



# **BOLIVIA** **INFORMATION** **FORUM**

## **Bolivia Information Forum Bulletin** **No. 17, December 2010**

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# Law against Racism and all Forms of Discrimination brings out divide

Of several important laws passed this year by the Plurinational Legislative Assembly, the Law against Racism and all Forms of Discrimination is the one that has been most hotly debated. Whilst most of the law raised little discussion, two clauses became a bone of contention for the press:

- Article 16 foresees fines and possible suspension of their licences if the media broadcast/publish racist or discriminatory matter;
- Article 23 says that if any journalist or owner of the media commits an offence, he/she will not be able to call on any kind of immunity or protection.

The law was finally passed in October, with the two articles intact. This was in spite of a petition, a hunger strike in Santa Cruz, marches by people linked to the media and a great deal of critical coverage in the press generally. Currently a process of consultation is under way regarding the practical application of the law (the precise rules and regulations which will define how the law works in practice).

## **The Inter-American Press Association has given its full support to the Bolivian media in opposing what it sees as a barrier to freedom of expression.**

### **Different viewpoints:**

Media owners and many journalists see the two articles as a gag or muzzle, limiting press freedom in Bolivia, and questioning their own ability to discern or self-regulate. They consider that the law will lead to both censorship and self-censorship, possibly even the closure of some media outlets and the consequent loss of jobs. They say that the law goes against the constitution which talks only of self-regulation. The Inter-American Press Association has given its full support to the Bolivian media in opposing

what it sees as a barrier to freedom of expression. Some critics have gone as far as to claim that democracy is at risk.

Some journalists take a rather different view, however. Amanda Dávila (an independent journalist) for example says that reasonable restrictions to the exercise of freedom of speech are necessary in order to guarantee a supreme value, equality. Where others have no immunity, the media should not be a special case, she says. The issue has divided some media unions from others, and also journalists within specific unions.

## **For his part José Miguel Insulza, the Secretary General of the Organization of American States, said that he sees Bolivia as an example of democracy in the region.**

Two recent visitors to Bolivia have also made useful contributions to the debate:

- Ms. Navanethem Pillay, the UN High Commissioner for Human Rights, called the law a 'historic advance'. She was quoted as saying that "racism, the discourse of racial hatred and racial violence are unacceptable in a democratic society; for this reason they cannot be protected by the freedom of speech/ expression.... To protect legitimate freedom of speech and in order to differentiate this from expressions which incite hatred and violence, international law requires that limits be laid down in the law...".
- For his part José Miguel Insulza, the Secretary General of the Organization of American States, said that he sees Bolivia as an example of democracy in the region. He felt that there was too much mistrust surrounding the way the law was dealt with, when full freedom of expression exists in Bolivia.

### What discussion of the law raises

Mainly siding with the opposition since Evo became president in 2006, the media have tended to use racist criteria in forming public opinion. International observers at the time of the 2005 elections commented that they saw much of the press adopting racist positions. Radio and television programmes with phone-ins have provided space for people to insult others in racist terms. However, it is the role the press played in fostering racist attitudes, indeed encouraging racial violence in Sucre and Santa Cruz in 2008 or manipulating evidence - the massacre of *campesinos* and indigenous people in Pando was presented as a confrontation - that has been most worrying. Self-regulation alone was seen not to work.

Racist elements have never been far from the surface in political confrontations, particularly in recent years. The degrading violence perpetrated against people of indigenous origin in Sucre in May 2008 is a case in point. Similar instances have taken place in Cochabamba and Santa Cruz. In Santa Cruz it is common for indigenous people from the highlands (known collectively as

*kollas*) to be referred to as '*kolla* shits'. Highland indigenous people have also been referred to in parliament as '*llamas*'. Afro-Bolivians, who have recently found their voice, point to the dance '*negritos*', where people blacken their skin and dance in chains, as degrading.

To be indigenous in Bolivia means you have less access to basic services, to a decent job, are less likely to finish secondary school; people treat you as inferior, and it is often difficult to make your voice heard. Even conservative institutions like the World Bank acknowledge how racial discrimination underpins poverty and inequality in countries like Bolivia.

So the focus of the press on the two articles of concern to the media has helped distort attitudes towards the law as a whole. The question of freedom of speech/expression is taken as an absolute right, more important than rights of equality and non-discrimination. The inability of the media to regulate their own output underlines the need for them to adhere to some basic norms when racism and other forms of discrimination are involved.

# Cancun: Bolivia begs to differ

**As is now well-known, Bolivia found itself in a minority of one in objecting to the final text of the UN conference on climate change in Cancún, Mexico. For the record, we pick up on some of the issues identified by Pablo Solón, Bolivia's UN ambassador, in his final speech to the conference on December 10.**

Solón began by stating that the text “did not reflect a convergence of all parties”, identifying Bolivia as a state that felt it could not ratify the agreement. He objected on procedural grounds since Bolivia had never mandated its support for the document.

On the substance of the document he made clear that Bolivia had argued that “a temperature increase of two degrees centigrade was not acceptable” since it would in effect be higher than that in some countries. It would mean further glacial melt for Bolivia and the virtual disappearance of some small island states.

**He also objected to the fund being managed by the World Bank, “which is not an institution which expresses in a balanced way the interests of developing and developed countries”.**

Solón pointed to the lack of binding agreement on key issues: “It is not possible to have a decision which says that a listing of details is agreed that will in fact be made in the future”. He demanded to know how much of a cut in greenhouse gases each country would be obliged to make, over what period of time and using which year as a base. He described the document as it stood as a “blank cheque”.

A third issue of substance in Solón's opinion was the lack of specificity as to where the money in the so-called Green Fund would actually come from. Which developed countries would contribute what to a fund of \$100 billion by 2020? “There needs to be absolute clarity”, he argued, on the issue of finance. He also objected to the fund being managed by the World Bank, “which is not an institution which expresses in a balanced

way the interests of developing and developed countries”.

Bolivia furthermore objected to the way in which, as it saw it, issues of technology transfer had been side-stepped, with most patents on clean energy held by developed countries. It considered that non-market methods of regulating greenhouse gasses had not been taken properly into account. Bolivia also questioned the means agreed upon on how to value forests in terms of their ability to capture carbon dioxide.

**Bolivia's stance reflects an ethical position to defend agreements adopted earlier this year in Cochabamba particularly to protect Mother Earth.**

Ending his speech, Solón affirmed that “we do not see in this document that what is being promoted is a meeting point between different positions; what we see is the supremacy of one conception, of one position; the point of agreement, an intermediate position, consensus is not [expressed] in this document.” For this reason, he said that Bolivia rejects the document, and that therefore no consensus exists.

Solón's arguments were effectively ignored by the chair of the conference Patricia Espinosa, who pointed out that consensus did not necessarily mean unanimity. Bolivia's stance reflects an ethical position to defend agreements adopted earlier this year in Cochabamba particularly to protect Mother Earth.

# Advances in social policies: Law improves pensions

On December 10, President Evo Morales signed the new pensions law at a packed ceremony in the offices of the Central Obrera Boliviana (COB).

The law does away with the private pensions funds, introduced in 1996 as part of the privatisations of the mid-1990s under Sánchez de Lozada. Under that system, retirement age was 65, and depended entirely on contributions/savings made by workers themselves. Given the often interrupted nature of work since then, this has meant that about 40,000 people have not taken retirement since their pensions would be too low.

The new law improves pension rights both for those in formal employment and for self-employed people, such as transport workers, who can make voluntary contributions. Those without any pension (for example, *campesinos*) and all those over the age of 60 already receive the small but valued *Renta Dignidad* monthly payment.

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The law has:

- Lowered the pension age to 58. In the case of women with children, they can subtract one year per child, i.e. 55 for a woman with three children. The retirement age for miners is 56, and this can be reduced to 51 for those working in insalubrious conditions.
- The pension due is calculated on the average of a person's last 24 monthly salaries. People who have made contributions during 30 years receive 70% of this average salary; those who have contributed for 25 years 65%; and for 20 years, 60%. Anyone who has paid contributions for ten years or more is entitled to a pension.

- Contributions have gone up to 10.5%, from 10% for all workers. The 0.5% increase will be put into a Solidarity Fund to help out those on lower pensions. The law reintroduces the employer's contribution (3%), something that the previous law had done away with. This is paid to the Solidarity Fund. Also, people earning more than US \$1,860 a month, will make further (small) contributions from their salaries to the Solidarity Fund.
- The two private pension fund companies working in Bolivia (Banco Bilbao Vizcaya Argentaria and Zurich Financial Service) will hand over people's savings to a national state pensions office (*Gestora de Pensiones*).

For many people this will mean an increase in the pension they receive, as well as the lowering of their pension age. Those who have been delaying taking their pension will be able to retire on better terms.

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The law encourages people to make voluntary contributions and the number of people taking part is set to increase substantially. Transport workers (200,000 affiliates) are showing interest in taking part in the new system. Women who previously had no pensions benefit should also be able to take part.

Discussion of the new law has taken several years. The COB has been fully involved, alongside government ministers. In a meeting of the COB in November, 43 out of 48 union organisations came out in favour of the new law. However, teachers in urban areas, manufacturing workers and some pensioner organisations questioned the law for not going far enough.

# Wikileakage on Bolivia

As elsewhere, the Wikileaks site has released a deluge of diplomatic (and some not-at-all diplomatic) cables emanating from the US Embassy in La Paz. The Bolivian case is, of course, very poignant, given the prickly nature of bilateral relations between La Paz and Washington from the moment that Evo Morales took office in 2006. Much of the traffic has to do with Bolivia's role as a coca (and cocaine) producer, but it also highlights US concerns about Bolivia's relations with Cuba and Venezuela and the influence these countries have gained since 2006. Diplomatic cables also focus on developments within Bolivian politics, with comments and observations about (amongst other things) the Constituent Assembly, the problem of regional autonomies, the recall referendum and Evo's stance on climate change.

Shortly after the new government took office in 2006, the then ambassador David Greenlee gave some frank opinions about Morales and the people around him. "The new GOB [Government of Bolivia] may not be disposed ideologically to work with us, but it certainly does not yet have the internal cohesion or coherence to cooperate effectively" the embassy noted.

Evo Morales is described as "a leader with strong anti-democratic tendencies" who "over the years has been known to bribe, threaten and even physically intimidate anyone who has stood in his way". The cable goes on: "While Morales excels at domestic political machinations, he is more like a struggling student in the areas of economics and international relations".

Vice-president Alvaro García Linera is described as "a sharp intellectual steeped in largely discredited political, philosophical and economic theory [who] appears to see Bolivia through the prism of the French revolution". Juan Ramón Quintana, the former minister of the presidency, is described as a "disgruntled former military officer who was fired from his position in the Ministry of Defence in 2000 during the Banzer regime. He long suspected that the US was behind his firing, a suspicion that has some merit". A third member of Morales' immediate entourage, Carlos Villegas, now head of the state oil and gas company YPFB, was "steeped in out-dated socialist economic theories and has yet to accept the practical realities of the globalized economy".

In a cable dated December 2006, the embassy gave its opinions about other "current and

potentially future leaders of the country". It talks approvingly of Mario Cossío, the prefect of Tarija, and Ruben Costas, his counterpart in Santa Cruz. Described as a primary opposition leader, Costas' "willingness to work with the United States would make him a solid democratic partner". By contrast, other leading opposition figures like José Luis Paredes, formerly prefect of La Paz, Manfred Reyes Villa, his similar in Cochabamba, and Unidad Nacional boss Samuel Doria Medina are cast as "dinosaurs", while former president Jorge Quiroga, described as "tone-deaf" to the radically changed new environment, is classed as "irrelevant".

Much of the diplomatic reporting relates to routine and repeated protests by the embassy against the public charges by Morales and others as to the role played by the embassy in Bolivia's internal politics. These became ever more heated as time went on, particularly in the build-up to the expulsion of the Drug Enforcement Administration (DEA) and then that of Ambassador Philip Goldberg himself in September 2008. The cables repeatedly assert that Morales' accusations were simply ploys to distract political attention at points when domestic political opposition was building up. "As illogical as Morales' diatribes arguments [sic] are, as long as he can get mileage out of such attacks, the administration will continue to spread its vitriol".

Drugs, of course, provide another on-going motif. The embassy is clearly bereft by the DEA's expulsion. The cables detail attempts by the US authorities to encourage the EU to take a more forceful role in eradication. Reporting on a meeting with EU ambassadors, the cables highlight UK ambassador Baker's concern to take on a more dynamic role in this respect.

The US embassy also had a predictably down-beat view on Bolivia's role at Copenhagen and its attempts to take the lead on behalf of developing countries at the 2010 conference in Cochabamba. Morales, the embassy believes, "views climate change as a vehicle for raising his and Bolivia's international political stature, especially among sympathetic anti-globalization groups". It claims that "Morales seemed to revel in his high-profile opposition to the UN process at the Copenhagen summit, ridiculing developed nations' proposals, making extraordinary demands for reparations, and alienating the conference organizers and most delegations".

# US Republicans take up cudgels

It did not take very long for Republicans, who will take control of the US House of Representatives, to start making their voices heard on matters relating to Latin American policy. And their tone towards Bolivia is hardly friendly.

Ileana Ros-Lehtinen, a Cuban-American from South Florida, is a member of the Committee on Foreign Affairs in the House and will become its new chair. Within ten days of the November 2 mid-term election turn-around, she was organising a conference on Capitol Hill entitled 'Danger in the Andes'.

In her statement for the conference, she noted how President Morales, like Chávez in Venezuela and Ortega in Nicaragua, sought to consolidate his power "by any cost necessary", and how he and the other members of the ALBA alliance "have one after another manipulated the democratic systems of their nations to serve their own autocratic aims". As soon as they reach power, she maintained, "they waste no time in steadily dismantling the very institutions and freedoms that got them there".

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Ros-Lehtinen, who describes the various ALBA presidents as "rogue rulers", advocates that the United States should adopt more vigorous policies to "support our friends and weaken our enemies". She exhorts the Organization of American States to abandon its double standards on support for democracy, or otherwise be "reduced to an obsolete forum for tyrant-driven speech marathons".

Her tone becomes even more shrill when addressing Iranian ties to ALBA members, singling out Bolivia for criticism for entering into supposed agreements for the export of lithium. China too is criticised for entering into

agreements with Venezuela, Cuba, Nicaragua and "other anti-American governments". Morales is taken to task for his "coca-driven agenda and growing alliances with Iran and Russia".

Ros-Lehtinen's home constituency is Miami-Dade and she has seldom missed an opportunity to take up issues dear to the hearts of the Cuban émigré community. However, she has also expressed sympathy for the botched coup in 2002 against Hugo Chávez in Venezuela. More recently, she criticised the Obama administration for its less than convincing support for the coup in Honduras against the constitutional government of President Manuel Zelaya.

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A South Florida ally of Ros-Lehtinen is Connie Mack – Cornelius McGillicuddy IV. He and Ros-Lehtinen introduced a resolution in 2008 that sought to add Venezuela to the list of states sponsoring terrorism. He too urged the State Department to adopt a harder line on Honduras. He has criticised Morales in Bolivia for seeking to "quash" the opposition. Outside the region, both are close supporters of Israel and hawks on Iran.

# Vice-presidential visit to UK

November's two-day visit by Vice-President Alvaro García Linera to the United Kingdom was the first by such a prominent member of the MAS government since it first took office in 2006. Officially this was a private academic visit, but García Linera took the opportunity to talk to a wide variety of people and institutions, including the Foreign and Commonwealth Office, Amnesty International, Rurelec (the former UK investor in the electricity sector), and the Financial Times.

His visit involved three top-level academic encounters. On November 11, he addressed a packed auditorium at the London School of Economics, talking and answering questions on economic policy and social impacts under the MAS. The LSE meeting was followed by a reception at the Bolivian embassy at which he met with politicians, London-based diplomats, academics and others.

The following day on November 12, he lectured students at the Oxford Union on the nature of the state. Then later on, he addressed another well-attended seminar at Oxford's Latin American Centre on contemporary politics in Bolivia, focussing his attention on the way in which the government had sought to overcome the tensions that had faced it during its first term.

Along with the Bolivian ambassador, Beatriz Souviron, the Bolivia Information Forum played an important role behind the scenes in organising the visit. Both at the reception and at other points of his visit, people asked whether this would be the prelude to an official visit to the United Kingdom by President Evo Morales.

## Obituary: Ana Maria Romero de Campero (1943-2010)

The death of Ana Maria Romero de Campero, president of the Senate at the time of her death, removes from the political scene a forthright and independent-minded figure who had fought long and hard to create and defend the civil and human rights of ordinary Bolivians. Despite some reservations about standing for elective office in 2009, she decided that she had to cast these aside and identify herself with the political advances made in Bolivia since 2005.

Born in La Paz in 1943, she first made her mark as a journalist, working successively in *El Diario*, *Radio Fides* and in *Presencia*. She also worked as a correspondent for Inter Press Service and Deutsche Presse Agentur. She spent a brief spell in Washington as editor of the Latin American desk at United Press International. The experience provided her with material to write her witty account of life in an editorial office, 'Cables Cruzadas'. From 1989 to 1995, she was director of *Presencia*, at that time still Bolivia's premier daily newspaper. She was also founder of the *Círculo de Mujeres Periodistas*.

Ana Maria always stood out as a forceful democrat. Her book 'Ni Todos ni tan Santos', dedicated to all the anonymous heroes of Bolivian democracy, was a withering chronicle of the 1979 coup by Col. Alberto Natush Busch and how this fitted in to the politics of the right at the time. Ana Maria played a prominent part in the opposition to the coup. She was also a very good writer.

Her 30-year journalistic persona notwithstanding, it was as Bolivia's first-ever Defensor del Pueblo (ombudsman) that Ana Maria became a key figure in the world of politics. She took over this office in 1998, and immediately involved herself in the increasingly embittered political climate of the time. During her

term as *Defensor*, she created what became a crucial institution of state which took up the concerns and complaints of the most vulnerable. Never one to take no for an answer, she was both feared and admired among those in government from whom she demanded answers to people's problems. The Defensoría became a champion of the rights of ordinary people. Whereas most *Defensores* in Latin America were lawyers, Ana Maria's journalistic past gave her particular skills in communicating problems and in the use of the media.

When she retired as *Defensor* in 2003, she turned her energies to building an NGO, known as UNIR, dedicated to building bridges, to solution of conflict. UNIR played an important part in the transition years before the 2005 election victory of the MAS in creating channels of dialogue in a context of high political polarisation. Once the new government took office, her attitude to it became one of critical support. A bitter critic of the ancien regime, she was not without criticisms of the new.

But in 2009, she accepted Evo Morales' invitation to stand as the first candidate on the MAS list for the Senate. This was widely seen as an attempt to build bridges between the MAS and sympathetic independents and the middle class. In accepting the offer, Ana Maria paid tribute to the lasting achievements of the Morales administration in creating a new, more democratic and inclusive society.

Elected with Evo Morales on a landslide vote, Ana Maria was shortly afterwards invited to preside over the newly-elected Senate. Unfortunately illness prevented her from bringing her skills and experience fully to bear on this important office of state.