



# Bolivia

## CIOEC-Bolivia: successful advocacy for legal recognition of the sector

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Bolivia is the poorest country in South America. The majority of Bolivians are indigenous (mainly Aymara and Quechua), accounting for at least 60-70% of the population and for an even higher proportion of the rural population. This indigenous population constitutes the vast majority of the poor and extremely poor in Bolivia. Bolivia is a country that bridges two major regional blocks, in a geographical and political sense: the *Comunidad Andina de Naciones* (CAN) and the *Mercado Común del Sur* (MERCOSUR). It is the first country in which structural adjustment programmes were implemented (in 1985) and agricultural policies have been shaped accordingly for two decades. Most producer-support instruments in agriculture (tariffs, price regulation and credit subsidies) have been discontinued since

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1985. Moreover, until 2005, only a limited number of ‘new instruments’ for agricultural development and innovation were introduced beyond pilot experiment levels, with the exception of substitutes for coca production. This political situation has changed quite dramatically since 2006, when the Morales government not only re-introduced several rural support instruments that had characterised the pre-1985 period, such as soft loans and direct interference by the state in agricultural markets, but also developed a range of new policies to benefit smallholders in agriculture.

## Advocacy challenge

The current Bolivian political situation is characterised by the government’s policy emphasising indigenous identity, market regulation and endogenous growth, which contrasts with the open-market policies of preceding governments. The sector of producer associations represented by the Bolivian Coordinating Platform of Economic Peasant Organisations (*Coordinadora de Integración de Organizaciones Económicas Campesinas Indígena y Originarias* - CIOEC-Bolivia) had a problematic relationship with the Morales government. As most smallholder producers are inhabitants of rural areas, there is broad support for a government that, more than ever, tries to revert investments from urban to rural areas and from the private sector to state enterprises. However, in political discourse and practice, a differentiation is made between communitarian, village-oriented organisations (*sindicatos, ayllus*) and functional market-oriented organisations (*Organizaciones Económicas Campesinas* - OECAs). This debate influences governmental policies on rural economic development and defines the political space for CIOEC in relation to other farmer unions. *Sindicatos* are territory-based, village organisations that represent all households in the village and defend the interests in relation to land rights and social investments, and that support an interventionist role of the state in markets. OECAs have a more restricted and better defined membership of self-selected smallholders in one or various villages and direct their demands especially to the facilitating role of the government in creating market access.

CIOEC opposed the neo-liberal doctrine of free markets and private entrepreneurship and was quite successful in doing so in 2000-2006. After 2006, their political influence weakened. In 2006, during the political campaign of Evo Morales they refused to explicitly support the MAS, the political party of Evo Morales, and were therefore not included in the coalition of unions supporting the new government. Although CIOEC had several delegates from OECAs in the governing party MAS, they did not hold key positions. Also, CIOEC favoured market-facilitating institutions but opposed state enterprises and interventionist policies such as food price control when these negatively affected the collective marketing activities of their members. After 2007, CIOEC became increasingly marginalised in policy decision making.

### BOX 3 CIOEC-Bolivia

The Bolivian Coordinating Platform of Economic Peasant Organisations (*Coordinadora de Integración de Organizaciones Económicas Campesinas Indígena y Originarias* - CIOEC-Bolivia) is the national platform of economic farmer organisations, including cooperatives, associations, smallholders agricultural corporations (CORACA's) and farmer-led enterprises. It is an apex organisation that comprises more than 250 economic grassroots organisations organised around collective marketing and processing through 9 departmental organisations and 7 sectorial organisations. Since its foundation in 1991, CIOEC-Bolivia advanced from providing organisational and administrative support to its members, to being the national representative of OECAs with a more political and advocacy-oriented profile.

CIOEC's Organic Statute was renewed in April, 2002, with the intention of accomplishing major sectorial integration and participation, and CIOEC-Bolivia changed its elected board structure from an organisation with direct membership and an executive board, to a second-tier organisation. Hereby was introduced an extended board (*directorio ampliado*), with representatives from each of the nine departments and from the major commodity-based apex organisations (coffee, quinoa, wheat, dairy, honey, handicrafts, and rural tourism). Both boards are elected by the general assembly of members.

## Collaborative research process

Due to this altered political situation, coupled with changes in board and staff members, CIOEC had entered into an organisational identity crisis, deviating from the objective for which the organisation was created. A self-evaluation by the CIOEC-executive board in May 2012 indicated that CIOEC was well aware of this identity crisis. They indicated that their advocacy capacities were in decline compared to three years earlier, and that a new vision and action plan was needed to regain their role as a representative organisation in the political arena. This 're-invention' of the role of CIOEC was initiated by a process of strategic planning. From 2010 onwards, CIOEC had been working on a new strategic plan, without too much success, however. An event that accelerated the process was a workshop from 25-27 October 2011, held with the support of Agritererra, a Dutch agri-agency for development cooperation. Agritererra applied a specific methodology to generate policy proposals in a participative manner, *the Farmers Advocacy Consultation Tool – FACT* (Gouët, 2013). This workshop, with national and departmental farmer leaders, aimed to strengthen CIOEC's capacity to formulate policy proposals and strategies, to improve its business planning and to intensify its member consultation processes. At the end of the workshop, participants defined three follow-up work-plans.

- To generate a follow-up to the OECA Law that had been approved in 2008 in Parliament but had never been regulated and implemented due to the reform of the Bolivian Constitution in 2009.
- To formulate an internal policy and mechanisms for internal articulation, especially with a view to the superposition of responsibilities of elected board members and contracted professional staff in operational decision making.
- To integrate the departmental divisions of CIOEC into the national strategy of CIOEC-Bolivia, in response to the increasing autonomy of the departmental divisions both financially and politically.

The first point became the priority of ESFIM research support. The work plan for the assignment consisted of a first phase to check the status of and observations made on the OECA Law in Parliament and parliamentary commissions. In a second phase, legal norms that covered the same or similar issues as those of the 2008 OECA Law were analysed. In a third phase, the outputs of both inquiries were discussed in several regional workshops, involving both CIOEC departmental board members and several grassroots organisations. Finally, based on this feedback, a new proposal for an OECA Law was to be written and placed on the agenda for parliamentary discussion (CIOEC-Bolivia, 2012). The budget for these advocacy activities (US\$ 34,700) was covered by Agriterra (30%), ESFIM (37%) and CIOEC-Bolivia (33%), with ESFIM covering the costs of the legal expert, the national workshop and publishing of the outputs. The first planning included the steps presented in Table 6.

TABLE 6 ACTION PLAN THAT RESULTED FROM THE NATIONAL WORKSHOP

OBJECTIVES	ACTIONS
<p><b>“FORMULATING A FOLLOW-UP OF THE OECA LAW AND HAVING IT APPROVED AS A LAW”</b></p> <p>Emphasis placed on:</p> <ul style="list-style-type: none"> <li>• Organic and functional composition of OECAs</li> <li>• Access to government procurement programmes</li> <li>• Tax regulations with preferential treatment for OECAs</li> </ul>	Collect observations regarding the OECA Law in various Ministries and list these in a document that proposes a way to influence relevant political actors (including a ‘power mapping’, stake-holders analysis, SWOT analysis)
	Identify other regulations that are closely related to the OECA Law (this information is to be included in the document produced in step 1).
	Consultations with membership (a)- Informing/consulting opinions: Gather information on the status of OECAS Law from the national level to the departmental level and consult members on their opinions, needs, etc.
	Consultations with membership (b)- Informing /getting feedback: Communicate the status of OECAS Law at the grassroots level of OECAs: departmental coordinators to send the document and a questionnaire to OECAs and collect feed-back.
	Consultations with membership (c) – Validation of the draft proposal: Organise a workshop with each departmental CIOEC on the OECA Law, to analyse the proposal.
	Write a final (SMART) proposal based on the consultation and the workshop results.
	Advocacy activities based on stakeholder mapping and lobby analysis: towards Ministries, Parliament and the Pacto de Unidad, the coalition of peasant unions; systematise the results and the lessons learnt

After some months of delay due to administrative contracting issues, CIOEC received the ESFIM budget and contracted two consultants in March 2012 to review the status of the OECA Law that had been presented in 2004, with support of the Ministry of Agriculture, to the Parliament. One expert, financed by ESFIM, was contracted to assess the legal situation, analyse the legal observations of the former OECA Law, and design a viable alternative proposal. The second expert, financed by Agriterra, was contracted as an advocacy officer to provide follow-up to the process, organise the internal discussions and discuss the advocacy strategy with the board members of CIOEC-Bolivia.



## Advocacy process

The essence of the OECA Law initiative, submitted in 2004 and approved in Parliament in 2008, was the recognition of the specific characteristics of OECAs as being organisations having both economic and social objectives. The aim of the law was to generate preferential policies for the sector. However, the text of the 2008 OECA Law had been reduced to the extent that its essence had disappeared, according to the law's creators. It only consisted of a system of registration, whereas all support policies that had been part of the proposal had been deleted by a parliamentary commission. Moreover, due to significant political turbulence (the forced resignation of President Sanchez de Losada in 2004 and President Mesa in 2006, and the victory of Evo Morales in the 2005 elections and the subsequent modification of the Magna Carta in 2009), even this meagre result of the OECA Law of 2008 had never been implemented.

Another major complication resulted from the *Ley 144*, enacted by the Morales Government in July 2011 (Government of Bolivia, 2011). This law, *Ley de la Revolución Productiva Comunitaria Agropecuaria*, had created the legal context of OECOMs, Communitarian Economic Peasant Organisations. These were modelled after the *sindicatos* and *ayllus*, with entire villages as members. CIOEC felt that *Ley 144* incorporated several objectives of their original law initiative, but applied it deliberately to another sector of organised producers in order to curtail any influence that CIOEC may have still had. CIOEC had been involved in some of the discussions on this law and could integrate OECAs in certain articles of the law, but was side-lined in the governance structure of the bodies that were appointed to implement the policy, especially with respect to decision making on public investment priorities.

*“There is only one article that mentions OECA, the part about financing instruments, and the rest discriminates against us, placing the community organisations at the forefront instead of the producer organisations. (...) However, the Law includes many aspects that CIOEC had worked on for years, such as insurance in agriculture, support to rural development, technical assistance, etc. These were issues that CIOEC had already included in their three Agendas, between 2000 and 2008, and that were part of the original proposal of the OECA Law in 2008. It seems that they were copied from our original proposal. (...) However, we think that reforming some of the articles in Law 144 is not sufficient. There is an essential discrepancy. The Ley 144 does not differentiate the communitarian, social partner from the productive partner.”*  
(Maria Luisa Antezana, policy adviser to CIOEC-Bolivia, interviewed August 2012)

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The strategy for the lobbying activities was prepared in consultation with legal experts and included a mapping of all the relevant actors that were in some way related to the process of discussion for a Law in Bolivia, from presenting the proposal to approval in Parliament and Senate. CIOEC then followed a strategy of approaching them according to their role in the discussions on the Law and managed to align most of them around a proposal for a complementary law. As this could have been interpreted as an assault on the *Ley 144*, it was necessary to carefully negotiate the proposal with the farmer unions of the *sindicatos* and *ayllus*. The new proposal for an OECA Law was made attractive by including several other issues that were important for farmer unions but had not been included in the *Ley 144*. Thus, the new proposal (CIOEC-Bolivia, 2012) emphasised family agriculture and gender and generational issues, and it received the support of women’s organisations, especially the Bartolina Sosa Movement, which represents rural women’s interests.

*“We organised meetings and a key workshop to which we invited women from various OECAs. CIOEC is part of the National Alliance of Bolivian Women’s Organisations (..) This has been important for CIOEC, because not only did women producers of OECAs participate, but we got a broader view of the situation of rural women: it helped to open doors for us (..) From there, we developed a close relationship with the woman who is the president of Parliament and has a personal commitment to the law; she said to us “-it’s my law, it’s our law, and I will take it forward-.” (María Luisa Antequera Guerra, policy adviser to CIOEC-Bolivia, interviewed August 2012)*

The OECA Law was approved in the House of Representatives in November 2012, with ample support from all political parties. After this successful step the proposal was passed to the Senate for discussion and final approval. Interestingly, at this later stage, the process of negotiating the contents of the proposal with other farmer organisations became heavily influenced by elections in the Bartolina Sisa women union in October 2012. The out-going president of Bartolina Sisa had been CIOEC’s key supporter when the proposal was being discussed in the House of Representatives. However, the newly elected president took a very critical stance in the follow-up process and almost caused the proposal to become stranded in the Senate. In December, the village-based farmer unions tried to intervene and convince the Senate that the OECAs were a threat to the unity of the village and that CIOEC was an instrument of neo-liberalism. The political movement of farmer organisations, aligned with the government ‘Pacto de Unidad’ indeed managed to stop the process, calling for a process of re-negotiation. After fierce negotiations, the law was also approved in the Senate in December and President Evo Morales proclaimed the law on 26 January 2013 (Government of Bolivia, 2013). The main change made was the incorporation of other civil society organisations as beneficiaries of the Law.

In this process, however, topics such as preferential tax issues were removed from the Law, as these require a modification of clauses in the general tax law, which was too dangerous to tackle at this moment. The most tangible point that was maintained in the Law was the inclusion of the OECAs as beneficiaries of the Law 144 and the recognition of CIOEC as their representative body. This allows CIOEC to participate in the various national and regional rural planning councils. Another major result of the Law is the fact that the legal recognition of the OECAs makes it easier for international donors, such as the World Bank, IFAD and Swiss Development Cooperation, to target programmes and funding to this more innovative and market-oriented rural sector.

## Partnership

The ESFIM research support to develop the content and advocacy strategy for the OECA Law proved exceptionally timely and resulted in a tangible advocacy result in a relatively short time. The contacts with CIOEC on collaborative research started in September 2011, the contracted research support started in March 2012, the Initiative Law passed parliament in November 2012 and was proclaimed as Law 338 on 28 January 2013 by President Evo Morales.

The success of the advocacy process was largely due to the review of previous lobby work, skillful management of key stakeholders and the participatory process in designing the new proposal. The support from Agriterra and ESFIM worked in synergy to support this process. Agriterra supported CIOEC-Bolivia with capacity building and advice. Their support was continued in 2013 for the design of a proposal for administrative implementation of the law.

CIOEC-Bolivia entered the collaborative research programme at a very late stage and with a reduced budget. In 2011, Agriterra had already supported CIOEC through a consultant who had previously worked at IFAP, and knew ESFIM very well. It was, therefore, quite easy to link with the participatory process that CIOEC had already put into practice with support of Agriterra. The activities were concentrated in a short period (three months). The AGRINATURA researcher already had a close relationship with CIOEC. Between 1999 and 2004, he had worked in this organisation as a policy advisor and had been engaged in research and advocacy support during the HPIC II National Dialogue and its aftermath, the Bolivian Poverty Reduction Strategy. In fact, the research and advocacy process in CIOEC provided the basic format for the design of the ESFIM methodology in 2007-2008.

## Lessons learnt

- CIOEC-Bolivia had made a proposal for an OECA Law based on the content of a series of lobby agendas, from 2000 onwards - '*Agenda para el Desarrollo Estratégico de las OECAs*' (CIOEC-Bolivia, 2000)- and had experience in commissioning research to support these advocacy priorities. ESFIM was not a novel approach but a welcome opportunity to implement a specific research-advocacy priority. This previous experience proved vital for the successful implementation of the ESFIM research, even when the AGRINATURA support was very limited.
- The strategic planning process to strengthen the operational internal structure of CIOEC and its services to their members, facilitated by Agriterra, was highly functional in generating and embedding ESFIM-type activities in CIOEC-Bolivia, and vice versa. This indicates the synergy that it is possible to achieve when ESFIM activities are set in the context of wider organisational support to national farmer organisations.
- As board members and farm leaders change every two to four years, the memory of the organisation needs its advocacy strategies systematised. The current board and technical team had lost control over the OECA Law that was proposed in 2004 and approved (partially) in 2008. The consultancy to define the status quo and to review the observations made to the original proposal proved very important for re-launching the OECA Law in 2012. The successful advocacy proved vital to recovering faith in CIOEC-Bolivia as an influential political representative body for economic farmer organisations.

- The key moment to influence and upgrade the research support process was in the formulation phase, when the terms of reference for the consultants were defined. Follow-up communication with and back-stopping of consultants that were hired by the national farmer organisation proved difficult, as contracting was fully in the hands of CIOEC. The consultants and experts were, therefore, accountable to CIOEC and not necessarily inclined to link-up with the European-based researcher. In the collaborative research, the time-span allowed for obtaining results was very short and the consultation process very intense and concentrated in time, thus the AGRINATURA researcher had little influence on actual content of the proposal. The AGRINATURA researcher discussed the Initiative Law in August 2012 with the advocacy officer just before the national public launching event, and in December 2012, CIOEC contacted the AGRINATURA researcher to reflect on the comments received during the negotiation process with the other farmer unions. Due to the eminent political character of the proposal, the farmer leaders and board members were important in shaping the political space for the proposal, together with the technical support by the team in the CIOEC office and lawyers working with the various parliamentary commissions.

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