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OPEN LETTER TO THE PRESIDENT OF THE PLURINATIONAL STATE OF BOLIVIA, EVO MORALES AYMA, ON THE FIRES IN CHIQUITANÍA

Amnesty International has received information about the forest fires reported to have been burning since August 2019 in Chiquitanía and would like to express its solidarity with the people and communities affected.

The fires constitute an environmental and human rights crisis and as such the Bolivian State has an obligation to provide assistance with full respect for human rights to the people and communities affected. They should receive full information about the crisis and its effects and be consulted and participate in decisions that impact their lives.

Likewise, the State has an obligation to investigate the causes of the fires and, if it corresponds, to identify and punish those responsible with full respect of national legislation and international human rights law. In the light of recent statements by Minister of the Presidency, Juan Ramón Quintana, that “the fire is almost a natural child of agriculture”,¹ we would respectfully ask for information on the possible relationship between Supreme Decree No. 3973 of 10 July 2019 and the fires, given that this decree “authorizes the clearing of land for agricultural activities on private and communal land [...] [and] authorizes controlled burns in accordance with current regulations [...]”² in the provinces of Santa Cruz and Beni, which have been affected by these events.

The Human Rights Council stated in General Comment 36 that “[e]nvironmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life [...] States parties should therefore ensure sustainable use of natural resources, develop and implement substantive environmental standards, conduct environmental impact assessments and consult with relevant States about activities likely to have a significant impact on the environment, provide notification to other States concerned about natural disasters and emergencies and cooperate with them, provide appropriate access to information on environmental hazards and pay due regard to the precautionary approach.”³

Thus, in line with the precautionary principle that determines that “even in the absence of scientific certainty, [States] must take 'effective' measures to prevent severe or irreversible damage”,⁴ and in the absence of a determination of the causes of fires in Chiquitanía, the State of Bolivia should suspend the application of Decree No. 3973 until it can confirm with certainty that its implementation has not contributed to the causes of the fires.

As the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment has stated: “Biodiversity is necessary for ecosystem services that support the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and culture. In order to protect human rights, States have a general obligation to protect ecosystems and biodiversity”⁵ and “against environmental harm that interferes with the enjoyment of human rights and [these] obligations apply to biodiversity as an integral part of the environment.”⁶

Finally, we would draw your attention to public information indicating that the Bolivian Police detained three people alleged to have been involved in the fires who, following their release by court order, reported that they had been ill-treated. Given these reports, Amnesty International would remind the State of its obligation to guarantee personal freedom and integrity and due process within the framework of any investigation.

¹ “el incendio es casi hijo natural de la agricultura”, Minister of State for the Presidency, Juan Ramón Quintana, statement of 30 August 2019 to DW Español (https://twitter.com/dw_espanol/status/1167548411610116098?s=20).

² [“se autoriza el desmonte para actividades agropecuarias en tierras privadas y comunitarias [...] [y] se permite las quemas controladas de acuerdo a reglamentación vigente [...]”].

³ Human Rights Council. General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights, relating to the right to life, CCPR/C/GC/R.36, Paragraph 62.

⁴ Inter-American Court of Human Rights, Advisory Opinion OC-23/17 of 15 November 2017, Requested by the Republic of Colombia; The Environment and Human Rights (State obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity – interpretation and scope of Articles 4(1) and 5(1) of the American Convention on Human Rights), para. 180.

⁵ Human Rights Council, A/HRC/34/49, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, 19 January 2017, para. 65.

⁶ Ibid, para. 26.