

Bolivia

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Summary of Findings

1. Industry participation in policy development

The Plurinational State of Bolivia enacted Law No. 1280, "Prevention and control of the consumption of tobacco products" on February 13, 2020. The legislation process lasted approximately two years and had many modifications from the original Law Project. According to interviews with former authorities of the Ministry of Health and the Municipal Autonomous Government of La Paz, draft Law No. 1280 and the draft Municipal Law on tobacco were reviewed and agreed upon with the tobacco industry, the same that did suggestions to bills. As a result of these meetings, Law No. 1280 was modified in some articles that conveniently favored the tobacco industry, such as: i) the size of the pictograms on the packs was reduced from 80% to 60%; ii) the word "prohibited" for electronic cigarettes was removed; and iii) sections related to the recommendations of Article 5.3 were modified.

The same phenomenon occurred after the enactment of Law No. 3029, "Agreement for the Control of Tobacco" which was approved on April 22, 2005. The tobacco industry managed and held various meetings with authorities of the Ministry of Health, mainly offering advice for its regulation.

No evidence was found regarding participation of the tobacco industry or its representatives in the Bolivian delegations to the Conference of the Parties (COP) or other subsidiary bodies.

2. Industry CSR activities

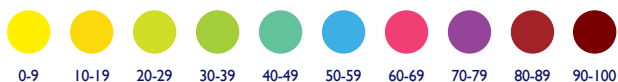
The tobacco industry does not have joint corporate social responsibility (CSR) projects with State institutions. However, Compañía Industrial De Tabacos S.A. (CITSA) does have CSR activities with the families of tobacco producers in the valleys of Santa Cruz under the motto of "sustainable employment." Furthermore, CITSA is an investment partner of the Alliance of Insurance and Reinsurance, one of the largest life and health insurance companies in Bolivia which has a strong CSR campaign.

Another aspect that draws attention is that in the 2020 administration, during the pandemic, the Association of Private Entrepreneurs of Bolivia made a donation of 22 million Bolivians (equivalent to USD 3,160) for biosafety materials and supplies and medicines. CITSA is an active member of this group.

3. Benefits to the industry

The only tobacco control regulation in force and approved by the Plurinational Congress is Law No. 1280 of February 13, 2020. Since its passing, and despite the fact that more than 10 months of the 180 peremptory days granted, it has not yet been regulated.

It has not been possible to show that the State favors the tobacco industry with privileges or benefits directly. In 2020, between March and June, Bolivia was plunged into a rigid quarantine caused by COVID-19. For this reason, the State enacted a series of regulations in favor of economic reactivation, which favored many sectors, including the tobacco industry.



4. Unnecessary interaction

The former president of the Private Entrepreneurs of Bolivia, Ronald Nostras Ardaya, appeared in various formal meetings with the President, Vice President and other national authorities on policies that favor private entrepreneurs, of which CITSA is an active member. In 2019, The current president of the Private Entrepreneurs of Bolivia, Luis Barbery, held a meeting with the President of the State to coordinate actions and work together for the progress of the country.

According to the Autonomous Municipal Government of La Paz, the tobacco industry has not offered support or technical assistance in control activities such as operations or seizures of tobacco products. However, there is a very close and frequent relationship between the Chamber of Private Entrepreneurs, the Chamber of Industries and the Bolivian Institute of Foreign Trade with the national government with the CITSA.

5. Transparency

Meetings of authorities or former authorities with the tobacco industry are considered a routine part of equitable treatment and balancing of certain tobacco control standards. Hence, there is no public information, neither on the web pages of the ministries nor in the news, where these meetings or their content is evidenced or verified. The accreditation of the tobacco industry in Bolivia is given only to the institutions that have to do with industry and production, such as the Ministry of Productive Development and Plural Economy or the Ministry of Rural Development and Lands. In no case, the Ministry of Health and Sports has the registry and the accreditation of entities of the tobacco industry or pressure groups.

6. Conflict of interest

It has not been possible to prove that former government officials or their immediate family members work in the tobacco industry. It has also not been possible to prove the financing or sponsorship of political parties or political groups by the industry.

Law No. 1096 of "Political Organizations" does not contemplate the interaction or contribution from the tobacco industry. Political organizations are only prohibited to manage, accept or receive, directly or indirectly, in whole or in part, any type of contributions, donations, subsidies or supports that come in a proven way from the following sources: public entities and companies of the Plurinational State of Bolivia,

except for the public strengthening administered by the Plurinational Electoral Body, any foreign public or private entity, with the exceptions established in this Law, religious or spiritual groups, natural or legal persons that own games of chance, people who have been obliged to make the contribution by their hierarchical superiors or employers, whether in public or private entities, anonymous, except in the case of public collections, and others of illicit origin.

7. Preventive measures

The Bolivian State has not implemented any regulation to make the relationship of public servants with the tobacco industry transparent.

The Statute of the Public Official, in a general way and without specifying the issue of the tobacco industry, prohibits the acceptance of gifts or other types of benefits. However, the authorities and former authorities, mainly the Ministry of Health and Sports and the Plurinational Assembly of Bolivia, are unaware of the guidelines of Article 5.3 of the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC). This fact has resulted in ex-authorities holding meetings with officials of the tobacco industry or with organizations to which they belong, such as the Chamber of Industries, etc.

Moreover, the Bolivian State does not have records of the expenses incurred by the tobacco industry in advertising, marketing, CSR, etc. There are only records of the payment of taxes, production volumes (cigarettes only) and, if applicable, the export of tobacco products. This legal and procedural vacuum allows the tobacco industry not to be forced to make transparent its expenses related to advertising, promotion and sponsorship, in addition to having almost no control in this regard.

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Recommendations

1. It is imperative to have a specific norm that regulates the relationship of public servants with the tobacco industry.
2. While promoting a specific norm, it is necessary and urgent to socialize with authorities and technical personnel of public institutions of the national, departmental and municipal government, in addition to the legislative, judicial and electoral bodies, the guidelines of Article 5.3 of the WHO FCTC.
3. Socializing the results of this research at all levels may serve to show the need for a specific standard related to interference from the tobacco industry.
4. Promote the Regulation of Law No. 1280, preventing the tobacco industry from policy development interference. In this way, Law No. 1280 may be applied in its entirety and the subnational governments may regulate the Law and initiate control and sanction.