



4.12. Bolivia: The rights of plastics trump the rights of Mother Earth

Bolivia's Law of the Rights of Mother Earth is one of the first pieces of national environmental legislation that recognises the rights of a natural entity as equal to the rights of humans.¹ One might assume that, under such an overarching law, the lobbying of large FMCG companies and the plastics industry would have been curtailed, but the case of Bolivia shows otherwise.

In May of 2019, the city of La Paz approved the first ever legislative project to ban all plastic bags, PET bottles and single-use plastic at the local level.² The bill, which garnered support from the Municipal La Paz government (which has continuously worked to put forward progressive environmental and waste-management legislation), mandated that all commercial establishments - including informal commerce, but particularly targeting supermarkets - would have 45 days to stop using plastic bags and start using cloth bags.³ The regulation also gave a 60-day deadline to end the delivery, supply, use and marketing of PET plastic bottles and containers, and of expanded polystyrene containers for beverages and food.⁴ Companies using plastic bottles would be required to report the number of PET bottles in stock, and the timeframe for using that stock, to the Secretary of Mother Earth - a separate entity that operates under the Autonomous Municipal Government of La Paz.

Under this law, companies would have had an obligation to present a contingency plan for the collection of PET bottles introduced onto the market,⁵ and to be responsible for collecting existing PET bottles and replacing them with alternative materials, such as glass.

The opposition - loud and public - came from the National Chamber of Industry (CNI).⁶ The industry warned that 470 companies - including large retailers, like Hipermaxi, Pil Andina S.A. and Coca-Cola's bottling company, EMBOL - would be affected by the plastic-disposal law. The president of the CNI, Ibo Blazicevic, depicted the law as 'a serious issue' that would put great pressure on the industry, which would not be able to find a substitute for PET bottles.⁷ The industry has always used the argument of lack of legislative action or taxation in the informal sector to disregard any new legislative action pursued by the local or national governments. REDciclar Bolivia - a virtual platform and citizen initiative for environmental waste management - also came out in opposition, with its founder Barbara Giaviarini claiming this type of change 'is rather a process and you can't tell the producers of PET bottles to suddenly stop using this product'.⁸ The organisation proposed the implementation of awareness campaigns, targeting the reduction of plastic consumption in civil society, and said it didn't want a new law that 'would just be written in paper and not fully executed'.⁹

The law was put on hold - initially for the three months but, later on, completely changed.¹⁰ During discussions between the industry and legislators, the introduction of biodegradable plastic bags was mooted as a way to prevent a shift away from plastic in its entirety. However, the introduction of biodegradable bags has been previously contested by environmental organisations such as Plástico? No Gracias! and Greenpeace, which analysed plastic bags and plastic-container samples in a 2018 study. The results indicated that plastic bags in Bolivia fragment but do not fully biodegrade (despite the claims on the label),¹¹ showing this solution to be environmentally problematic.

The ban, which the industry referred to as 'the crazy law', was slowly weakened.¹² Evidence as to just how much the ban was watered down comes from the testimonies of legislators who initially proposed it, such as the President of the Legislative, Legal and Electoral Commission of the Departmental Assembly of the city of La Paz, Elizabeth Morales Gutierrez, who explained on national television that 'the law is not a prohibitive or forceful law but rather of gradual implementation'.¹³



Plastic Trash in La Paz, Bolivia

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Persistent arguments against the ban finally led to its rejection, with municipalities within La Paz saying they had neither the resources nor the budgets to apply the ban or control the new system, and that smaller local businesses - especially local beverage manufacturers - would bear the burden of the ban's costs. The legislation was ultimately postponed, and will be totally revised in dialogue with the National Chamber of Commerce and the CNI of La Paz.

Given the turbulent political situation that followed in 2019, all discussions regarding this law have been put on hold. And while this is happening in La Paz, in other Bolivian cities continue to run greenwashing campaigns - like Coca-Cola, via its bottling company Nudelpa. In Trinidad, a distraction campaign - marketed as a big community effort - focuses on downcycling 'brooms for bottles' teaches communities how to make brooms out of plastic bottles collected from river clean-ups. Instead of implementing proper collection methods, pushing for closed-loop recycling or supporting refill in the area, residents are told that, for every 20 plastic bottles collected from the river clean-ups, they will be taught to make a downcycled broom.¹⁴

This case study shows us not how nervous the industry is of bans, how quickly it mobilises against even local initiatives and how, in countries like Bolivia (which do not have the capacity to deal with excess plastic), ambitious policies are still rejected in favour of single-use plastics.

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