Mujeres Bolivia, 80. FORO AMUPEI, 81. FRATER, 82. Fundación Colectivo Cabildeo, 83. Fundación CONSTRUIR, 84. Fundación Esperanza Desarrollo y Dignidad (FEODIG), 85. Fundación Munasim Kullakita, 86. Fundación para el Periodismo, 87. Fundación Tribuna Constitucional, 88. Fundación UNIR, 89. Fundación Viva, 90. Fusindo, 91. GOTIC Betanzos, 92. IIMS (Instituto de Investigaciones Médico Sociales), 93. INTERTEAM, 94. IPAS Bolivia, 95. ISALP, 96. ITEI, 97. JCI Santa Cruz, 98. JEBUF, 99. JIS, 100. Libertades Laicas, 101. Litoral, 102. Manope, 103. Misión Internacional de Justicia (IJM), 104. MPA, 105. Mujeres por la Amazonia, 106. Ni una Menos, 107. Observatorio de Derechos, 108. PADEM, 109. Plataforma de Mujeres por la Ciudadanía y la Equidad, 110. Plataforma Unidos por Tariquí, 111. Promotoras Comunitarias, 112. PROMUTAR, 113. Red Chimpu Waini, 114. Red HABITAD, 115. Red Paridad MUPET-ACOP, 116. Red Viva, 117. SCED, 118. SEMTA LA PAZ, 119. Sindical Koriteca, 120. Sindicato de Trabajadoras Asalariadas del Hogar de Sucre, 121. SINOSTRAP, 122. Sirparispa, 123. SITRAHOS, 124. SITRAHPAN, 125. Sub Central TIPNIS, 126. Teo Movimiento SPIM Beni, 127. TIERRA, 128. U.E. Cobija 'A', 129. U.E. José Manuel P., 130. UATF, 131. UDABOL, 132. UMBO-CIM ORURO, 133. UNITAS, 134. Universidad Privada DOMINGO SAVIO, 135. Urbanización Hamancollo Pampa Sola, 136. Veeduría Ciudadana de Derechos Humanos, 137. Voluntarios San Lorenzo, 138. WIÑAY.