

Latin America's Emerging Environmental Democracy

by RODRIGO SIERRA

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ENVIRONMENTAL POLITICS in Latin America are at a turning point. Social and economic transformations in the last two decades have resulted in a fundamental shift in the way the democratic process in general, and environmental politics and policies specifically, play out in the region. While still in an embryonic stage, the

emerging environmental politics are those in which groups heretofore absent in the environmental debate are now taking relevant actions, establishing agendas, and forcing new allocations of the benefits and costs associated with resource use at all levels of society. The last decade witnessed unprecedented mobilizations of rural and indigenous communities and resource-rich towns seeking to reverse the environmental aggression of the last century. The fundamental political transformation

is expressed as greater environmental governance, the strengthening of state environmental agencies, and, above all, increasing stakeholder participation in the making of environmental policies. New pressures for action develop, among other factors, by changes in the conditions of access and control of the region's natural resources, developments in property rights, including liability measures, at various levels, from the state to the household, rapid urbanization, and improved living standards. Increased awareness of the potential value of environmental resources and an emerging concern for a quality of life associated with the conditions in which Latin American societies live are creating a new political process in which more diverse and broad social representations are coming to light.

Until the end of the twentieth century, Latin America's environmental agenda was, at the state level, subordinated to the more pressing issues of the day: economic growth and security. For the most part, the environmental dimension was absent in the debate about economic and social development and very rarely appeared in the form of electoral agendas. In part as a reflection of this prioritization, few governments used economic and policy tools for improving the allocation efficiency

of national environmental resources. Environmental policies and regulations were usually ignored, and environmental agencies granted limited and often ineffectual powers. At the level of the civil society, the environmental agenda was almost exclusively in the hands of elites. One could even say that the environmental agenda was part of a structural adaptation, designed to create jobs for a rapidly growing group of educated, environmentally friendly technocrats, who found employment and a reason to exist in the thousands of environmental nonprofit organizations that mushroomed everywhere in Latin America. They took advantage of a growing flow of funds from the north to establish protected areas, implement media campaigns, and, in general, to put forth an environmental agenda with minimal confrontation to the development paradigms of the day. Development was aggressive toward the region's ecosystems and people. Governments saw in undeveloped areas, especially those still beyond the agricultural frontier, options to reduce social pressures in the more contested traditional agricultural regions. Frontier colonization schemes were common after the 1960s, resulting in rapid deforestation, desertification, and soil erosion. Protected areas were off-limits only when they did not contain valuable resources. Rivers were free conduits of industrial and urban waste. From Buenos Aires's Riachuelo to Quito's Machángara, urban metropolises saw their rivers and lakes critically polluted. Millions of emissions-spewing cars contaminated the air of the region's cities, forcing driving restrictions in the worst cases, such as Mexico City and Bogotá. Urban and rural communities, which may or may not have perceived the environmental problems around them, had neither the political, institutional, or economic resources nor the luxury to actively search for solutions or to be concerned with their surroundings, as long as these did not affect the means to future food and shelter. In some cases, the urban working class even opposed stricter environmental regulations because they saw in them a threat to their employment and their access to a consumer society.

Policy Progress in the 1990s

The last decade of the twentieth century was a period when the fundamentals for a new environmental era began to be constructed. New constitutions in Colombia and Ecuador

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codified the rights of indigenous peoples to their ancestral lands. Brazil instituted one of the most progressive forest policies in the world. The 1991 Colombian constitution redefined the country as multiethnic and pluricultural. It was the basis for the passage of Law 70 in 1993 and Law 388 in 1997. Law 70 recognized the collective land rights of rural Afro-Colombian communities with traditional production practices and established mechanisms to protect their territories and cultural identity. Grass-roots organizations also developed at a rapid pace and found in the environment a rallying point for many of the political and technical components of their agendas. Indigenous organizations in particular have grown stronger and can now hold states and multinational corporations accountable for their actions in their territories. States were unable, or unwilling, to breach the conditions that even small communities began to impose. In Ecuador, the small but powerful Kichwa community of Sarayacu has resisted all attempts by the oil industry to penetrate its territory. Cities in Latin America are finding that the provision of key resources and ecological services, from water to solid waste disposal, previously clearly defined as public goods, are now controlled and restricted by rural communities. Because the sustainable management of these resources or the conditions that make them available, often referred to as environmental services, impose restrictions on the way they are managed by their owners, urban users have found it necessary to compensate them to secure access to what they need. Farmers from Costa Rica to Ecuador

are now being paid for the environmental services their lands provide.

Perhaps the most telling development is that public environmental policy is increasingly responsive to popular opinion. More and more elected officials are using environmental protection to underpin their political campaigns. In this way, the social mobilization of the early twenty-first century is framing new environmental policy. To some extent, the strength of this new policy is anchored in the linking of social and environmental agendas. Environmentally minded politicians in Argentina's La Rioja province have banned open-air mining using outdated technologies that would not be acceptable in developed countries and, under pressure from local citizen groups, have put this issue to a vote in a local referendum. Moreover, La Rioja's process is followed closely in other Argentinian provinces since it is testing new ground in this emerging environmental democracy. Activism is widespread in Argentina, and for many reasons: contamination from paper mills on the border with Uruguay, polluting tannery mills and gold mines, and contaminated lakes. Similar demands by civil society have occurred in mining towns in Peru and Ecuador. The nonelites (indigenous groups, rural communities) have adopted the environment, along with other long-standing banners of nonelite political activism. Indigenous communities in Peru and Ecuador are holding national and international resource-intensive companies, in oil and mining, liable for the environmental impact of their actions over the past four decades.

The Changing Frontier

The expansion of agricultural frontiers, which were associated with extensive deforestation and habitat degradation in the tropical lowland and highland regions, also reached a turning point. In the 1960s, expansion was based on a de facto open frontier, where poor immigrant farmers, and later large, capital intensive agro-industries, could occupy and expand the area farmed, often by cattle ranching in the case of small farmers, and cattle and industrial crops (soy, palm oil) for larger scale operations. Today, the open frontier is full. The increased establishment of clear property rights on the part of indigenous communities and other long-standing communities has, for all practical purposes, closed the frontier. In the past, frontier expansion in the Amazon, Choco, and Central American tropical forests came from the outside, as millions of poor farmers colonized these areas using newly constructed roads that decreased transportation costs, attracted by free land and expanding local markets in the form of towns and cities. Today, much of the remaining forest is in the hands of either the state, in the form of national protected areas, or of indigenous communities, as large territorial properties. While most of the time these lands are held communally, as a whole they constitute private property, where indigenous communities are able to exclude other users, farmers, and industries (such as the oil industry). In the Ecuadorian Amazon, 61 percent of the remaining forest is inside indigenous territories and 19 percent more inside protected areas. Similar trends have been reported in Brazil, Peru, and Colombia. Recent studies show that forest clearing slows down significantly where these rights have been established. The consolidation of national protected area systems also has played a key role in limiting deforestation. In the past four years alone, the Brazilian government has set aside 20 million hectares of Amazonian forest for protection, for a total of some 110 million hectares of protected forest—now the largest protected area system in the world. To protect isolated indigenous communities, Ecuador designated a 1 million hectare area as an “untouchable zone,” where oil and logging are prohibited. Environmental organizations have successfully limited operations of oil companies with rights to important oil fields within this area. In a move that would have been unlikely a decade ago, the Ecuadorian

government did not cookie-cut this area to allow development of these fields. Furthermore, in response to intense pressure from environmentalists and indigenous groups, in an unprecedented, if unlikely, experiment, the Ecuadorian government is seeking environmentally sensitive alternatives to the development of other large oil fields by asking the international community to compensate for the lost revenues of not taking environmentally damaging actions. Specifically, it is asking for half the revenues forfeited if oil extraction in a sensitive pristine Amazon rainforest is not carried out—\$350 million. The success of such a strategy is unlikely because it would be difficult for even the largest donors to release such sums for biodiversity protection. On the other hand, the emerging carbon markets are already much larger, reaching tens of billions of dollars annually and globally. This option seems more plausible since the nondevelopment of these oil fields would prevent the release of almost half a billion tons of carbon.

But it is not only the institutional changes that directly affect attitudes toward public resources. Independent of environmental politics, the politics of development are also forcing new conditions that have an important, if unintended, environmental outcome. A forest transition, or the moment when forest growth overcomes forest clearing, is evident in many locales, so many in some cases that they have a clear national impact. In El Salvador, for example, forest cover has increased as a result of the contraction of agricultural land. Prof. Susanna Hecht of UCLA attributes this to the decline of the relative value of agricultural work, the growth of manufacturing and service work, the effect of large inflows of remittances, which accounted for 66 percent of foreign currency earnings for El Salvador in 2000, and more than a decade of civil war that forced thousands of people off rural lands.

The Seed Has Been Planted

To be sure, environmental democracy in Latin America is only in its infancy. The turning point, however, seems to be now. Latin America is entering what Timothy O’Riordan, the well-known American environmental philosopher, saw as the third phase in the evolution of environmental politics. At this stage, the distribution and use of political

power and economic resources, working conditions, technology, and patterns of consumption have given rise to a whole new set of “environmentally active actors,” who are not only demanding a new development agenda, but also creating economic value out of the region’s natural resources, such as biodiversity, through increased domestic tourism, formerly an exclusively international phenomenon, and green markets. Governments have begun taking account of some, not yet many, environmental costs associated with resource use. This is often under pressure, to be sure, but twenty years ago no amount of pressure would have had this effect. States have begun to give more regulatory power to their environmental agencies and to work more closely with their judiciary in environmental matters. Even suspicion of environmental risk may now be enough to trigger action. The Brazilian Environmental Agency (IBAMA) closed a large soy processing plant and port in the Amazon because it did not have the required environmental impact assessment, and the Ecuadorian Ministry of the Environment recently stopped new road construction by oil companies in the Yasuni National Park. Yet the process is still full of contradictions. While much of what is happening is grounded in this strengthening of property rights and corporate liability, there has been strong opposition to other types of privatization, most notably, of water. Indigenous and rural communities have become active opponents of plans to create markets for environmental services because of the fear that their access to water, erosion control, and other environmental commodities and services will be privatized and under corporate control. Likewise, indigenous organizations are not always interested in increased government control and, in particular, the designation of areas inside their territories as protected. Much remains to be done. According to FAO’s State of the World’s Forest 2007 Report, Latin America and the Caribbean lost 0.5 percent of its forest area between 2000 and 2005, 20 percent faster than in the previous five years. Most urban waterways continue to be polluted and the air contaminated. However, the seed has been planted and the transformation is under way.

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