

Latin America and Social Solidarity Economy Legislation.

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[Otra Economía and Anthropology. Latin America and Social Solidarity Economy Legislation](#)

Ana Inés Heras

<http://www.anthropology-news.org/index.php/2014/07/28/latin-america-and-social-solidarity-economy-legislation/>

[I had already anticipated](#) that anthropology contributes to an important debate on *otra economía & sociedad* by making visible what and how are things accomplished, day-to-day, and what may these practices mean. I portrayed how —for example— when we want to interpret [educational emancipatory school processes](#), we need to understand more closely what kinds of practices take place, who and how frame these practices, and in which ways are they challenging the system that is being critiqued. The same applies to other areas that are framed and seen as part of this *other* paradigm (e.g., [barter exchange, community currency, gift-exchange, community and popular culture, folk art](#)).



“All of us are the coop- we are all equal”
Motto of the School Coop “Marcos Sastre”, Argentina.
Photo Courtesy Ana Heras, 2011

However, it is also true that normative and legislative aspects are also important if we want to understand how social solidarity economy is being enacted in Latin America. My point is that good anthropology needs to refer to socio-political and legal-jurisprudence frameworks, in as much as good policy decision makers, public servants and legislators may benefit from understanding what anthropology has to say about how people actually *do things* daily.

An overall review of state legislation at the national level shows countries in Latin America where national laws for the sector have passed, and countries where the debate seems to be ongoing, nowhere close to giving closure to the process with a piece of law.

In this column I will review some of the laws that have been passed, those of Colombia, Venezuela and Ecuador. In my next column I will review the processes taking place in other countries where the debate is still open.

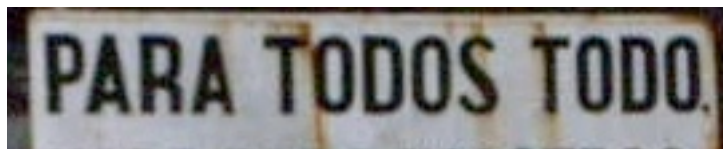
As a guiding hypothesis I will state that the countries that have decided to take a step forward towards a national law in Latin America are those where the debates over capitalism have been more open and explicit, and also where a stance towards challenging it has been made. Common to these countries are national administrations originated in union activism, social alternative movements, indigenous movements or center-left activism. One can conclude that —overall— these orientations are prone to supporting social and solidarity economy. Yet, as we said, it is open to debate *how do these frameworks play out in real life*, and anthropology is in a privileged perspective to offer us with some insights.

What do Latin American laws say?

Recently, some Latin American countries have passed Social Solidarity Economy laws at the national level. Colombia, fifteen years ago ([Ley de Economía Social](#) in 1998); later, Venezuela (2008) passed

the [Ley para el Fomento y Desarrollo de la Economía Popular](#), and Ecuador the [Ley Orgánica de la Economía Popular y Solidaria y del Sector Financiero Popular y Solidario](#) in 2011. Additionally, Bolivia has reformed its National Constitution to include this perspective in 2007 and as we speak, an initiative towards the [Ley marco de la madre tierra y desarrollo integral para vivir bien](#) (untranslatable yet close to framework towards favoring Mother Earth and Buen Vivir practices).

The Colombian law describes first the conceptual framework that regulates social solidarity economy as one that is not oriented towards profit, and that is based on self-management by their members, with direct decision-making power, and with an orientation towards associative daily practices. The state commits to supporting, promoting and protecting the organizations within this paradigm. Education is seen as a key issue since it is stated that managing these types of organizations needs to be learned and continually up dated. Additionally, the law states that social solidarity economy is a cultural framework, one in which, for example, the meaning of property is *collective property*, and where distribution means *equitable distribution*. In turn, it establishes the ways in which the state will monitor these organizations' practices and compliance with the regulations established by the law. The law establishes principles by which the paradigm of social solidarity economy is assessed, and these also include an orientation towards ecological equilibrium. The law establishes a national fund to support the social and solidarity economy sector and regulates the offices that will oversee its development.



“All for all (for everybody)”.

Photo Courtesy Ana Heras. Motto painted at the entrance of zap communities, south of México, 2007

The *Ley para el desarrollo y foment de la Economía Popular* (Venezuela) starts by acknowledging that there are several different organizations in their national territory, all of which could be understood as being popular, community-based ways of generating and exchanging resources. Since they already exist and are part of people's daily practices, the law establishes a framework to regulate them, and to support their sustainability over time. The law first describes the general goals and also presents a glossary to stabilize definitions over specific concepts, such as: communal-based economy, collective work, production-distribution-consumption brigades, pro-sumidores (untranslatable, yet the closest would be “pro-sumer” since in Spanish the word comes out of a combination of concepts: productor + consumer), direct communal exchange, indirect communal exchange, and solidarity markets. A whole chapter is devoted to naming and defining the different types of communal and popular economy organizations; eight of them are identified. Other chapters establish regulations for the alternative exchange system, description of spaces devoted to such exchange, rights and obligations of *pro-sumers*, and regulations regarding community currency.

In Ecuador, the national law establishes rights, obligations and responsibilities for Popular and Solidarity Economy, explicitly relating these practices to the concept of *buen vivir*, which is equated to the idea of collective common good. This orientation establishes the primacy of work over profit and capital, and harmony amongst people, and between people and nature, as guiding overall principles. Other specific principles are detailed as well, and, congruent with the overall orientations, are: fair trade, ethic and responsible ways of consuming, gender equity, respect for cultural identity, support of self-management and direct and democratic decision-making, social and ecological responsibility, open and transparent account management, fair distribution of resources. Similar to the Colombian law, Ecuador's also establishes a public fund for supporting the sector, and public, state controlled institutional offices to supervise the development of social and popular solidarity economy organizations. Distinct from the other two pieces of law, the Ecuadorian law has characterized different sectors within the popular and solidarity economy, which are: communal, associative, cooperative and popular units.

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