

***Call for Contributions: The right to adequate housing for Indigenous Peoples***

***The right to adequate housing for Indigenous Peoples Latin America Perspective***

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The International Presentation Association a faith based organization working in 23 countries. Our members are present in the Latin American and Caribbean region, in Bolivia, Ecuador, Guatemala, Peru, Chile, Nicaragua and the Commonwealth of Dominica and work with the Indigenous communities and this paper will focus on this region.

According to *Indigenous Latin America in the Twenty-First Century The first decade*, in 2010 around 42 million indigenous people live in Latin America, which is approximately 8% of the total population. Mexico, Guatemala, Peru and Bolivia have the most extensive populations, with more than 80% of the regional, or 34 million.

According UN Habitat and Committee on Social, Economic and Cultural Rights of the United Nations (OHCHR) the role of the States, is to provide the best conditions of housing for indigenous peoples in rural and urban areas regardless of their location. Decent and adequate housing conditions mentioned are: *access to and availability of services*, access to natural resources, potable water, sanitary facilities, waste disposal, drainage, economic accessibility, economic expenses that meet basic needs, *location*, which allows access to employment, health services, education, and away from contaminated places or exposed to natural disasters and *cultural adaptation*, that the form of their homes, materials have been taken into account by the public policies for the development of the indigenous communities and their cultural expression. Housing reality for indigenous peoples in Latin America does not meet these requirements and the gaps need to be addressed.

**Impact of extractive industries.**

In the Latin America 51% indigenous peoples live in rural areas. They live in remote areas without access to education, health, electricity and water for cultivation. They also lack infrastructure such as roads. In the Amazon regions indigenous peoples are forcefully displaced by extractive industries and their right to their ancestral lands is violated. According to Ext activism *in Latin America IMPACT ON WOMEN'S LIVES AND PROPOSALS FOR THE DEFENSE OF TERRITORY* approximately half the conflicts in Latin America

involved indigenous populations protecting their territories, in the face of extractivist, frontier expansion. (Martínez Alier, 2015). The oil exploitation policies of the Ecuadorian government in the Amazon Jungle Region has affected the Sápára, Shuar, Achuar, Waorani, Taromenane, and Kichwa indigenous people. The imposition of agro businesses has played a major role in the displacement of indigenous peoples and their cultural practices through usurpation of land, monoculture and overuse of water. What is at risk is the cultural, spiritual, and intellectual diversity of more than 200 ethnic groups, indigenous peoples and nationalities. In Chile, the Organic Constitutional Law on Mining Concessions-violates the self-determination of indigenous peoples. The privatization of water as sanctioned by Article 19 of the 1981 Constitution, leaves water sources in the hands of whoever has the means to buy them (OLCA, 2015).

### **Rural urban migration**

167 families of indigenous peoples from the Andes region located in the province of Cotopaxi, parish of Zumbahua, called Tigua community were forced to migrate to Quito capital of Ecuador the closest city due to lack of access to education, health, electricity, depletion of natural resources and water for cultivation. They have been located in Parish of Cutuglagua. Now 48% of total of the population of indigenous people from Andes region live in this area. In the cities and the urban areas indigenous people also face inequality and discrimination in relation to legal security to their properties. The main issues are excessive pricing of property in the rental market, lack of access to adequate loans, and credits leading to the creation of reduce the informal settlements.

### **Jurisprudence from national or regional systems**

According to the Economic Commission for Latin America and Caribbean (ECLAC) the right of indigenous peoples to lands, territories, natural resources and access to housing originate in their own customary law, in the protection of their practices and ancestral values. In countries such as Bolivia (Plurinational State of) and Ecuador, they have been granted the rank of a constitutional law and regulation of recognition, titling and demarcation of territories. But this is not the case of all the governments. The role of the States in the Latin America region is to implement laws according to their constitutions specially in recognizing the territories of indigenous peoples, access to decent housing as an essential requirement for the personal, family and community development of all people.

### **Good practices and public, national policies Latin America countries**

#### **National Policies**

The governments of Ecuador and Plurinational state of Bolivia both have **in its national constitutions the creation of the** “Sumak Kawsay” expression in Kichwa indigenous language Buen Vivir (Ecuador) or Vivir Bien ( Bolivia) to integrate the cosmovision of the indigenous peoples, their way of life and

coexistence of indigenous communities. Article 14 of Ecuador (2008) and article 8 Bolivia (2009) stipulate the model of development and planning for access to housing, natural resources, and living in harmony with the right to nature and land for indigenous peoples.

The initiatives of the governments of Ecuador, Bolivia and Mexico

The Ministry of Urban Development and Housing (MIDUVI) in Ecuador is investing USD 486,000 to build 100 houses for indigenous peoples in the province of Cotopaxi, parish of Alausi. Each house will have 36 square meters area, with two bedrooms, living room, kitchen, dining room and bathroom.

The Government of Bolivia contributed 82 housing units in favor of the indigenous communities of San Benito, Villa Asunción, Sanandita and San Juan, as strategy for the eradication of extreme poverty. According to the authorities 6.3 million bolivianos investment will benefit 335 inhabitants in 82 families of the communities of the Indigenous Council of the south (Conisur) located on the banks of the Isiboro River.

Mexico has created a national housing commission (CONAVI) to provide actions of social production of housing with support of integral technical assistance as part of this policy. The implementation of this policy has resulted in the Masewalme kin chiwa in kaliwa project (The Indians building their houses) .6000 houses that have been built benefit 14 communities. These houses have been built adapting to the needs of each of the families and using materials and knowledge typical of the region.

**Recommendations:**

1. Make mandatory the principle of pre, prior and informed consent in relation to indigenous land and property
2. Protect the lands and territories of indigenous peoples and support indigenous agriculture and farming practices by ensuring safe land tenure and water and sanitation facilities
3. Ensure infrastructure and other services in indigenous areas that will facilitate their needs being met in terms of education, health, recreation without infringing on their cultural rights.
4. Provide budgetary support for research and higher education for the indigenous peoples
5. Integrate indigenous communities into the implementation of sustainable development Goals

**References:**

The Right to adequate Housing

[https://www.ohchr.org/documents/publications/fs21\\_rev\\_1\\_housing\\_en.pdf](https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf)

Indigenous communities and social inclusion in Latin America.

<https://www.un.org/development/desa/family/wp-content/uploads/sites/23/2018/05/2-1.pdf>

Indigenous Latin America in the twenty-first century: the first decade

<http://documentos.bancomundial.org/curated/es/145891467991974540/pdf/98544-REVISED-WP-P148348-Box394854B-PUBLIC-Indigenous-Latin-America.pdf>

Extractivism in Latin America

<https://www.uaf-africa.org/wp/wp-content/uploads/2016/05/Extractivism-in-Latin-America.pdf>

Viviendas para pueblos indígenas en ciudades capitales andinas. Procesos de planificación, y análisis de una vivienda adecuada.

[https://flacso.edu.ec/cite/media/2016/02/ONU-Habitat\\_2014\\_Vivienda-para-pueblos-indigenas-en-ciudades-capitales-andinas.-Procesos-de-planificacion-y-analisis-de-vivienda-adecuada.pdf](https://flacso.edu.ec/cite/media/2016/02/ONU-Habitat_2014_Vivienda-para-pueblos-indigenas-en-ciudades-capitales-andinas.-Procesos-de-planificacion-y-analisis-de-vivienda-adecuada.pdf)

Los pueblos indígenas en América Latina. Avances en el último decenio y retos pendientes para la garantía de sus derechos.

[https://repositorio.cepal.org/bitstream/handle/11362/37222/1/S1420521\\_es.pdf](https://repositorio.cepal.org/bitstream/handle/11362/37222/1/S1420521_es.pdf)

## **References Countries**

Ecuador: Constitución de la República del Ecuador 2008

[https://www.oas.org/juridico/pdfs/mesicic4\\_ecu\\_const.pdf](https://www.oas.org/juridico/pdfs/mesicic4_ecu_const.pdf)

National Policies Ecuador: Versiones del Plan Nacional Buen Vivir 2013-2017

<http://www.buenvivir.gob.ec/versiones-plan-nacional>

Bolivia: Constitución Política del Estado Plurinacional de Bolivia 2009

<https://ftierra.org/index.php/component/attachments/download/6>

National Policies Bolivia: Plan Modelo Nacional de Desarrollo

<http://www.fndr.gob.bo/bundles/fndrdemo/downloads/pdes/pdes2016-2020.pdf>

Best Practice Ecuador: 81 viviendas se construirán en comunidades indígenas de Alausí

<https://www.habitatyvivienda.gob.ec/81-viviendas-se-construiran-en-comunidades-indigenas-de-alausi/>

Best Practice Bolivia : Gobierno entrega 82 viviendas a comunidades indígenas del Conisur en el TIPNIS

<http://www.aevivienda.gob.bo/noticias/detalle/132>

National Policies Mexico: Comisión Nacional de Vivienda

<https://www.gob.mx/conavi>

Best Practice Mexico: Producción Social del Habitat: “Los indígenas construyendo sus casas”

<https://produccionsocialhabitat.wordpress.com/galeria-de-casos/ciudemac-copevi/>