

Plurinational State of Bolivia

Chamber of Deputies



ASAMBLEA LEGISLATIVA PLURINACIONAL DE BOLIVIA
CÁMARA DE DIPUTADOS

PROYECTO DE LEY No. 07712017-2018

General Coca Law

Chapter 1: General Provisions

Article I. (Goals)

- a. Regulate the production, circulation, transportation, marketing, consumption, research and promotion of coca in its *natural* state;
- b. Establish institutional framework for coca regulation and control;
- c. Determine administrative rates.

Article 2. (Purpose)

- a. Protect and reinstate coca as cultural heritage and a renewable resource of the Plurinational State of Bolivia;
- b. Promote sustainable development in authorized coca production zones;
- c. Establish control and monitoring mechanisms for the production, circulation, transport, sale, research, promotion and industrialization of coca;
- d. Promote scientific, medicinal, and sociocultural research on coca and its derivatives;
- e. Protect the sacred coca leaf from use in illicit activity;
- f. Dignify the producer, seller, consumer, industrializer and the promotion coca and its derivative products.

Article 3. (Scope of Application Pertaining to the Plurinational State of Bolivia) This law applies in the entirety of the territory of the Plurinational State of Bolivia, in activities pertaining to the revaluation, production, circulation, transport, commercialization, consumption, industrialization and promotion of the coca leaf in its natural state.

Article 4. (Principles) This law is based upon the following principles:

- a. Respect for the coca leaf as an ancient, ancestral and traditional plant with beneficial qualities for the Bolivian people (in its natural state, it is *not* a narcotic drug);
- b. Coca production is traditional because it is carried out in harmony with Mother Earth;
- c. The Plurinational State of Bolivia protects coca as its cultural heritage, an ancestral plant, and a renewable natural resource;
- d. Coca is a symbol of social cohesion, integration, reciprocity, development, solidarity and the sovereignty of Bolivians, indigenous peoples and nations, rural farmers and Afro-Bolivians;
- e. Coca is a traditional natural resource that contributes to food sovereignty, public health, environmental protection and is an important part of the biodiversity of the Plurinational State of Bolivia;
- f. Coca fortifies the knowledge and worldview bequeathed by both our Andean and Amazonian ancestors, in '*sarawi*,' '*qhapaj ñan*,' or '*buen vivir*.'

Article 5. (Definitions) For the purposes of this law, the following definitions will apply:

- a. **Coca**, or '*inalmama*' is an ancient plant (including the seed, root, stem, branch, leaf and flower) used in ritual, social, economic, communal, cultural, medicinal, nutritional, research and industrial activities;
- b. **Ecological coca**, coca production using traditional and ancestral with the use of botanical products, bioinputs, or chemicals.
- c. **Organic coca**, is produced using traditional agricultural methods, without the use of modified biological or chemical products;
- d. **Small-scale retailer**, the person who sells coca leaf in its natural state from the authorized market to the individual consumer in small quantities (complying with previously established norms);
- e. **Community Control**, the system of internal control exercised by the community and the social organizations that produce coca, their own customs, norms and procedures that align with the spirit of this law and its intended purposes. It is *not* a substitute for State control.
- f. **Eradication**, the process of complete suppression of the cultivation of coca in a zone, directed by competent State entities;
- g. **Coca Rationing**², the process of the complete and definitive elimination of excess coca cultivation in authorized production areas, directed by competent State entities;

¹ The concept of '*buen vivir*,' which can loosely be translated to '*living well*,' is a political philosophy rooted in several indigenous belief systems across South America. It invokes harmony between human beings, as well as between humans and Mother Earth. Collective wellbeing is a defining characteristic of this concept.

² In Spanish text referred to as "racionalización"

- h. **Productive plot**, the authorized area of land on which the producer engages in the socio-productive activity of coca cultivation;
- i. **Ancestral coca production**, includes seedbeds, transplanting, cultivation, harvesting, and post-harvest processing, dehydration, rehydration, and packing at point of origin of the coca leaves (using traditional methods and passed down from generation to generation such as: *la cavada*, [preparation of the soil to promote germination]; *plantation*, a form of incorporation of the plant into the land in *cuts* and *wachos* [*earth steps used to create terraces with accompanying ditches, generally on hillsides*]; *quillas*, (stone *tacanas* [retaining walls an average of 30-70 cm high] or *wachos*) that help impede soil erosion of the earth and to maintain humidity; use of tools such as the pickaxe, *wallwa* [*three-pronged rake*], palette [flat board to compact soil used to make *wachos*], machete, *chonta* [*type of hoe*], *mit'iña* [*cloth wrapped around the waist to store leaves during harvest*] white cloths and sacks used for harvesting in the La Paz and Cochabamba Departments;
- j. **Coca Producer**, the person directly responsible for the agricultural activity of coca production (complying with customs within the framework of community obligations) as well as its transport from production centers to the authorized market;

Article 6. (Regulation, Control and Oversight) The production, circulation, transport, commercialization, industrialization, research and promotion of coca are subject to State regulation, control and oversight.

Article 7. (Community Control) Community control of coca production is promoted and recognized, but does *not* replace state control.

Article 8. (Strategy for Sustainable Integral Development) The set of State actions that work to improve individual and community living conditions of coca growers through a model of economic complementarity associated with coca cultivation.

- II. The state will promote sustainable development through plans, programs and initiatives for coca growers by promoting a) agricultural crop diversification, b) technical and credit assistance, c) development of industry, d) opening new markets and e) strengthening the education system, healthcare, basic sanitation and territorial integration.
- III. The central State and Autonomous Departmental and Municipal Governments will prioritize sustainable development initiatives in authorized production areas in which producers do not incur surplus crops.

Article 9. (Sustainable Development Practices) The coca producer must adopt ancestral production systems as well as practice proper management and soil conservation that guarantee environmental harmony with Mother Earth. The Ministry of Rural Development and Land (in coordination with competent bodies and social organizations of coca producers) will design and implement strategies to adopt sustainable production practices.

Article 10. (Soil Conservation and Recovery) The coca leaf producer must take actions for the conservation and recovery of the soil. State entities, within the scope of their powers, will be in charge of ensuring compliance with the actions indicated in the previous Paragraph (Article 9).

Chapter 2: Increased Appreciation [Revalorización]

Article 11: (Heritage) Coca is recognized as both cultural heritage and a source of social cohesion for the Bolivian people, protected as a renewable natural resource and part of the biodiversity of the Plurinational State of Bolivia.

Article 12: (Declared a National Priority) Revitalization of the importance of coca is a national priority, and the Plurinational State of Bolivia, through competent entities, will generate and implement public policies to:

- a. recognize and recuperate the identity of the historical essence of coca;
- b. promote coca in its natural state (as well as its derivatives), at a national and international level;
- c. encourage the recovery and production of organic coca, by recuperating ancestral cultivation practices;
- d. promote and encourage research, industrialization, and export;
- e. promote the consumption of coca leaf and its derivatives.

Article 13: (Uses of the Coca Leaf) For the purposes of this law, the following activities are recognized uses of coca:

- a. The chewing of the coca leaf in its natural state is an ancestral and traditional mode of consumption as a symbol of dialogue, reciprocity and balance with nature, this practice cuts across social strata of the Bolivian people³;
- b. *Ritual Uses*, spiritual and ceremonial practices of the native indigenous, *campesino* and Afro-Bolivians (expanded to the urban populations);
- c. *Medicinal Uses*, the benefit of the natural curative properties of coca used in tradition as well as alternative medicine.
- d. Known for its nutritional qualities, coca is an integral part of the Bolivian diet;
- e. *Research Purposes*, the use of coca in a wide range of scientific and socio-cultural research.

Article 14: (Declaration of Cultural Recognition) The Plurinational State of Bolivia recognizes the use of coca parallel to the skills, practices, values, and ceremonies carried out by the *Kallawayas*, *Aymaras*, *Quechua* and other cultures.

Chapter 3: Production

Article 15: (Zoning) This law defines and delimits the following areas: a) Authorized zones; b) Unauthorized zones

Article 16: (Authorized Zones for Coca Production) Authorized zones include: areas of native and ancestral production, areas of native and ancestral production with registration and cadaster, and areas with registration and cadaster;

³ This practice is also known as *Acullicu*, *pijcheo*, *coqueo* or *boleo*.

- II. Authorized zones are those in which coca is produced to satisfy consumption, research and development needs. Coca crops in these areas will be renewable and for life (subject to compliance with this Law);
- III. In the Department of La Paz, the authorized zone of traditional, ancestral production consists of the Provinces of Nor Yungas, Sud Yungas and Inquisivi. The area of original and ancestral production under registration and cadaster, consists of the Pedro Domingo Murillo, Ildefonso de las Muñecas and Franz Tamayo Provinces. The [authorized] production area under registry, consists of the provinces of Caranavi, Bautista Saavedra and Larecaja (Poroma and Santa Rosa de Mapiri) and part of the Municipality of La Asunta in the Province of South Yungas;
- IV. In the Department of Cochabamba, the authorized production area under registration consists of parts of the Chapare, Carrasco and Tiraque Provinces.
- V. In the context of traditional consumption, medicinal, ritual, social, economic, community, nutritional, research, industrial, export and labor dynamics and integrality with Mother Earth, coca production areas authorized and delineated by the State, will be up to 22,000 hectares. In the Department of La Paz with a total area of up to 14,300 hectares, and in the Department of Cochabamba with a total area of up to 7,700 hectares.

Article 17: (Unauthorized Zones) The unauthorized zone is outside the delimitation of authorized coca production zones.

- a. Coca production in unauthorized zones is prohibited and subject to eradication by the Ministry of Government in coordination with the Ministry of Rural Development and Land.

Article 18: (Excess Coca Production in Authorized Zones) The production of excess coca within the areas authorized under regulation [registry] and cadaster, will be subject to government rationing and administrative sanctions under specific norms and regulations. The Ministry of Rural Development and Lands will promote the ration process with coca growers. The Ministry of Government will implement rations.

Article 19: (Renewal of Coca Growing [Plot]) In authorized production areas under registry, the renewal of coca cultivation consists of the prior authorization from the Ministry of Rural Development and Land for a new, replacement plot to for [crop] rotation and recovery.

- a. The simultaneous growing on both plots is prohibited.

Article 20: (Registration of Coca Producers) The Ministry of Rural Development and Lands, will implement, through the General Directorate of Integral Development of the Coca - Producing Regions (DIGPROCOCOA) the Coca Producers Registry, after accreditation of the organization of coca growers, subject to specific regulations.

Chapter 4: Commercialization, Circulation and Transport of Coca

Article 21: (Regulation and Supervision of Coca Commercialization) The Ministry of Rural Development and Land will regulate, authorize, accredit and supervise the circulation, transportation and commercialization of the coca leaf, through the following legally mandated actions:

- a. To grant licenses for the sale of the coca leaf;
 - VI. To increase oversight of the coca leaf trade: establishing circulation routes, supervising trade from the production centers to consumers;
 - VII. Regulate the quantities of coca leaf for marketing and transportation from the production centers to the authorized markets and from there to their final destination for consumption.
 - VIII. The coca leaf in its natural state transported by any means from the production center to its final destination must pass through the checkpoints determined by the Ministry of Rural Development and Land.
 - IX. Coca producers duly registered, may transport and sell from authorized production areas to authorized markets, in accordance with regulations.

Article 22: (Government Recognition of Official Producers and Sellers) The Ministry of Rural Development and Land is the only entity that authorizes the status of producer or retailer of the coca leaf.

Article 23 (Single Registry of Producers and Retailers of the Coca Leaf) The Ministry of Rural Development and Land, will implement the Single Registry of small-scale producers and of small-scale retailers of the coca leaf. Its regulation will be governed by specific regulations.

Article 24: (Authorized Markets for the Coca Leaf) Only the Ministry of Rural Development and Land can authorize, control, and regulate coca leaf markets.

- a. In the department of La Paz the Departmental Association of Coca Producers – ADEPCOCA market is authorized and the Sacaba Wholesale Market in the department of Cochabamba.

Chapter 5:

Article 25: (Research and Industrialization) The State shall promote the research and industrialization of coca for lawful purposes in the public and private spheres through policies, plans, programs and project. The use of coca as a raw material for the industry must comply with technical traceability standards.

- a. The State shall regulate, control and supervise the proper use of coca in the processes of research and industrialization.
 - X. The State will promote the opening of markets and the consumption of the industrialized products derived from coca.

Article 26: (Authorization for Industrial Purposes) The Ministry of Rural Development and Lands, will authorize companies dedicated to the acquisition, circulation and transport of coca in its natural state;

- a. The Ministry of Rural Development and Land, and the Ministry of Productive Development and Plural Economy, will establish specific procedures that ensure fulfillment of the quality standards;

- XI. Industrial waste from coca will be subject to periodic control of alkaloid concentration, and enforcement authorities must guarantee adequate means of disposal;
- XII. The disposal of solid and liquid wastes from coca industrialization will be subject to environmental standards enforced by the Ministry of Environment and Water, in coordination with other relevant entities.

Article 27: (Promotion of Coca in the International Sphere) The State will promote in the international fields:

- a. The decriminalization of coca, due to its socio-economic value, as well as traditional ancestral value to indigenous peoples;

XIII. The opening of industrialized product markets.

Chapter 6: Infractions and Sanctions

Article 28: (Infractions and Sanctions) Anyone that produces, sells, transports, carries or manufactures coca outside the regulations provided for in this Law and its regulations shall be subject to administrative sanctions established in specific regulations, without prejudice to other penalties provided for by Law.

- II. Administrative infractions will be classified as: minor, serious and very serious; to be sanctioned with fines, seizures, temporary suspension or cancellation of the license], subject to regulation.
- III. Coca leaf seized from illicit or decomposed activities shall be incinerated by the competent authority.
- IV. In the case of administrative sanctions, seized coca may be used for renewed cultural and social appreciation, research, production of fertilizer or incineration, according to regulations.
- V. The Ministry of Government, in coordination with the Ministry of Rural Development and Land, will confiscate coca if it fails to comply with the provisions established in this Law and its regulations.

Chapter 7: Agencies with Jurisdiction

Article 29: (National Council for the Renewed Appreciation, Production, Commercialization, Industrialization and Research of Coca) The National Council for Renewed Appreciation, Production, Marketing, Industrialization and Research of Coca - CONCOCA is the highest body for the definition of national policies for the renewed appreciation, production, commercialization, research and industrialization of coca.

Article 30: (Agencies that Compose CONCOCA) L. CONCOCA is composed of:

- a. The Minister of Rural Development and Land;
- b. The Minister of Foreign Affairs;

- c. The Minister of Productive Development and Plural Economy;
- d. The Minister of Health;
- e. The Minister of Cultures and Tourism;
- f. The Minister of Government;
- g. One (1) representative of the coca producers' social organizations, by producer department.

Article 31: (Technical Coordination Secretariat) The Vice Ministry of Coca and Integral Development, under the Ministry of Rural Development and Land, will oversee the CONCOCA Technical Coordination Secretariat and coordinate, manage and support its operation, as well as its interagency relationships.

- a. The economic resources allocated to national policies and strategies for the renewed appreciation, production, commercialization, research and industrialization of coca will be channeled through the CONCOCA Technical Coordination Secretariat.

Chapter 8: Center for Coca Research

Article 32: (Attributes of Coca) Coca is a natural product that does not lead to addiction, and due to its restorative qualities of cell membranes and phytochemical components, it is used in medicine, food, and industry.

Article 33: (Center for Coca Research) The Integral Coca Research Center of the Ministry of Rural Development and Lands is established with the purpose of conducting research on technological development in coca production as well as recovering the knowledge of communities.

Article 34: (Coordination) The State may coordinate with universities, research centers and national and international institutes for coca research, and industrialization of coca.

Chapter 9: Tax

Article 35: (Coca Tax) The Ministry of Rural Development and Land will levy an administrative coca tax. It will be used to [fund] the regulation and control of coca leaf commercialization and industrialization. Specific regulation will define the amount, conditions and application of the fee.