Makers and shapers of environmental policy-making:

Power and participation in forest legislation in Bolivia

1. Introduction

The way forests are governed affects marginal groups’ livelihood, rights, access to land and resources, and social and cosmological life (see e.g. Sunderlin et al., 2005; Larson et al., 2007; Larson et al., 2008). Several academics argue for increased attention to marginalized groups possibilities to participate in environmental policy- and decision-making (see e.g. Forsyth, 2005;2009; Demeritt 2015, Perreault et al., 2015; Cornwall, 2011; Smith and Pangasapa 2008; Haarstad and Campero, 2011; Peet and Watts, 2004), a call to which this article attempts to respond. Approaches to participation range from instrumental ones related to participation as means to share knowledge and information, secure sustainability and cost-effectiveness, increase legitimacy and the quality of policies and outcomes, to those related to social justice, citizenship perspectives and participation as a right (Demeritt, 2015; Cornwall 2011; Smith and Pangasapa, 2008). Bolivia, a country with vast forest areas, was one of the first countries in the world to test out legislation to institutionalize participatory development in the 1990s (Medeiros, 2001). The country has recently enshrined in law constitutional provisions for public participation in governance (Schilling-Vacaflor, 2010; CPEPB 2009). The objective of this article is to assess the possibilities and limitations for subaltern groups to be ‘makers and shapers’ of new forest legislation in Bolivia (Cornwall and Gaventa 2001), and the interests that are prioritized in the process. I do so by employing ethnographic qualitative methods within a political ecology approach (cf. Perreault et al., 2015), focusing on two subaltern groups (cf. Green 2002). The study acknowledges the need to combine environmental and social justice concerns in addressing changing rural contexts (see e.g. Smith and Pangasapa 2008). In the next section the analytical framework is presented, followed by the methodology.
I then introduce the Bolivian context, before presenting the findings. I relate the possibilities and limitations for participation to coalition-building and framing of demands ‘from below’, coupled with state responsiveness, control of participatory arenas and different interests influencing forest governance and the legislative agenda.

2. **Participation in environmental governance**

Participation has been widely studied, related to issues such as development, project planning, community-based initiatives, policy-making, governance and implementation (see e.g. Cooke and Kothari 2001; Hickey and Mohan, 2004; Cornwall, 2011, Haarstad and Campero, 2011). Here I will present some overall arguments from the literature, and relate these to the field of environmental governance, defined here as “a set of mechanisms, formal and informal institutions and practices by way of which social order is produced through controlling that which is related to the environment and natural resources” (Bull and Aguilar-Støen, 2015:5). Instrumental approaches to participation have largely been used by governments and project implementers to obtain legitimacy for projects or policies, and have been criticized for not leading to substantial changes, for serving the interests of the powerful few and for co-opting and manipulating groups (Cook and Kothari, 2001; Hickey and Mohan, 2004). Others argue that participation can increase the quality of the policies/science, based on the knowledge and experience of the actors involved (Demeritt, 2015). The move towards ‘participation’ in the 1980s and 1990s as part of decentralization and privatization policies was largely focused on concrete arenas, projects and programmes outside of the state and public sphere (Bliss and Neumann, 2008; Cook and Kothari, 2001; Stiefel and Wolfe 2011). These initiatives have been criticized for not addressing structural inequalities and for not creating avenues to influence policy and decision-making (see e.g. Pacheco 2006).
Normative approaches point that participation is a right, a part of citizenship, and an end in itself with transformational potential (see e.g Hickey and Mohan, 2004), and resemble arguments for procedural and distributional justice (Paavola, 2004). Procedural justice refers to the recognition and involvement of different groups’ interests, needs and rights in planning and decision-making (Paavola and Agder, 2002). To paraphrase Arnstein (1969; 2011:3), participation refers to “the redistribution of power that enables the have-not citizens, presently excluded from the political and economic processes, to be deliberately included in the future”. Citizenship perspectives (see e.g. Smith and Pangapa 2008) often focus on enhancing the position of excluded groups in decision-making processes combining concepts of entitlements and obligations. Applying this argument to the forest sector, communities and other marginalized groups have a right to be involved in the design of forest policy as effected citizens or as indigenous peoples. Their participation may lead to important inputs for how forests should be governed to support their rights and livelihoods, and consequently for the sense of being included (Pavoola, 2004). The ‘transformative’ turn in the participation debate in the 2000s (Hickey and Mohan; 2004) renewed the emphasis on citizenship, and the importance of getting participation ‘back in’ in state and public spheres (Gaventa, 2004; Cornwall, 2004; Cornwall and Coelho, 2007; Cornwall 2011). Scholars argue that participation should be seen as a dual process including both collective action and mobilization from below, coupled with enabling policies and inclusion in planning and policy-making (see e.g. Haarstad 2012; Gaventa, 2004; Cornwall, 2004; Hickey and Mohan, 2004). Collective action can enhance participation through mobilizations and social pressure directed towards the state (Gaventa 2004, Cornwall 2011), as well as contain projects of autonomy and resistance. As such, participation depends on the strategies, will, and capacity of civil society actors to mobilize (Cleaver, 2012). Coalition-building among social groups and organisations; between social organisations and figures within government and
bureaucracy; or with academics; technocrats or professional associations, can work to
strengthen joint demands and facilitates access to relevant processes, spaces, resources and
knowledge (ref. “power with”, Lukes, 2005). The adoption of a common discourse
(i.e. ‘discourse coalition’, Hajer, 2005:302) in which different objectives and viewpoints
overlap, can reinforce joint demands. Collective actors can share and create common framings
(Snow, 2012) or “environmental narratives”. These are defined as repetitive patterns of
environmental explanation and socio-environmental relations, to advance certain interests and
values, and to provide direction (see Roe, 1991; Agder et al., 2001; Wolford and Keene,
2015). Collective framings and positioning in debates can inspire and legitimize actions, and
work as shared understandings of a problem and its solutions (Snow and Benford, 2000).
Environmental narratives and framings are not static, and may change according to contexts.
On the other hand, coalition-building and strategic framings may also work as exclusionary
for other identities, groups and interests that do not have access to influence narratives or be
part of coalitions, and by that blur intra-community differences and power relations (see e.g.
Cleaver, 2012).

Several scholars underline the importance of openness and willingness to share power to
enhance and facilitate participatory processes (Cornwall, 2004; Gaventa, 2006; Schonleitner,
responsive if it makes some effort to identify and then meet the needs or wants of the people’. State responsiveness includes how government/public authority facilitates citizens’ access to
state agencies, information, resources and social services, with increased attention to
previously ignored claims (Gaventa and Barrett, 2012). Responsiveness is influenced by state
accountability, transparency, mechanisms for engaging citizens and attitudes of state-society
engagement (Gaventa and Barrett, 2012). At the core are power relations, defined here as the
mechanisms that shape and control “spaces of participation” (Hayward, 2000; Gaventa, 2006; Cornwall 2004). ‘Invited spaces’ refer to spaces initiated by the powerful, such as government and public agencies, where certain interests, rules and ideas set the framework for who is invited and what knowledge and demands are to be included or excluded. ‘Claimed spaces’ refer to spaces created from below and led by civil society’s demands for inclusion. In between, we find a set of relations which I here call ‘collaborative spaces’, including those arenas that combine initiatives from civil society with state responsiveness, with the possibility for transformation in procedural and distributional justice. I acknowledge that state responsiveness has limitations, related to resources and state capacity, and as affected by different and conflicting interests both within the state apparatus and by different state-society coalitions (Wolford and Keene, 2015; Jessop 2007).

Scholars have pointed to the importance of viewing participatory processes as taking place in wider governance arenas, affected by a spectrum of contrasting interests, structures of governance, political economic relations and dominant discourses (Tarrow, 1994; Cornwall, 2004; Gaventa, 2006; Forsyth 2005; Haarstad and Campero, 2011). Emergent forms of environmental governance involve a range of actors and interests beyond the state, across scales and sectors. This includes those related to access to land and resources, such as academics, NGOs, grassroots organisations and private actors, including technicians and companies. Pacts over natural resources management established among these sectors result in hybrid and contested governance arrangements (Cleaver, 2012; Bulkeley, 2005; Lemos and Agrawal, 2006). As noted by Forsyth (2005), forest policies frequently have clear or concealed relationships with other political objectives and interests regarding access to land and resources. As Hecht (2014:1) argues, forest dynamics in Latin America are influenced by a range of factors, including historical relations and colonial legacies, social pressure, social
policies, new government agencies, markets, migration, international policies and the commodification of nature.

3. Methods

To evaluate participation in environmental policy-making processes, I undertook multi-sited and multi-scaled ethnographic fieldwork in Bolivia in 2011, 2012 and 2013 (Paulson and Gezon, 2005; Marcus, 1997; Denzin and Lincoln, 2011). I have collected qualitative data from local forest communities, as well as from regional and national policy processes related to forest governance. Methods included semi-structured interviews with different actors in the forest sector, group discussions, observations and participation in relevant events (see Table 1), as well as a mapping of actors involved in drafting proposals for new forest legislation (see Table 4). I have had extensive interaction with the National Indigenous Forest Association (AFIN), a grouping of 150 affiliated indigenous community forest organisations formed in 2005, operating commercial forest management in indigenous territories in the lowlands. The ethnographic material has been triangulated and complemented with information from secondary sources such as organizational documents and legal documents. An analysis of a draft proposal from 2013 was conducted to identify whose overall demands and interests had been included. The struggles of social collectives to shape new forest legislation have received particular attention. Narratives and framings about forest governance have been identified from documents, interviews and group discussions. I use the term ‘indigenous’ to refer to collectives with communal land rights (or with historic claims for such) organized collectively around ethnic identities, and ‘peasants’ as those organized in peasant unions, although these identities are interchangeable. This study has aimed to capture the essence of the organisations’ demands as presented in collective mobilisations and documents, and does not detail on divergent positions within communities and organisations,
based on, for example, gender, class and age. It should be noted that the law-making process has not been completed as of 2016. The bulk of the field data is from 2011-2013 when the draft proposal was under preparation, and has been updated with relevant happenings from 2013-2016.

Table 1 Overview of data collected

<table>
<thead>
<tr>
<th>Methods</th>
<th>When</th>
<th>Information collected</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Workshops</strong></td>
<td></td>
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<tr>
<td>Indigenous and peasant local leaders and representatives from Beni (W1) and Santa Cruz (W2)</td>
<td>2012</td>
<td>Local experiences and demands for changes in the forest legislation, relations with public agencies</td>
</tr>
<tr>
<td>NGOs, forest professionals and AFIN, La Paz (W3)</td>
<td>2012</td>
<td>Experiences with the current forest regime, input for a new forest law, global forest policies</td>
</tr>
<tr>
<td>Forest community organisations from AFIN, national meeting in Guarayos, Santa Cruz (W4)</td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td>NGOs, forest professionals and AFIN, La Paz (W5)</td>
<td>2013</td>
<td>Reactions to Law 337 ‘Support to Food Production and the Restitution of Forests’</td>
</tr>
<tr>
<td><strong>2. Visits to indigenous communal lands</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>La Paz: Tacana Santa Cruz: Guarayos, Chiquitano Beni: Chacobo Pachuara, Cavineño, Tacana Cavineño and Multiénico</td>
<td>2012</td>
<td>Experiences with the forest regime and demands for change, relations with authorities/state/NGOs</td>
</tr>
<tr>
<td><strong>3. Semi-structured interviews</strong></td>
<td></td>
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<tr>
<td>Over 100 interviews with the forest authorities (ABT), indigenous organisations, forest community organisations, migrant peasant unions, government actors (Ministry of Environment and Water, Vice Presidency), NGOs, forest professionals, academics</td>
<td>2011-2013</td>
<td>Experiences with the forest regime, inputs to a new forest regime, efforts to participate in the law-making process</td>
</tr>
<tr>
<td><strong>4. Observations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CIDOB VIII indigenous march (O1)</td>
<td>2011</td>
<td>Demands to the government, TIPNIS conflict</td>
</tr>
<tr>
<td>CIPCA seminar (O2)</td>
<td>2012</td>
<td>Full draft proposal discussed, Ley Integral de Bosques</td>
</tr>
<tr>
<td>Land and Territory meeting with peasant organisations, Cochabamba (O3)</td>
<td>2012</td>
<td>Land rights, peasant movement’s demands</td>
</tr>
<tr>
<td>Meeting between Ministry of Environment and Water, Vice presidency and CSCIB (O4)</td>
<td>2012</td>
<td>Inputs to the new forest legislation</td>
</tr>
<tr>
<td>National workshop for the regional indigenous forest organisations in AFIN, Tumusapa (O5)</td>
<td>2012</td>
<td>Challenges and cooperation in the forest sector</td>
</tr>
</tbody>
</table>

Document analysis

In the analysis below I refer to empirical sources as personal communication, workshops (W) or observations (O) or directly citing the documents reviewed.

4. Participation and Forests in Bolivia
Forests make up almost half of the land area in Bolivia (ca. 50 million hectares) of which 80 percent is located in the lowland area (Cuéllar et al., 2012). Almost half of the population identifies as part of one of the 36 recognized indigenous groups (INE, 2012), of which the majority lives in the highland and valley areas, and smaller groups are spread over the lowlands. Peasant and indigenous identities have been used interchangeably in struggles for recognition, rights and land (Gotkowitz, 2007). Rural residents were granted land and organized into peasant unions after the revolution in 1952, becoming a powerful political force in the highlands (Albó, 1996; 2002). In the 1970s, the peasant organisations Confederation of Unions of Intercultural Communities of Bolivia (CSCIB) and Unified Syndical Confederation of Rural Workers of Bolivia (CSUTCB) were formed. In the 1980s and 1990s, the indigenous identity was revitalized with increased international attention to indigenous rights coupled with local struggles for recognition (Postero, 2009). The lowland indigenous organisation Confederation of Indigenous Peoples in Bolivia (CIDOB) was formed in 1982 with support from donors and Non-Governmental organisations.

Participation has been used and contested in different ways throughout the Bolivian history, and has gradually been expanded and redefined since the country returned to democracy (Haarstad and Campero, 2011). Mobilizations for land rights led to the legal establishment of indigenous communal lands (TCOs) in the 1990s (Medeiros, 2001), and access to land and forests was improved for communities and local actors (Pacheco, 1998; 2006). The 1990’s participation policies integrated social organisations into the governance structure of the state, decentralized power and led to greater involvement of civil society in public affairs (Lopez, 2007). However, these policies were blamed for reorganizing past racist exclusions (Postero, 2009) and for limiting participation to prescribed parameters of a state methodology (McNeish, 2006:227) and state designed organisational forms (Medeiros, 2001).
Decentralization processes were criticized for providing limited autonomy and access to decision-making arenas for local actors (Kaimowitz et al., 2001; Pacheco, 2006; Pacheco et al., 2011). Participation has largely been understood by former governments as a right to be informed or to collaborate, without involving citizens in final decisions (Haarstad and Campero, 2011). For example, the Law of environment from 1997 is limited to recognizing the right to be informed (art. 93), and the right to participate in management (art. 92).

4.1 Changes in the 2000s

During the 2000s large mobilizations took place in Bolivia, many of which were related to land and natural resources, with both indigenous and peasant organisations at the forefront of the struggles (Perreault 2008; Postero 2009). The five largest indigenous, peasant and native organizations were brought together in the so-called Unity Pact in 2004, forming an important alliance which brought the Movement for Socialism (MAS) and president Evo Morales to power in 2006. The MAS’ ascension to power led to an important shift in political leadership and the state bureaucracy, where peasant and indigenous organisations, NGOs and leftist professionals entered the arena (Zimmerer 2015; Haarstad, 2012; Postero, 2010). With the land reform starting in 2006, land has been allocated to peasants and indigenous communities (Fundación Tierra, 2011; Zimmerer, 2015). Peasant and indigenous organisations in the Unity Pact were active in the making of the new Bolivian constitution in 2007-2009 (CPEPB 2009; García, 2011; Schilling-Vacaflor, 2010), the drafting of the law of Mother Earth in 2010-2012 (Zimmerer, 2015), and the MAS government has aimed to institutionalize relations with popular organizations by holding regular conferences with their representatives (Haarstad and Campero, 2011).
The new constitution strengthens indigenous and collective rights, supports the inclusion of marginalized groups in environmental governance and recognizes the rights of the nature through the concept of Mother Earth. Mother Earth in Bolivia originates from Andean indigenous cosmologies, and refers to balanced human-nature relations and reciprocity between people and the environment (see e.g. Zimmerer, 2015). However, the concept is contested among both academics, organisations and state actors, and has been filled with different content (see e.g. Zimmerer, 2015; Lalande, 2014). Participation is defined as a political right in the constitution (CPEPB, 2009), as part of citizenship, and the constitution enshrines ‘collective law-making’, referring both to the consultation of civil society and their active involvement in the drafting of laws (CPEPB, 2009). The Law 144 for Productive Agricultural Community Revolution (2011) guarantees the participation of peasant, indigenous and native groups in forest management (art. 10). These changes have led to a new context in which one could assume greater state responsiveness to social demands and collaborative spaces. This study contributes to empirically examine how and whether this new context of newly won rights and political changes, improves possibilities for participation and state responsiveness in environmental policy-making.

4.2 Contradictions in Bolivian environmental governance

Critics points to the contradictions in the current government’s policies (2006-) and the new constitution (2009), with a renewed focus on natural resource extraction and industrialization one the one hand, and indigenous and nature’s rights on the other (Bebbington, 2013; Gudynas, 2013: Haarstad 2012). The MAS government has expanded the state’s presence in rural areas, through resource extraction, infrastructure development, production initiatives, social projects and increased control activities (García Linera, 2012; Zimmerer, 2015; Bebbington, 2013). Certain state interventions have led to protests locally, nationally and
even internationally, such as the plans to build a road through the national park and indigenous territory Isiboro Secure (TIPNIS) (see e.g. McNeish, 2013). The government promotes the expansion of the agricultural frontier as part of the ‘integrated and sustainable management of forests’ and ‘food sovereignty’ (Pacheco, 2014), but the contents of these ideas are still vague and are subject to ongoing discussion (W3 2012). The Law of Mother Earth (2012) foments an integral approach to forest management acknowledging its different functions, and prohibits the transfer of land use from forest to other uses, but also allows exceptions for ‘projects of national interests and public utility’.

The national Forest and Land Authority (ABT) was created in 2009. New forest policies include increased state control over forests and the dismantling of private concessions (Supreme Decree 0726), the institutionalisation of community forestry (Supreme Decree 29643) and land distribution from public land, including settlements in forest areas (Supreme Decree 0257). New initiatives have been implemented to foment agro-forestry, and new production projects have been initiated. As recent studies indicate forest governance is contested in Bolivia (Arteaga 2010; Müller et al., 2014). With decades-long lack of state control, illegal logging activities are widespread, and private forest concessions areas and management plans introduced with the Forest Law in 1996 have not been subject to state monitoring (see e.g. Müller et al., 2014). A market-oriented and technical forestry model still prevails as part of the 1996 forest legislation, and homogenous instruments are implemented across cultural, socio-economic and biological heterogeneous contexts. The land reform of 1996 institutionalized a bias towards the agrarian sector. Land is defined as having economic and social function (FES, Spanish acronym), which in practice has prioritised activities such as agriculture and cattle ranching (Müller et al., 2014). Today, approximately 200,000 hectares of forests are lost annually, mainly due to cattle-ranching (50%), large-scale
agriculture (30%), and small-scale agriculture (20%) (Müller et al., 2014). 24 percent of
forests are on indigenous land (Müller et al., 2014). Communities are vulnerable to illegal
logging and unequal relations with intermediates and private companies (see e.g. Becker and
León, 2002). Of all management plans in 2011, 60 per cent of these were on indigenous lands
(ABT, 2011). Private companies interact in direct contracts with communities, which bear the
responsibilities and risks for the management plans. The management plans require the use of
approved forest technicians. Companies largely control the forest value chains, including the
pricing, transport and refinement of logs, as well as the forming of contracts with the
communities (Arteaga, 2010; personal communication IPHAE, 2012). Lack of technical
support and exclusionary procedures make communities dependent on external actors to meet
financial and administrative requirements (see also Becker and León, 2002; Pacheco, 2006;
W4 2012). Unequal land distribution and the legal insecurity of land in the highlands, along
with the government’s settlement programs, have led to continued migration to the lowlands.
Approximately 70 per cent of the rural population in Bolivia are highland peasants, which are
increasingly land-poor, as their land has been subdivided over generations since 1952
(Achtenberg, 2013). In 2012 there were 298 indigenous territories titled in Bolivia, with the
largest ones in the lowlands. Migration creates pressure on forests, protected areas and
existing indigenous territories (Fundación Tierra, 2011; Morales et al., 2013). What I
described above forms the backdrop for the discussions for new legislation affecting the forest
sector. Table 2 sums up relevant policy changes for the forest sector and participation in
governance.

<table>
<thead>
<tr>
<th>Period</th>
<th>Relevant forest policies and laws</th>
<th>Participation</th>
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</table>

Table 2 Relevant policy changes

12
<table>
<thead>
<tr>
<th>Year</th>
<th>Event/Policy</th>
<th>Context</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990s</td>
<td>Land reform 1715 (INRA, 1996), recognizing native communal lands (TCO) and requiring economic and social function (FES) Forestry Law 1700 (1996), introduced private concession system and forest management plans</td>
<td>The law of Popular Participation 1996 Decentralization Cultural recognition of indigenous peoples</td>
</tr>
<tr>
<td>2000s</td>
<td>Mobilizations for more inclusive natural resource governance and benefits for the people</td>
<td>Demands for a Constituent Assembly</td>
</tr>
</tbody>
</table>

### 4.3 Coalition-building and strategic framings

Based on new policies for forest management and the new constitution (CPEPB, 2009), discussions started for a new forest law in 2009-2010 (see Arteaga, 2010; CEDLA, 2011). The organized migrant peasants in CSCIB and the indigenous forest community organisations in AFIN have actively attempted to influence the making of new forest legislation, and have employed different strategies to do so. Their strategies involve coalition-building across scales, as well as framings of their demands (see Table 3). By engaging in coalition-building through AFIN, local forest community organizations have accessed new channels of influence, such as meeting arenas with public authorities and joint arenas to share knowledge and form joint demands, as confirmed by interviews with AFIN (2012). These channels have facilitated collective negotiations with the forest authorities locally and regionally, cooperation with NGOs, and strengthened the organisations as a common force nationally (W4, 2012; O5, 2012; AFIN, 2012). Alliances between NGOs and grassroots organisations, also exemplify how specific demands for a new forest regime have been framed and advanced.
At the World Peoples Conference for Climate Change and the Rights of Mother Earth, indigenous peoples’ participation, visions and knowledge in forest governance was highlighted, and market-oriented mechanisms and forest plantations were rejected (Peoples’ Agreement, 2010). During the time I was engaged in participant observation in the TIPNIS indigenous march in 2011, it became evident that the indigenous organisations had demands related to new forest authorities with local knowledge and competence, as well as less state control, requirements and bureaucracy in forest management.

Coalition-building has been important in developing concrete proposals for new forest legislation. Inputs to new forest legislation were developed by NGOs such as Center for the Investigation and Promotion of the Peasantry (CIPCA) together with associated local communities; the migrant peasants (CSCIB); the lowland indigenous organisations (CIDOB); and forest community organizations in AFIN, as confirmed by my observations and interviews. CIPCA organized a range of local and national workshops in 2011 and 2012 (CIPCA, 2012c), and created a full law proposal with the help of legal experts that was sent to the Ministry of Environment and Water, government advisors and assembly committees (CIPCA, 2012a). The forest community organizations in AFIN organized workshops in 2010, and in alliance with NGOs and CIDOB, promoted their demands in national assembly committees and to the Ministry of Environment and Water (W4 2012; CEDLA, 2011b; personal communication AFIN 2012). Based on inputs from regional and local workshops and with the help of a legal expert1, the migrant peasants from CSCIB developed a law proposal of their own in 2012. The close political alliance between the migrant peasant movement and the MAS government (see also Fontana, 2014), facilitated a creation of spaces

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1 the former director of the National Program for Climate Change, Carlos Salinas
to advance their inputs, such as joint workshops with the Forest Directorate and meetings with ABT (personal communication ABT, 2012), the Ministry of Environment and Water and the Vice-presidency (O4).

The ways demands are framed and adapted to different scales have been an important factor for the positioning of the organisations’ in the debate. Demands for pricing of wood, planning of forest management and state follow-up of existing regulations – have been directed towards local offices of ABT (AFIN document, 2010; W4 2012). Despite the prevailing scepticism to the current forest legislation, workshops with forest community organisations (2012) also revealed that many of these organisations support commercial logging due to the income it provides. Forest management plans have also been used as a stepping-stone to formalize land rights (ABT Riberalta, 2012). The community organisations demand support to control activities such as illegal logging and the entrance of third parties into their territories, independent community forest technicians and community companies (AFIN W3, 2012). Demands have also been directed to the ministries and to the legislative assembly committee, including issues that are poorly addressed in the existing legislation, such as territorial control, indigenous autonomy, and diversified forest governance. Indigenous territorial organisations are experiencing increased pressure on their land, and fear migrant peasants’ entrance (CIDOB, 2012). In their narrative, their roles as ‘protectors of nature’ and forest stewards, based on collective indigenous models, are contrasted with the migrant peasants who are strategically framed as ‘destroyers of nature’, ‘individualistic’, ‘capitalist’ and ‘intruders’ into their areas. The community organisations expressed an ambivalent position towards the state, both as a protector of communities’ interests, and a threat to their territories through extraction projects (personal communication AFIN, 2012). The forest community organisations were largely critical of private companies and intermediates that
control the economic and legal processes, and promote the launching of indigenous
community forest businesses. Discussions with forest community organisations (W4, 2012)
also revealed disagreements on whether to support the commercialised wood management
system. Finally, a topic of concern was internal distribution of forest income, and decision-
making processes internally (W4, 2012; O5, 2012). Women, in specific, have blamed the
structure and workings of the forest community organisations for excluding them (personal
communication women group Guarayos, 2012).

For the migrant peasants, forests are largely seen as areas for possible cultivation and business
opportunities to improve and diversify their livelihoods (interview CSCIB, 2011). The
migrant peasants build their arguments for gaining access to forest areas on their rights to land
and perceived future role as food producers and entrepreneurs protecting and managing
forests. They connect their demands for land to the food sovereignty discourses of the
government, and in line with the government agricultural policies (CSCIB, 2012; O4, 2012).
This shows the power of agricultural interests in forest politics, and the prominent role the
government has assigned to agriculture in development. Organisations are thus indirectly
restricted to act within a certain development model. The migrant peasants have also recast
themselves as ‘forest managers’, and call for a redefinition of forests and forms of access,
promoting a role for themselves in agro-forestry, forest plantations, community industries and
reforestation activities. The migrant peasants want to keep the state at arm’s length
(interviews ABT, 2012), preferring local community control to replace state control (O4,
2012). They fear policies that will exclude them from forest areas. Scepticism was also
framed towards indigenous communal organisations involved in forest management with
private companies (O3, 2012). Migrant peasant, with limited access to land, view large
indigenous territories in the lowland as unjust, compared to the small land plots in the highlands (O3 2012; see also Fontana, 2014).

These framings reflect the tensions that exist between the migrant peasant movement and lowland indigenous organisations, which have also limited a broader coalition between the two. There are also commonalities in the demands of the indigenous and peasant organisations, related to the diversification of forest management, recognizing the variety of functions that forests serve, and forms of agro-forestry that benefit the communities. Table 3 presents these general positions and strategic framings. It should be noted that in practice, these boundaries are blurred, and also continuously changing.

**Table 3 Positions and strategic framings**

<table>
<thead>
<tr>
<th>Framings</th>
<th>Indigenous forest organisations</th>
<th>Migrant peasants</th>
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<tbody>
<tr>
<td><strong>Own role</strong></td>
<td>protectors of nature</td>
<td>food producers and entrepreneurs</td>
</tr>
<tr>
<td></td>
<td>historical forest stewards</td>
<td>future forest managers</td>
</tr>
<tr>
<td><strong>Enemies</strong></td>
<td>Peasants as ‘destroyers of nature’, ‘individualistic’, ‘capitalist’, ‘intruders’. Private companies and intermediates</td>
<td>indigenous territories or protected areas, large forestry companies, agro-business</td>
</tr>
<tr>
<td></td>
<td>Government’s extractive projects</td>
<td></td>
</tr>
<tr>
<td><strong>State’s role</strong></td>
<td>Protector</td>
<td>Support to community control and production projects</td>
</tr>
<tr>
<td></td>
<td>Support to indigenous autonomy</td>
<td></td>
</tr>
<tr>
<td><strong>Joint demands</strong></td>
<td>Diversification of forest management</td>
<td></td>
</tr>
</tbody>
</table>

4.4. State responsiveness and spaces for participation

State and government actors have facilitated the creation of some arenas to collect inputs for the forest legislation. In interviews (2012), representatives from ABT, the Forest Directorate and the Ministry of Environment and Water, expressed the importance of gathering inputs from affected actors. ABT set up a technical committee in 2011 together with NGOs,
indigenous organisations and private entities (CIPCA, 2011). The process was reinitiated by
the Vice Presidency in 2012. Four working groups were established, including the forest
authorities, the ministry, national and international experts, and processes to hold hearings
were initiated regionally. Interviews and observations showed how engaged bureaucrats
invited civil society actors to attend meetings, or encouraged written inputs from grassroots
organisations (personal communication Forest Directorate 2012; O4, 2012; see Table 5). ABT
was responsible for regional consultations regarding the new legislation, and regional ABT
offices were instructed to gather inputs from relevant stakeholders (personal communication
ABT Riberalta 2012). However, observations in Riberalta and interviews in Cochabamba
demonstrate how the process of involving civil society actors was poorly planned and
fragmented. The regional meetings organized by the forest authorities (ABT) were announced
late or were cancelled, and only certain actors participated (observation Riberalta, 2012;
personal communication director of Technical Forest College ETSF, 2012). Only the peasant
migrant organization CSCIB was formally invited by the ministry and the technical-judicial
committee of the Vice Presidency to give input in the initial phase (O4 2012), and workshops
were organized between regional offices of ABT and local peasant unions (personal
communication, ABT Beni, 2012). According to the Forest Directorate (personal
communication 2012) the involvement of the peasant organisations was a directive from the
government, and the forest directorate was used as a channel for dialogue with the migrant
peasant coordinating organization (CSCIB) (personal communication Forest Directorate
2012). Access to the ministry depended on certain engaged bureaucrats, a channel vulnerable
to selective relationships and high staff turnover (personal communication Forest Directorate,
2012). During the course of this study, the people in the roles of both the forest director and
the deputy minister were changed three times, clearly affecting the relationship with civil
society organizations (personal communication AFIN 2012, Forest Directory 2012). Table 3 shows the different sequences in the law-making process.

Table 4 Sequence in the law-making process

<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>National policy for integral management of forests (MDRAyMA, 2008)</td>
</tr>
<tr>
<td>2009</td>
<td>New National Constitution (CPEPB)</td>
</tr>
<tr>
<td>2010</td>
<td>Proposal for a forest law</td>
</tr>
<tr>
<td>2011</td>
<td>ABT technical commission established</td>
</tr>
<tr>
<td>2012</td>
<td>Process reinitiated by Vice Presidency</td>
</tr>
<tr>
<td></td>
<td>The law was set on the agenda of the Plurinational Legislative Assembly in October 2012</td>
</tr>
<tr>
<td>2013</td>
<td>Draft law discussed in the National Assembly</td>
</tr>
<tr>
<td>2014</td>
<td>Defined as a priority by MAS</td>
</tr>
<tr>
<td>2015</td>
<td>Election year – MAS and President Morales win the election</td>
</tr>
<tr>
<td>2016</td>
<td>Forest law on list over laws to be passed in 2016</td>
</tr>
</tbody>
</table>

The involvement of lowland indigenous organizations was influenced by the ongoing conflict in which indigenous organizations mobilized against the government project for building a road through the national park and indigenous territory Isiboro Secure (TIPNIS) in 2011 and 2012 (observations 2011; 2012), without proper consultation and environmental studies. The conflict had severe consequences for the relationship between the government and the lowland indigenous organizations (see also McNeish, 2013), and communications between ABT and CIDOB was stalled (personal communication CIDOB, 2012). The Deputy Minister of Environment withdrew from his position in 2010 and his team followed suit in protest over political pressure to approve the environmental license for the road construction. This significantly affected the channels for dialogue between the ministry and the lowland indigenous organizations, and the indigenous movement split in two branches: one government-friendly and the other opposed to the government’s TIPNIS approach (McNeish, 2013). The ‘government-friendly’ part of CIDOB was invited to give input to ongoing law-making processes (personal communication CIDOB, 2012), and AFIN, who proclaimed to be
neutral in the conflict, was also kept as a dialogue partner, especially at regional levels with ABT (personal communication AFIN, 2012).

As interviews with NGOs (personal communication CIPCA, 2012; IPHAE, 2012; FAN, 2012) show, they were treated ambiguously in the process. Some NGOs that collaborated with the government were invited to give their input to the drafting process (personal communication IPHAE, 2012). On the other hand, the government rejected influence from certain NGOs. As an advisor in CIPCA stated in 2012 (personal communication): “The government was not very responsive as they prefer direct contact with the grassroots organizations, and the NGOs are left out”. This NGO scepticism has also been confirmed in official statements by the government, especially by Vice President Álvaro García Linera, who claims that NGOs are not representative and suggests that they are working for external interests (see e.g. García Linera, 2011). Instead, the government calls for public participation primarily through grassroots movements, and has argued that NGOs should not be meddling with internal political issues (García Linera, 2015). This position of the government is however not applied to all NGOs and thus certain NGOs are left standing in a weaker position to influence such processes. This is especially so with NGOs who have been vocal in opposition to government infrastructure and extraction projects.

4.5 Forest governance and land use interests

In 2012 and 2013, assembly commissions, relevant ministries and state bodies, the technical-judicial team of the Vice Presidency, and regional organisations from Beni, Pando and Santa Cruz, participated in national negotiations for the new forest law (CIPCA, 2013a; Camara de
Senadores, 2013; see Table 4 for actors involved). The result of these negotiations was a draft bill titled “Forests and Soils” (*Anteproyecto de Ley de Bosques y Suelos*) (CIPCA, 2013b).

The draft bill was finally sent to the president in October 2013. An analysis of the draft law demonstrates attempts to reduce the power of private forest companies, recentralization and increased state control, the inclusion of community interests, especially those articulated by the peasant organisations, and a renewed focus on integrated forest management with food sovereignty and agroforestry as important elements. It establishes the non-commodification and non-privatization of environmental functions, but at the same time supports the continued commercialization of forest and non-forest products. Interculturality, participation and community management elements are included, coupled with centralized forest management. The proposed bill facilitates forest management undertaken by both indigenous communities and peasants organisations, and diverse forms of forest uses and functions are acknowledged, especially for ‘food security with sovereignty’. The draft legislation suggests that all companies operating in the sector must be placed under public control, which will focus on food security, national production, and state forest lands. Furthermore, it suggests that all community forest businesses would be nationalized under the state as ‘public-community companies’, and forests are defined as both natural forests and plantations. These indicate some of the priorities made for new forest legislation, with attempts to reconcile agricultural and forest protection interests, national and local interests.

During the process of drafting the forest bill another law with implications for forest areas was enacted. The government engaged in negotiations with the agribusiness sector in the lowlands of Bolivia in 2012 (personal communication ABT Santa Cruz, 2012) and in the beginning of 2013 the law 337 ‘Support to Food Production and the Restitution of Forests’ was passed. The official goal of the law is to deal with areas of illegal forest clearing that
occurred between 1996 and 2011, and to engage land owners in food production and forest
restitution. Large landowners are only required to pay limited fines for the illegally deforested
areas and restitute 10-20 per cent of the lands with reforestation. The rest of the land will go
under a plan for ‘food production’. Smallholders were exempt from these requirements, and
will only have to pay the low fines. The speedy progress of this law illustrates the
government’s prioritization of agricultural interests, as well as its focus on keeping the
peasant movement content. The law was criticized by lowland indigenous organisations and
NGOs. They blame the law for legalizing deforestation and changes to land use that are
contrary to the Mother Earth Law, and for giving the agribusiness sector an effective amnesty
for their historic responsibility for deforestation (W5, 2012; CIPCA, 2013c). Organisations
were disappointed that land which in their opinion should have been returned to the state
instead remained in the hands of private landowners, while the government continued to
distribute protected forest land (CIPCA, 2014d). The expansion of the agricultural frontier to
secure food production has drawn further criticism. Opponents argue that these areas will
largely be used for agro-export and soy production by a growing peasant elite (see also Høiby
and Zenteno Hopp, 2015), that far less land is needed to secure domestic food production
(Suárez Añez, 2011) and that family agriculture is a more important contributor to food
production than large scale agri-business (CIPCA, 2015b). The prioritization of agro-
industrial interests was further confirmed in July 2013 at the national meeting for the Agro-
industrial sector (Encuentro Agroindustrial Productivo). Powerful actors from the industrial,
and agro-industrial sectors, as well as the Vice President Álvaro García Linera, attended the
meeting (IBCE, 2013). The event reaffirmed the importance of food and agricultural
production, with Law 337 as one of the prime mechanisms for governing the intersection of
agriculture, food production and forest governance. Organisations continued to promote a
new forest law in 2014 (CIPCA, 2014), and the MAS government included the approval of a
forest law as part of its agenda. However, in 2014, the then-director of ABT and active
promoter of the new forest law Cliver Rocha, was unexpectedly replaced by Rolf Kohler, an
agrarian engineer from Beni (CFB, 2014), and the law process was left behind. At the Summit
for Agriculture and Livestock (Cumbre Agropecuaria Sembrando Bolivia) in 2015, which
brought together private sector interests and government representatives to set the agenda for
the future of the agro-livestock sector – and in the government’s plan for future development
(Law 650) – priorities were also clearly stated (CFB, 2015). These include the expansion of
allowed forest clearing (5 to 20 ha per property), an extension of the period to meet the
economic and social function (FES) requirements from 2 to 5 years, as well as a guarantee to
distribute public lands to indigenous, natives and peasant communities. As of September 2016,
the forest law has still not been passed, despite continued calls for progress (CIPCA, 2015;
Camara de Diputados, 2015), indicating both the conflicts of interest in the forest sector, and
the prioritization of other interests and values, particularly related to agriculture and land use.

Table 5 Actors involved in the making of a new forest law

<table>
<thead>
<tr>
<th>Actor</th>
<th>Actor Name</th>
<th>Role in forest sector</th>
<th>Role in law-making process</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>The forest authorities (Autoridad de Fiscalización y Control Social de Bosques y Tierra - ABT)</td>
<td>Control of forest management and permissions for clearing</td>
<td>Collecting input at regional levels, technical advisors at national level</td>
</tr>
<tr>
<td></td>
<td>The Ministry of Water and Environment</td>
<td>Forest conservation, reforestation, forestation</td>
<td>Overall policy development</td>
</tr>
<tr>
<td></td>
<td>The Ministry of Rural Development and Land</td>
<td>Development of rural areas, land distribution</td>
<td>Input on land issues</td>
</tr>
<tr>
<td></td>
<td>National Institute for Agricultural and Forest Innovations (INIAF)</td>
<td>Investigation and innovations in agriculture, forest and food production</td>
<td>Input</td>
</tr>
<tr>
<td></td>
<td>The Ministry of Foreign Affairs</td>
<td>International forest, food and climate policies</td>
<td>Input</td>
</tr>
<tr>
<td></td>
<td>The Forest Directorate</td>
<td>Developing regulations and implementing projects</td>
<td>Direct contact with actors in forest sector</td>
</tr>
<tr>
<td></td>
<td>The Vice Presidency</td>
<td>Law-making coordination</td>
<td>Took the initiative to reinitiate the forest law in 2012</td>
</tr>
<tr>
<td>Elected organs</td>
<td>National Assembly Commissions</td>
<td>Responsible for creating, changing and passing legislation</td>
<td>Involvement of stakeholders</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------------</td>
<td>----------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Indigenous organisations</td>
<td>Confederation of Indigenous Peoples in Bolivia (CIDOB)</td>
<td>Many indigenous communities live in and are dependent on forest areas</td>
<td>Developed a chapter for the new forest law</td>
</tr>
<tr>
<td></td>
<td>National Indigenous Forest Association (AFIN)</td>
<td>Indigenous forest community organisations involved in forest management</td>
<td>Developed a document with a range of input to the forest law</td>
</tr>
<tr>
<td>Peasant organisations</td>
<td>Confederation of Unions of Intercultural Communities of Bolivia (CSCIB)</td>
<td>Highland and valley people who migrate to the lowlands, organized in peasant unions</td>
<td>Developed a full forest law proposal with the help of a legal expert</td>
</tr>
<tr>
<td>NGO</td>
<td>Centre for the Investigation and Promotion of the Peasantry (CIPCA)</td>
<td>Technical and economic support to community forest management</td>
<td>Developed a full forest law proposal</td>
</tr>
<tr>
<td>Private actors</td>
<td>Forest Chamber (Camara Forestal), private association of forest companies</td>
<td>Involved in commercial forest management</td>
<td>Marginal role</td>
</tr>
<tr>
<td>Experts</td>
<td>Academics Universities Forest professionals</td>
<td>Expertise</td>
<td>Advisors to the official draft proposal, as well as for the organisations</td>
</tr>
</tbody>
</table>

5. Discussion and conclusion

In this article, I have attempted to assess participation in environmental policy-making, by focusing on the case of creating new forest legislation in Bolivia, and the involvement of subaltern actors in the process. I have identified both possibilities for participation, as well as limitations, and the interests that have been prioritized in these processes. Civil society struggles in Bolivia have led to changes in the constitution and in legislation, where there has been a shift from merely participation as information, to participation in the making and shaping of policies (cf. Cornwall and Gaventa, 2001). My findings and analysis indicate that participation has been facilitated by coalition-building and the strategic framing of demands ‘from below’, coupled with state responsiveness. Coalition-building both among local
community organisations, and with actors such as NGOs and legal experts, has enabled community organizations to strengthen and negotiate their demands for changes in the forest legislation (cf. Gaventa and Barrett, 2012). These alliances have expanded the capacities of the organizations to advance their demands at different scales and to connect to official spheres with considerable technical and legal resources (see also Kröger, 2011). The study also demonstrates how subaltern actors adapt to changing policies and power relations, by using different framings (see also Aguilar-Støen, 2015). The use of framings and narrative strategies has worked as a means to legitimize and position subaltern actors in the debate about the rightful forest managers (c.f. Roe, 1991). Migrant peasants have been able to advance their demands through a discourse coalition (cf. Hajer, 2005) with the authorities. Many of the demands expressed by these organisations were included in the draft law. The position of the migrant peasants also confirms that peasants are moving beyond identities as agricultural producers and rural workers, and into new arenas of forestry and environmentalism (c.f. Hecht, 2014). The indigenous forest organisations simultaneously support and challenge the current government administration (see also Zimmerer, 2015), and act at different scales with different framings, underlining the collaborative force of the gathering of the forest community organisations under one umbrella.

There are also indications of openness and responsiveness among bureaucrats, public agencies and within the government which contribute to foment and facilitate participation (cf. Cornwall and Coelho 2007). The social organizations have been ‘invited in’ (cf. Cornwall, 2004) to give inputs to the forest law-making process, through ABT consultation meetings, workshops with the Forest Directorate and the initiatives of the Vice presidency for collecting inputs, creating a sense of procedural justice (Paavola, 2004). Attempts to establish collaborative spaces have been made, for example between the peasant movement and public
agencies such as the forest directory and the forest authorities. The formalization of a
collaboration between AFIN and the forest authorities (ABT) indicates a responsiveness to
parts of their demands (personal communication AFIN, 2016).

There are further a number of limitations. Participation is largely directed to the organized
civil society of grassroots organisations, potentially excluding other non-organized groups,
such as women and elderly who do not have the same capacity to participate (see also
Haarstad and Campero, 2011). In the processes, there is also an increased professionalization,
which increases the organisations dependence on technicians to formulate their inputs.
Furthermore, there is a lack of mechanisms for whom and how to involve affected parties, and
the extent and forms of involvement seems contingent on the willingness of engaged
bureaucrats. Turn-overs in ministries and public agencies are also a threat to processes of
involvement. NGOs have been selectively involved, and there has been a bias towards
facilitating collaborative spaces for the peasant movement. The disapproval of parts of the
indigenous movement after the TIPNIS conflict, has led to a selective involvement (c.f. Cook
and Kothari, 2001), where a part of the movement has been excluded from such processes.
Tensions have emerged between different visions for, and identities tied to, the territories,
land and resources, as well as between local autonomy and the desire for a centralized,
sovereign state (see also Fabricant and Gustafson, 2011). The discursive strategies of the
organisations also run the risk of pitting migrant peasants against indigenous communities,
and by that covering over the underlying contested property issues that need to be resolved,
and preventing the forming of a joint force for a new forest regime.
Finally, findings indicate that strong interests to control land use and related decisions-making processes have affected the prioritization of the new forest legislation, exemplified with the passing of legislation that largely benefits agricultural actors and the lack of approval of the new forest legislation. This also indicates an ongoing conflict between conservation, agriculture and land use interests, and points to future challenges in combining these. I have demonstrated above how participatory processes in environmental policy-making do not happen in a vacuum, and that underlying political-economic relations have affected the prioritization of legislation affecting forest areas and also the inclusion and exclusion of specific interests (c.f. Lukes 2005; Forsyth, 2005). I contend that subaltern actors’ participation in the law-making process is vulnerable to powerful interests related to land use, extraction, agriculture and governmental priorities (see also Haarstad and Campero, 2011), and demonstrate how these interests can influence the environment of others (Bryant and Bailey, 1997:39: Lukes; 2005). With the lack of a joint agreement in Bolivia for how to govern the forests and who the rightful forest managers are, the trees will continue to be cut down. Equitable, just and sustainable forest management will depend on efforts to obtain territorial justice and land distribution in the future, as well as addressing structural problems and power imbalances in the forest and land use sector.

These findings have implications for our understanding of how rural landscapes are formed, and highlight that forests are turned into new sites of contestation over access to land areas, resources and livelihoods, power and meaning (Hecht, 2014). Economic and social interests, migration and new policies lead to new forms of rurality which affect the autonomy of rural people. The findings further have implications for international policies related to climate and forests, such as involving communities in initiatives for Reducing Emissions for Deforestation and forest Degradation. New forms of rurality demand analyses that move beyond places,
across scales and spaces, where the rural-urban division becomes blurred and where
categories such as agricultural-forest, local-regional and national-international are intertwined
(ibid). Political ecology analyses respond to this complexity, underlining the importance of
multi-actor, multi-cited, interdisciplinary and cross-scalar studies. The study also points to the
need for future studies on the challenges ahead in securing the livelihoods, food and land for
peasant and indigenous communities, combined with environmental protection and
sustainable management.

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Highlights

- Some participation was facilitated in the Bolivian law-making process
- Participation was fragmented and selective and contingent on engaged bureaucrats.
- Peasant organisations’ participation in the process was prioritized by state bodies
- Powerful agricultural and land use interests affected the forest law-making process