After the Boomerang: Environmental Movements and Politics in the La Plata River Basin

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Non-governmental organizations (NGOs) have become an ever more prominent part of world politics, transforming both the daily processes and the major events of international relations. International relations scholars have responded with numerous analyses of the origins, strategies, and impacts of NGOs' global activities.¹ This article focuses on one increasingly common transnational NGO strategy, the boomerang strategy. The boomerang is a classic strategy used by NGOs seeking political influence, where “domestic NGOs bypass their state and directly search out international allies to try to bring pressure on their states from outside.”² I use a case study of a transnational mobilization in the La Plata River basin in South America to investigate the strategy itself and its use in this case, and to develop arguments about the long term impacts of “throws” of the boomerang.³

Over the last decade, a coalition of some 300 environmental and other NGOs called Rios Vivos (Living Rivers) has been mobilizing to block the construction of a transnational water superhighway, or Hidrovia, along the La Plata River system. The Rios Vivos coalition went outside the domestic political sphere of the participating states (Argentina, Bolivia, Brazil, Paraguay, and Uruguay) and brought in Northern NGOs to help influence their own states and eventually the Inter-American Development Bank (IDB) to withdraw their support for the Hidrovia project. The IDB did withdraw funding in 1997, marking a clearly successful use of the boomerang strategy as commonly understood. Nonetheless, the last five years have seen considerable continuing activity around the Hidrovia project, and parts of it have been constructed. Other important sections continue to be blocked.

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In this article, I argue that apparently successful throws of a transnational boomerang are rarely conclusive endings to the conflicts that motivate them. What happens after the boomerang throw depends on two related factors: first, the extent to which the target state(s) have accepted the international norms at stake and, second, the presence or absence of a specific set of domestic capacities in the target state(s).

The Boomerang Strategy—and What Happens After

Keck and Sikkink discuss the boomerang strategy as a response to the perceptions of NGOs, usually in the Global South, that they lack recourse or rights at home. The NGOs then create coalitions with international actors, usually from the Global North, that create new, internationalized channels of influence on Southern decision-makers. International resources—or the withholding of them—become a part of domestic struggles. The boomerang strategy often forces apparently conclusive decisions by national governments to discontinue projects and behaviors that NGOs oppose or to make new commitments that are more in line with NGO-supported values.

From the NGO standpoint, use of the boomerang strategy is generally both normatively and substantively justified. They regard their new influence as contributing to the pluralism of domestic political voices and/or articulating more genuinely collective values. And when the strategy works, the outcomes are closer to those preferred by the NGOs involved. Keck and Sikkink acknowledge that the transnational NGO coalitions are often split, however, over the way that the boomerang of international influence reduces Southern state sovereignty. Northern partners frequently view the reduction in state sovereignty as a straightforward good, while Southern partners are more concerned about the fragility of their states and more committed to self-determination as an end in itself.4

How do target states experience and respond to this pattern of NGO influence? For states, the boomerang strategy is inherently an adversarial and conflictual one, often resented for both the specific substantive choices made under external pressure and the loss in sovereignty. I argue here that the state experience is especially important for understanding what happens after the boomerang, since national states and NGOs in the South are often left facing off against each other after the international influence is wielded. The apparently conclusive decisions taken by states after transnational coalitions “successfully” target them are rarely in fact final.

Sikkink has more recently joined with Thomas Risse, Stephen Ropp, and others to develop a five-phase “spiral model” of how states respond to international pressures in favor of universal human rights norms.5 In phase one of the

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5. Risse, Ropp, and Sikkink 1999, especially the introduction by Risse and Sikkink. The model is summarized in Figure 1.3, p. 20.
model, states repress domestic NGOs who articulate the norm. The NGOs respond by initiating transnational contacts with NGOs and others who, in networks, mobilize their own states and international organizations to pressure the target state (the boomerang itself). In phase two, states initially respond to the boomerang by denying the international norm at stake. Under sustained domestic and international pressure, however, a state that is beginning to adopt international norms will make some tactical changes in a third phase that may lead to policy and regime change and acceptance of the international norm in phase four. Finally, in phase five, states routinely adopt behavior consistent with international rules regarding the norm. In the spiral model, the movement from one stage to the next is neither automatic nor irreversible, but depends on state adoption of the international norm. This work fills in one important piece of understanding the state’s long-term response to a transnational advocacy network and its use of the boomerang strategy. While developed for understanding the ways in which states are socialized into human rights norms, the model should also work for international environmental norms, which similarly challenge state sovereignty and are similarly well-established internationally.

The remaining major gap in the spiral model of socialization into global norms is a good understanding of the domestic political processes that are critical in the final phases for turning rhetorical commitments into consistent norm-congruent action. In the final two phases of the spiral model, Risse and Sikkink identify national governments and domestic civil society as the dominant actors who work to move the process of international norm adoption to the next phase, or not.6 Progress in these phases is measured in national-level legislation, dialogue, and institutionalization of the norms. I argue in this article that progress in these phases is not just a matter of the level of acceptance of international norms, but of more general domestic political processes. National environmental norms and institutions may have endogenous as well as international sources. In other words, domestic politics and institutionalization of environmental norms are not only dependent variables, the result of international socialization processes, but may also be independent variables in their own right that condition the speed and nature of national acceptance of internationally held norms. Other studies of the implementation of international environmental agreements have also concluded that domestic capacity is a crucial variable.7 Jonathan Fox has also pointed to the continuing power of nation-states in resisting the pressures of multilateral banks.8 I use a paired case study of Argentine and Brazilian approaches to the Hidrovia to identify the specific capacities that are most important for NGOs in domestic environmental politics after a throw of a boomerang.

The Argentine and Brazilian governments articulated significantly different positions on the Hidrovia after 1997. The differences in their responses to

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7. For several recent examples, see Schreurs and Economy 1997; VanDeveer and Dabelko 2001; and Weiss and Jacobson 1998.
similar NGO strategies illustrate the importance of both international socialization and domestic political processes for determining the responsiveness of states to the pressures of NGOs. Brazil has received almost continuous strong and direct international pressures—both positive and negative—to improve its environmental record over the last thirty years. In contrast, the opposition to the Hidrovia was the first time Argentina received significant pressure through the boomerang strategy over environmental issues, although it has experienced quite a bit of pressure of that kind over human rights issues. As the spiral model would anticipate, I show below that there is considerably more evidence of Brazil’s acceptance of international environmental norms in general. Some of the varying levels of institutionalization of environmental protection in the two countries reflect national developments, however, both environmental and non-environmental. These also contribute to the different trajectories of the Hidrovia in Argentina and Brazil.

**International Norms and Domestic Environmental Institutions: Brazil**

Brazil has been a textbook case of a country under strong pressure to adopt emerging international environmental norms. Brazil has attracted this international attention because of the breathtaking scale of its environmental heritage and problems: it is a leader in the size and diversity of its ecosystems, as well as in ecosystem degradation. International pressures began in the 1970s, as Brazil garnered international criticism—and aid—for Cubatão, a polluted “valley of death” spawned by unchecked industrial growth in the mountains of São Paulo. In the 1980s, environmentalists in the North and their allies in Brazil virtually constructed the boomerang strategy as they repeatedly sought to curtail international funding for development projects that threatened to increase deforestation rates in the Brazilian Amazon. They were among the first to link global environmental criticisms of Brazil to specific economic punishments, such as the withdrawal of multilateral bank funds. These efforts have become global allegories of the possibilities of the boomerang strategy for transnational environmental coalitions, although their actual success has varied. Once that model was developed, NGOs have tried to use it repeatedly in Brazil throughout the 1990s, including in the case of the Hidrovia.

In many ways, the responses of the Brazilian government to NGO use of the boomerang strategy fit the spiral model well. The backlash against “internationalization” of the Amazon in the mid to late 1980s in Brazilian military and political circles exemplified the second phase of the spiral model. In this phase, a state rejects international norms, after being identified as a norm-
violator. Successive Brazilian governments then made increasing tactical concessions in response to continuing international pressures (phase 3), avoiding overt repression of the transnational environmental coalition and creating new policies for Amazonian protection. At the same time, parts of the government maintained plans for possible repression of environmental defenders and allowed near-impunity for private violators of both new environmental legislation and the defenders’ human rights.

Since Brazil hosted the Rio environment conference in 1992, it has begun to show signs of settling into phase 4, where “the validity claims of the norms are no longer controversial, even if the actual behavior continues violating the rules.” Kolk argues that this process of norm acceptance began as early as April 1989 and accelerated after the Group of Seven (G-7) of the world’s wealthiest countries proposed major new funding to preserve the Amazon in 1990.

While she characterizes the current Brazilian government stance as cooperative rather than conflictual in international environmental negotiations, she also notes a continuing “ambiguity” in Brazilian policies, which continue to include large new developments in the Amazon region alongside new programs for environmental conservation. This ambiguity is also notable in the ongoing climate change negotiations. Here, Brazil has followed an agenda full of “internal tensions,” where statements of environmental concern and an interest in global environmental leadership conflict with resistance to specific measures for international forest regulation. These kinds of consistently supportive stances with behavioral gaps are characteristic of the fourth phase of norm acceptance. Most recently, Brazil has even become an enforcer of international environmental norms, arranging a special meeting of heads of state in June 2002 to protest the wealthy countries’ (and especially the United States’) disinterest in the upcoming Rio + 10 conference in Johannesburg.

International environmental norms are not fully homogeneous, of course, and Brazil has adopted a specific version of them that places a high priority on both environmental protection and economic growth and development. Brazil also repeatedly stresses that wealthy countries caused much existing environmental degradation and have greater responsibility for paying the costs of environmental cleanup. Brazil has been one of the lead actors articulating this point of view in global environmental negotiations, whether as a key voice of developing countries’ opposition to a narrower and more technical view of en-

vironmental issues at Stockholm in 1972 or as the host of the 1992 Rio conference that took sustainable development as its starting point. Over time, Brazil has accepted an increasingly high level of environmental protection commitments, but this has not meant any decrease in its drive for economic growth. In taking this stance, Brazil joins most of the other countries in the Global South and, with allowance for differing shades and interpretations, Europe.

The Brazilian case underlines the importance of considering the domestic trajectory of environmental institutions as well as international norms. Brazil’s responses to successive international pressure on the Amazon seem to fit the classic spiral model, passing through denial in the late 1980s to greater acceptance of the international norms in the 1990s. However, this is an inaccurate depiction of Brazilian environmental politics, which has a much longer and more complex history, with numerous developments following national as well as international impulses. Brazil has had a national environmental agency continuously since 1973, which was upgraded to ministerial status for the first time in 1985. Both during and after the military regime which ruled from 1964 to 1985, the Brazilian national and state governments wrote extensive environmental legislation and regulations. The 1988 constitution, adopted just before the nationalist furor about “internationalization” of the Amazon in the late 1980s, consolidated many of those legislative gains in one of the most-advanced constitutional texts on environmental protection of the time. The industrial pollution in Cubatão, the focus of earlier international pressure, was in fact already largely successfully contained by the late 1980s, through the efforts of the São Paulo state government, local NGOs, and the media. Thus domestic developments in environmental politics were well ahead of Brazil’s international posture and reputation on environmental issues in the late 1980s, especially outside the Amazon.

These developments, prior to and concurrent with international pressures, suggest several observations about the boomerang strategy. First, governments do take note of the adversarial, sovereignty-limiting components of the boomerang strategy. They may resist those aspects as much as or more than the international norm itself. Second, where countries have already developed extensive capacity in a particular area, they can respond quite quickly to address specific problems identified by international actors. It is unclear whether the adversarial nature of the boomerang strategy slows or speeds this response. Finally, the boomerang strategy is not a fully modular strategy that can be used successfully without attention to domestic conditions. Working with rather than against potential domestic governmental allies—at higher or lower levels, for example—will enhance success. In addition, the boomerang strategy is not fully modular over time. A country that has been a frequent target of such a strategy, like Brazil, will develop more complex responses than a first-time target.

22. See Pádua 1992; and Guimarães 1995 on the endogenous and exogenous sources of environmental politics in Brazil.
International Norms and Domestic Environmental Institutions: Argentina

Until the 1990s, Argentina received little international coercive pressure or incentives to improve its treatment of environmental issues. In a comparative study of national parks in Argentina, Chile, and Costa Rica, for example, Jack Hopkins describes very little international attention to Argentina’s environmental issues compared to the other two countries where foreign organizations and funding played more important roles. While Argentina has developed megaprojects of a kind that have spurred transnational advocacy coalitions elsewhere, opposition to Argentina’s plans came comparatively late. For example, Hopkins describes a large dam project (the Yacyretá Dam) on the Argentine-Paraguay border which failed to generate preemptive opposition despite the 120 kilometer reservoir it would eventually fill, and the species and indigenous peoples it would displace. This project had funding from both the World Bank and the IDB. Although construction on the dam began in 1983, NGOs did not begin coordinated transnational opposition until 1991. This network has struggled throughout the 1990s to get the ear of national and multilateral bank officials, even working through the banks’ internal review processes. Some NGOs from Rios Vivos are part of the ongoing boomerang effort. Thus the Hidrovia and associated mobilizations really began whatever process of socialization through the boomerang strategy that Argentina experienced.

Argentina also kept a low profile in international environmental negotiations until the late 1980s. Until then, Argentina steadily signed and ratified most important international environmental treaties, but lacked domestic mechanisms to fully implement them and played little role in shaping the negotiations. Argentina created an early national Secretariat of Natural Resources and the Human Environment in 1973, but it was dismantled by the military regime that was in power from 1976 to 1983. Environmental issues took a backseat in the chaos of the early post-military years, and the Secretariat was not recreated until 1991 following two domestic incidents, an oil spill and volcanic ash damage. Thus formal environmental institutions in Argentina are just a decade old, and legislation and political awareness about the environment also lag even regional neighbors. The first Environmental Secretary of the 1990s, María Julia Alsogaray, stressed the difficulty of directing an institution that “in addition to being new, handles a theme like the environment which is in a process of full debate and consolidation.”

The global environmental issue that has most fully engaged Argentines is the hole in the ozone layer, near Argentina’s southern border. Argentina, with

Brazil and others, led developing countries in the ozone negotiations, and was also one of the biggest recipients of the compensatory funds, receiving $27 million.31 Ozone and climate issues continued to be important issues for Argentina at the international level through the 1990s, with Argentina hosting the Buenos Aires round of negotiations on climate change. Argentina voluntarily pledged to reduce its own greenhouse gas emissions at the fifth Conference of Parties of the Framework Convention on Climate Change in order to try to break through the impasse between developing and developed countries about who needed to take the lead in curbing global warming.32 These issues are quite exceptional in Argentine national environmental politics, particularly in the fact that Argentina has established national offices and programs to implement at least parts of the related international agreements.33

Like Brazil, Argentina has adopted just one of the multiple versions of environmental norms. Argentina agrees with the broad outlines of the Brazilian position, but has been most vocal in promoting a different set of norms shared by comparatively few countries—achieving environmental protection through market mechanisms. In Argentina, this position was most associated with the 10-year administration of Carlos Menem (1989 to 1999), who told the 1992 Earth Summit: "We believe that the market economy has mechanisms which, if used efficiently, can encourage rational environmental behavior and discourage those behaviors which scientific research has shown to be harmful."34 Alsogaray, Menem’s Environmental Secretary, came to the office after overseeing the privatization of the national telecommunications industry. She whole-heartedly agreed with a market approach, arguing in an interview that any environmental protections needed to be kept "profoundly coherent" with the demands of neoliberalism, including a small state role.35 Both Menem and Alsogaray stressed private, voluntary adoption of international norms as the ideal model for implementing international agreements, and embraced mechanisms like trading pollution permits.

In the post-Menem years, the de la Rua government promised more government involvement, a greater role for civil society, and more focus on domestic than international politics, arguing that “The previous government totally abandoned environmental policy within our borders, leaving us way behind.”36

33. See www.medioambiente.gov.ar.
34. Menem 1992, 32. Menem goes on to say that market forces alone are not enough, but talks mainly of correcting distortions of market mechanisms.
35. Bugoni 1998, 9. In a speech to environmental officials from across the Americas in 1999, Alsogaray confessed that she had been dismayed at first to be asked to lead the Secretariat, before realizing that it was just another location where she could advance privatization. Observation of “Seminario Internacional sobre Gestión Institucional Ambiental en América Latina,” Buenos Aires, Argentina, 1 July 1999.
36. Interview with de la Rua’s Environmental Secretary, Oscar Massei, published in EcoAméricas, October 2000, 12.
However, de la Rúa was forced to resign after only two years in office and the four presidents who followed him in a quick two-week succession period at the end of 2001 have had little opportunity to redefine Argentina’s international posture on environmental issues. The severe economic crisis gripping Argentina has meant that Argentine delegations have been unable to afford to even attend ongoing important negotiations, such as those in preparation for the Rio +10 conference in Johannesburg in August 2002. As a result, market environmentalism remains the most-characteristic stance of Argentine participants at international environmental negotiations.

Although the United States and especially the Republican Party also support this version of environmentalism, many environmentalists and even governments involved in international environmental negotiations do not consider it to be a fully environmental discourse, especially if it is to be the only approach to environmental protection. This is dramatically the case in Argentina, where a market approach to environmental protection preceded rather than followed a more traditional command and control approach, with the latter still largely missing in Argentine national environmental policy. For example, the Argentine National Congress has failed to pass any of a set of seven basic environmental laws developed during the Menem/Alsogaray administration and sent to appropriate committees in 1999. In addition, Argentina has argued strenuously against a number of international environmental protections in negotiations, including biosafety issues and family planning. Argentina also has been the country to most strongly resist adding environmental protections to Mercosur, the free trade agreement it shares with Brazil, Paraguay, and Uruguay. Overall, Argentina is best categorized as being in phase 3 of the spiral model, where the international norms themselves are still under debate. There is comparatively little domestic capacity to implement the norms if and when they become more generally accepted.

These differences in Argentine and Brazilian acceptance and institutionalization of international environmental norms shaped quite different outcomes for the Hidrovia in the two countries, especially after Ríos Vivos successfully blocked international funding for it.

Throwing a Boomerang against the Hidrovia

The Hidrovia officially began in 1988 as a water superhighway project that would extend 3400 kilometers along the La Plata River system from Cáceres in the Brazilian Pantanal—one of the world’s largest wetlands—to the Atlantic

37. Observation of 20th meeting of the Working Group on the Environment of the Mercosur Free Trade Area, Montevideo, Uruguay, 6 December 2001. The Argentine delegation asked its counterparts at this meeting for a strong statement in the minutes about the importance of regional participation in such meetings.
38. SRNyDS 1999.
40. Hochstetler 2002b.
ports of Buenos Aires and Montevideo. Regional foreign ministers had been actively working on developing the project since 1978, hoping that cheap transportation would bring integrated economic development to the region. In 1989, regional transportation and foreign ministers formed an Intergovernmental Committee of the Paraná-Paraguay Hidrovia (CIH) to oversee its planning and execution. Committee members were lyrical in talking about the Hidrovia, calling it the “backbone” of regional integration and a route not just to the Atlantic, but also to regional development. They gained quick support for their project, with 700 enthusiastic businessmen from the region attending the first meeting on the Hidrovia in 1988, and the IDB signing on to fund initial engineering and economic studies. A Brazilian private consulting firm, Internave, carried out the initial studies, concurring that the project would be a success.

The CIH discussed the potential environmental impact of the Hidrovia from its very first meeting. However, key environmental actors were left out of the process. As the CIH met in its early years, only Brazil regularly brought a representative of its national environmental agency, who was greatly outnumbered in meetings of 50–60 people. When environmentalists began to ask in 1991 to observe the CIH’s meetings, the delegations said they “consider the interest of non-governmental organizations in the development of the project very auspicious,” but allowed one unnamed country to keep observers out until they could work out regularized procedures for observation, which never came. Without environmental specialists in the meetings, the CIH seemed to assume that environmental impacts would only alter the Hidrovia project at its margins. The CIH initiated a study of environmental impacts and urged participating countries to designate an environmental liaison, but also noted that “this does not imply delaying priority projects that can be carried out immediately and without uncontrollable environmental harm.” As early as 1993, Menem’s government in Argentina began to call for private bids to dredge the Paraná River from Santa Fe to the Atlantic to a depth of 32 feet, ten feet deeper than its historic level.

With this attitude, regional governmental representatives in the CIH were caught off guard as environmental opposition to the project began to mount in 1993 and 1994. First the IDB delayed acceptance of the initial environmental study and forced a reformulation of its terms in 1993. The reformulation called for a much more limited engineering project than the original, which would have shortened the northernmost stretch from Cáceres to Corumbá (fully in the Pantanal region) by 62 kilometers by straightening out curves and removing

42. CIH 1991.
44. CIH 1991.
45. CIH 1994, 96 and 185–186.
rocky barriers in the river.48 Even the more limited project failed to placate a rising non-governmental oppositional coalition.

Shut out from formal participation in the CIH, NGOs made their way into the process largely from the outside. Early in 1994, 72 Brazilian and international NGOs collectively warned of the dangers of the project. In September, the Environment and Development Forums of the Brazilian states of Mato Grosso and Mato Grosso do Sul organized an international meeting to discuss the Hidrovia. In December of the same year, they met again in São Paulo and made the contacts that led to formation of the Rios Vivos transnational coalition against the Hidrovia in 1995. Two multinational groups of scientists and activists supported the efforts of the coalition, writing their own critiques of the project's environmental and social impacts in 1994.49 The US-based International Rivers Network was a key actor in arranging contacts among interested groups in the five countries and in securing funds to support their collaboration.50 The coalition also grew out of past collaborations: the Brazilian state forums were created as part of the Brazilian preparations to host the Earth Summit and the Mato Grosso Forum had already experimented with the boomerang strategy in an effort to block a World Bank project known as Prodeagro.

The Rios Vivos coalition has been formally working together since 1995 to block the Hidrovia in its numerous versions. The coalition includes about 300 member organizations. A coordinating committee includes representatives from each of the five countries that are part of the project, plus the United States and the Netherlands. Its Executive Secretary is the Brazilian environmental group Ecoa, based in Campo Grande, Mato Grosso do Sul. In addition to having diverse national origins, the members of Rios Vivos come from diverse social sectors: they are environmentalists, indigenous groups, unions, professional associations, universities, and research centers. The Rios Vivos coalition is held together by a social ecology approach to the Hidrovia project, which stresses both its social and environmental impacts on the region. Visibility outside the region depended on framing the Hidrovia as a mega-project with major negative impacts on the biodiversity of a critical ecosystem, the Pantanal wetland. Within the region, the coalition is held together by a shared critique of existing social conditions and development models. Rios Vivos argues that the Hidrovia would destroy jobs and ways of life as well as habitats and water quality. According to leaders of Rios Vivos, these effects would come from the Hidrovia itself and from the incentives it would provide for the expansion of agricultural monocultures, land speculation, and new industrial and mining initiatives.51 There is

50. Interviews with Glenn Switkes of International Rivers Network and Rios Vivos, São Paulo, 16 October 2001; and Alcides Faria, of Ecoa and Executive Director of the Rio Vivos network, Campo Grande, Brazil, 14 March 2002.
51. Interviews with Jorge Cappato, Fundación Proteger, Santa Fe, Argentina, 31 October 2001; Alcides Faria; Mauricio Galinkin, Fundação Cebrac, Brasilia, 9 October 2001; Raquel Rodriguez,
quite a bit of consensus within the coalition on the social ecology critique; Argentine anthropologist Omar Arach, who looked specifically for signs of dissen-

sion along North-South lines, did not find them.  

With its solidly transnational character, Rios Vivos was able to match the scale of the two primary actors to this point, the IDB and the CIH. The coalition demanded greater access to the CIH meetings and greater direct influence over deliberations on the Hidrovia. They also asked for the suspension of the feasibility studies. Rios Vivos finally got to meet with the CIH president in August 1995—on the very day that the CIH declared that it would not implement the Hidrovia in the Pantanal region, at least not immediately. However, the CIH moved ahead with plans to extensively engineer the section from Corumbá south, with the IDB spending US$11 million for feasibility studies of the new version. These studies also supported building the Hidrovia. The Rios Vivos coalition, plus other environmentalists, fishing communities, and indigenous peoples of the region continued their opposition, protesting and writing more letters.  

What finally worked for Rios Vivos was to focus on the IDB rather than the regional CIH itself. The IDB had been more sensitive than regional governments to the environmental implications of the Hidrovia from the very beginning, classifying it as a Category 4 project of "extremely high ecological risk." Bank president Enrique Iglesias himself had warned the CIH about the need for full transparency about the environmental components of this kind of project:  

The authorities of the Bank are conscious of the political cost of the delay to the countries, but given the transparency required for projects of this kind, we should cover ourselves as far as possible, remembering the extreme sensitivity in the international community to environmental issues. Given that we are dealing with one of the zones considered a reserve of humanity, as is the "Pantanal of Mato Grosso," we need to fulfill all the requirements necessary while considering this study.  

As late as 1997, the IDB still strongly supported the Hidrovia publicly, writing about it as an exciting possibility for investment and development in the region without mentioning the potential environmental impact at all. Just a short while later, however, under continuing NGO pressure, the IDB conducted a re-

Sobrevivencia (Paraguay), Campo Grande, Brazil, 14 March 2002; Elba Stancich, Taller Ecologista, Rosario, Argentina, 1 November 2001; Carlos Surroca, REDES/Amigos de la Tierra, Montevideo, Uruguay, 3 December 2001; and Glenn Switkes.  

52. Arach N.D.  

53. The private consulting firms Hidroservice, Louis Berger, and EIH carried out the new economic and engineering studies, while Taylor Engineering Inc, Golder Associates Ltd., Consular Consultores Argentinos Asociados S.A, and Connal Consultora Nacional wrote the new environmental evaluation.  


57. BID-INTAL 1997.
view that compared the official impact studies with the critical reviews of independent experts contracted by NGOs. The end result of this comparative review was that the IDB accepted the more critical studies prepared by NGOs over the studies it had sponsored itself—and refused to provide additional funding for the project. In the classic version of the boomerang strategy, this move marks the end of the story of a successful use of the strategy. However, it is not the end of this story.

**After the Boomerang: A Case Study of Argentina and Brazil**

In the wake of a transnational agreement between environmentalists and global funding agencies that the Hidrovia should not be built, the prospect of a regional water superhighway largely disappeared from the agenda as such in 1997. However, the story of the Hidrovia continued at another level, in a series of national efforts to extend and improve river transport along the La Plata River basin. In this post-boomerang period, domestic processes have proven to be the most critical. The members of Rios Vivos, now acting at national levels but still in close contact, have initiated similar strategies in Argentina and Brazil. The outcomes of their efforts have varied, however, in accordance with the differences in national environmental politics. The different levels of national acceptance of environmental norms and the distinct political opportunities available to Hidrovia opponents in domestic politics pushed the Hidrovia forward in Argentina while largely blocking it in Brazil.

**Argentina**

In its response to the boomerang pressure from Rios Vivos, the Argentine government showed it is still resistant to acknowledging environmental norms that might limit its development plans. The Hidrovia has been most often discussed in the Argentine media and by Argentine political leaders cited there as a simple transportation project with no mention of its environmental impacts. Articles about the Hidrovia have appeared most often in business sections, and especially international trade and maritime sections of newspapers. When environmental issues are raised, Argentine politicians have heaped scorn on both environmentalists and on Brazil, as Brazil has shown an inclination to accept the verdict of the IDB and environmentalists that the Hidrovia was too environmentally risky for the Pantanal region. The international nature of the NGO coalition has given Argentina rhetorical openings to dismiss the environmental concerns. Argentina’s then Secretary of Transport for Water and Ports, Daniel Levy, has described the environmental concerns as “conjunctural inconveniences” and “excuses that are associated with certain interests that have nothing to do with ecology.”

Perhaps the most important pieces of evidence of Argentina’s resistance to international environmental norms are the Argentine government’s actions—investments totaling US$700 million in infrastructure for the Hidrovia by 2001. Argentina, especially under former president Carlos Menem, has always been in a hurry to build the Hidrovia. It would pass through Argentina’s wealthiest and most industrialized regions, whose elites see the Hidrovia as both an inexpensive route to take their products to the huge Brazilian market and as the source of new inputs for their factories and ports. A joint Belgian and Argentine venture, Hidrovia SA, won the 1993 competition to dredge the stretch of the Hidrovia from Santa Fe south to Buenos Aires. It pocketed not only tolls on the section but also $40 million in annual direct government subsidies, showing that the Hidrovia was even more important to the Menem administration than its pro-market stance. In 1997, Menem tried to extend Hidrovia SA’s contract to include another 2000 kilometers of the Paraná and Paraguay Rivers—the remainder of Argentina’s portion of the Hidrovia—as the IDB was making its final determination about the project. Menem even tried to present the Hidrovia internationally as a fait accompli, inviting regional presidents to a special ceremony initiating the Hidrovia in 1997, which President Cardoso of Brazil declined to attend.

Argentine environmentalists from the La Plata basin have been an important part of the Rios Vivos Coalition, and led the post-boomerang opposition to the Hidrovia in Argentina. Following the 1997 effort to extend the dredging contracts, they moved into action. Six of them used one of the new participatory opportunities of the 1994 constitutional reforms to ask the National Defender of the People to legally block the contracts. Their complaint to the Defender argued against the contract on multiple grounds, including the lack of public information and the failure to follow established procedures, the absence of a full Environmental Impact Assessment (EIA) of the Hidrovia, and possible past failures to adequately supervise the activities of Hidrovia SA. Since Argentina still lacks a comprehensive national law requiring EIAs (one of the legislative projects not yet passed by the National Congress), the letter also performs the interesting legal task of establishing precedents for such an Assessment in other national, international, and provincial legislation. By environmentalists’ own evaluation, the current dredging already had caused significant environmental degradation, both in immediate impacts from the dredging itself as well as in broader flood dangers. The extended dredging would sharpen the impacts as it would take place in the wetlands of the Paraná Medio, an area which rivals the Brazilian Pantanal in its ecological and social value.

62. Interviews with Jorge Cappato and Elba Stancich. See also Dossier 4—Proyecto Hidrovia Paraná-Paraguay, September 1997, Taller Ecologista and Coalición Ríos Vivos.
63. Letter to Defensor del Pueblo de la Nación, Jorge L. Maiorano, from the Instituto de Derecho Ambiental del Colegio de Abogados de Entre Ríos, the Foro Ecologista de Paraná, Ecovi, Fundación Proteger, Taller Ecologista, and the Confederación de Trabajadores de la Educación de la República Argentina, Paraná, 28 November 1997.
The Defender took up the complaint and sent letters to several Secretariats asking for more information related to the Hidrovia. The replies are notable for their brevity, but Alsogaray did give the Defender her Secretariat’s preliminary critical analysis of the IDB’s environmental impact study of the Hidrovia, which she had not divulged publicly earlier. After several months of study, the Defender issued Resolution 04341/98 which adopted much of the rationale of the environmentalists’ letter and made two specific recommendations to the Subsecretariat of National Ports and Navigable Waterways: that there be a holistic study of environmental impacts on the entire basin before any smaller projects are approved and that the Subsecretariat create a control agency to oversee any dredging of the River Plate basin. The current status of the Resolution is ambiguous. The Environmental Secretariat joined the Ports and Waterways Subsecretariat in insisting that any necessary environmental studies had already been done by the CIH, and the Defender’s final action was a letter to the National Congress in 1999 describing the impasse.

A coordinator of the original NGO complaint argues that the Resolution is an important legal tool that can be used if the government moves forward with its dredging plans. However, the more effective current block to the Hidrovia is the severe economic crisis that has crippled the Argentine economy since 1998. The Ministry of the Economy has never released the funds for the extension of the dredging, despite all the political pressures on it. Local businessmen attributed its reluctance to the negative signals coming from Brazil. And finally in November of 2001, then-President de la Rua announced that even the existing subsidies for dredging the Hidrovia would be cut in the latest “Deficit Zero” economic plan. The subsidies had continued for two years of extreme economic crisis, and were ended just before Argentina began to default on its international debt. Once the Argentine economy recovers, the Hidrovia project is likely to revive there as well.

Brazil

The Brazilian governmental position has been considerably more difficult to pin down than the Argentine. In 1997, right after the IDB decision to withdraw its funding, the official position was difficult to define because different speakers said different things, e.g., while the Ministry of the Environment announced

64. Letter to Defensor del Pueblo from Maria Julia Alsogaray, Secretary of Natural Resources and Sustainable Development, 21 May 1998 (10 pages total) and letter to Defensor del Pueblo from Andres A. Cisneros, Secretary of External Relations and Latin American Issues, 5 May 1998 (4 pages total). Cisneros’ letter is especially brief. For example, in response to the question “Does the approval of the [IDB’s EIA] study referred to imply that the Argentine delegation assumes that there are no environmental restrictions that qualify [the Hidrovia project],” he replies simply: “Not necessarily.”

65. Letter from Defensor del Pueblo to the Comisión Bicameral Permanente de la Defensoría del Pueblo de la Nación, 17 September 1999. The Defender does have the option of taking such a case through the legal system rather than simply issuing a Resolution, but did not.

66. Interview with Elba Stancich.

67. La Capital, 2 June 1998.
an end to the project, the Ministry of Transportation said it would continue. For the last few years, however, most government actors say the same things about the Hidrovia, suggesting a common script: there will be no large scale changes in the Brazilian portion of the Hidrovia, especially not ones that will damage the Pantanal. However, transportation has always taken place along the rivers of the region, and that will continue, with routine improvements and maintenance. Transportation will be adapted to the river, and not vice versa. It is a position which drives both opponents and proponents of the Hidrovia to distraction, with both sides understanding that the definition of “routine maintenance” is key.

Of all the countries involved, Brazil as a whole has the least to gain with the Hidrovia. It is the economic giant of the region, and its neighbors need its huge market and its products. It has many more transportation alternatives, notably new railroad and road complexes that already can bring much of the production of the heart of the continent to its own Atlantic ports and big coastal cities. The comparatively undeveloped character of its part of the river systems comprising the Hidrovia mean that much of the new engineering work—and new environmental impact—would be in Brazil. Finally, Brazil is the country that contains most of the Pantanal, the ecosystem and the cultural system that would be most dramatically altered by the proposed plans. This ecosystem is specifically mentioned in the 1988 constitution and has recently received international recognition as well as a patrimony of humanity. All of these arguments are regularly made by Brazil’s large and active environmental movements, and supported by the Brazilian national environmental agencies.

On the other side, numerous actors and interests in Brazil favor the Hidrovia. Civil engineering and construction firms would obviously benefit from such a large new project, and they have close ties to politicians across Brazil. A variety of actors in the states of Mato Grosso and Mato Grosso do Sul also see the Hidrovia as a route to the economic development of their comparatively poor states. Senator Ramez Tebet was apoplectic in a speech to the Senate plenary about the “boycott against Mato Grosso do Sul, and specifically against the Hidrovias of the Paraná/Tietê and the Paraguai Rivers” and hinted darkly about international economic interests “which are very powerful and interested in killing the Brazilian dream of development.” The Ministry of Transportation has also often spoken in favor of the project, and represented Brazil in the CIH for many years.

The balance between these two sets of concerns continues to be very much in play in Brazil. Both sides are supported by a mix of local, national, and international actors, notwithstanding the international conspiracy rhetoric of the pro-Hidrovia forces. In this context, it is not surprising that the Brazilian government has chosen to take refuge in ambiguity. At the same time, the Brazilian na-

tional government is limited in ways that the Argentine government is not and would be much less able to simply develop the Hidrovia if it chose to. The limits originate in a number of domestic factors: Brazil’s greater national consensus on environmental values—or at least the rhetoric of such values, the existence of institutional and legal mechanisms that can reinforce environmental protection, and by its stronger economic and environmental incentives to protect the La Plata basin.

With respect to the rhetorical context, few Brazilian actors will as openly dismiss the environmental concerns about the Hidrovia as Argentine elites have. Media coverage of the Hidrovia in Brazil has given nearly equal billing to its environmental and transportation aspects. “The Construction Project or the Indian” was the title of a recent article in the newsmagazine Veja, which called the Hidrovia “a confrontation between progress and preservation.”70 Articles on the Hidrovia appear frequently in the national political and science sections of newspapers as well as the economic sections. In this context, critics have to present their pro-Hidrovia stances as a different strategy for environmental protection. Thus Tebet, cited above, asserted his environmentalist credentials while lamenting the influence of Rios Vivos: “It looks as though a simple shout from ‘environmentalists’—we all defend the environment, which is indispensable for life—is sufficient to hinder a governmental action or decision.”71 The Ministry of Transportation has argued that environmental opposition is based on old rather than current studies of the Hidrovia region, and claimed to welcome the chance to defend the environmentally benign nature of the current Hidrovia project in court.72 It has now had that opportunity.

A series of court cases which are much stronger than the Argentine Defender Resolution now specifically require the Brazilian government to include environmental considerations in any eventual partial or complete Hidrovia project. These cases are based on a number of both new and well-established legal provisions.73 Since 1985, both governmental and non-governmental actors can bring suits in defense of “diffuse interests” which do not require them to show individual impact to have standing in environmental cases. Since 1986, environmental impact assessments have been required for projects like the Hidrovia.74 Independent and merit-based attorney general offices (Ministerio Público) have energetically targeted both governmental and private violators of environmental laws for litigation in many states since their role was expanded in the 1988 constitution. Since 1998, an Environmental Crimes Law has put teeth into existing legislation with much higher financial penalties and even the threat of jail time. All of these together create numerous legal tools for Brazilian environmentalists to use at home.

74. They are not always executed well, however. See Glasson and Salvador 2000.
After the IDB withdrawal of support turned environmentalists back to national political structures, the Brazilian part of Rios Vivos provided technical and political support for several court cases brought by the attorney general offices in Mato Grosso and Mato Grosso do Sul. A 1998 case suspended any financial payments to implement the Hidrovia on the grounds that indigenous peoples had not been adequately consulted and that further study of environmental impact was needed. The judge set fines at about US$50,000 per day for violations of his order.  

In 2000 and 2001, a series of cases and appeals steadily reaffirmed that the Hidrovia could not be constructed as piecework but needed to have a holistic assessment of its environmental impact on the entire Paraguay River basin before any smaller “routine” projects of the kind defended by the Ministry of Transportation could go forward. In addition, the judge agreed that only the national environmental agency, IBAMA, could carry out such an assessment. IBAMA and its institutional home, the Ministry of the Environment, have generally supported the environmentalist side in these cases. The Hidrovia’s final fate in Brazil depends on the quality and outcome of that environmental study, and environmentalists will be examining it closely. Ecoa recently hired a lawyer to track the history of the various court cases in order to have a full record of the legal strategies and arguments that can be used in future court cases if they are necessary.

Finally, Brazil has once again found an international way to make environmental protection pay, arguably a skill it has developed to cope with being a frequent target of the boomerang strategy. In 2000, the IDB and the Brazilian government agreed to split the cost of a US$400 million project to protect the Pantanal. The multi-phase loan project has a number of specific aims, from improving water quality and increasing the number of acres under preservation to promoting sustainable fishing, aquaculture, and tourism. After NGOs criticized earlier versions, the program contains provisions for including civil society and indigenous groups, and includes safeguards to ensure their effective participation. Contractually, environmental activities have to precede bidding for the various infrastructure projects. The final version of the Pantanal Program clearly reflects IDB learning about some of the problems that have arisen in past projects—perhaps including the Hidrovia. Ecoa strongly opposed the first versions of the Pantanal Program, but guardedly supports this version. Other international actors are also contributing to Pantanal preservation, with the Japan Bank for International Cooperation negotiating to loan the Brazilian govern-

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76. The Attorney General arguments and the Judge’s final decision for the primary decision are both printed in Revista de Direito Ambiental 21 (6), January–March 2001, on pages 246–255 and 370–372, respectively.  
79. Interview with Alcides Faria. Ecoa still criticizes the program for failing to take a more holistic view of the Pantanal ecosystem, which would include Bolivia and Paraguay.
ment part of its share of the Pantanal Program’s cost. France recently offered about US$ 800,000 for funding the Pantanal National Park, and private French investors may revive the Train of the Pantanal, which would attract ecotourists. The surge of resources for regional eco-development succeeded in winning over even Senator Tebet, who now unreservedly exalted the environment—without ever even mentioning the abandoned Hidrovia: “The care of the environment will be permeating all administrative construction activities. Everything will have to meet the imperious need to preserve this generous gift which God put in Mato Grosso and Mato Grosso do Sul, our Pantanal.”

Conclusion

In 1997, the Rios Vivos transnational coalition succeeded in persuading the Inter-American Development Bank to withdraw its funding for the Hidrovia project along the La Plata River basin. After this successful use of the boomerang strategy, coalition members in Brazil and Argentina initiated similar legal strategies at home to demand full environmental impact studies of the entire national portions of the Hidrovia. Both succeeded in getting national prosecutors to pursue their claims, and both even gained positive decisions for their cause. Nonetheless, the Argentine government responded by moving forward with its plans as far as its economic resources allowed, while the Brazilian government has scaled back its rhetoric and plans, and faces stringent limits on its ability to follow Argentina’s lead in simply forging ahead.

In the contrast between the two cases, the most important differing domestic capacity that shaped the two outcomes is legal capacity. Environmentalists in Brazil have more tools that give them legal standing themselves and a stronger public defender office to lean on. These particular tools are not limited to environmental issues, but are important for citizens concerned with a broad array of issues. The tools emerged as a result of domestic political processes of democratization and the adoption of merit criteria for the judiciary, processes which had little to do with the domestic or international environmental issue area in particular. Brazil’s specifically environmental legislation is also more complete and of longer duration than the Argentine. None of this should imply that the Brazilians have reached the end-point of building their legal environmental capacity, as there are many holes and inadequacies there, but the case illustrates the importance of the strength and diversity of the legal toolbox for long-term outcomes after a successful boomerang throw.

82. Tebet 2001, 5. The importance of Tebet’s cited discourses in regional politics can be seen in the fact that he arranged to have this speech to the Senate plenary and the one cited in footnotes 69 and 71 printed up in booklet form for public distribution.
A court-based strategy of environmental protection, historically exemplified by the United States, may appear out of fashion compared to newer, collaborative strategies like ecological modernization. Adversarial court-imposed limits are a key solution in settings where national elites do not fully embrace environmental values, however, and an effective rule of law is a critical starting point for norm implementation. The court strategy also has a clear advantage over the similarly-adversarial boomerang strategy: development of the rule of law builds rather than threatens fragile states. Application of domestic laws, even if they were only written for show, is also always more legitimate and thus lasting than external norm imposition. Although the boomerang strategy does not build this critical capacity, the transnational Rios Vivos coalition was able to support its national members in identifying and using those capacities, with its members continuing in regular contact and exchange even after the “success” of 1997.

These cases also show the importance of national environmental institutions which work with and support national environmentalists. By supporting environmentalists’ position in the key court cases, Brazil’s Ministry of the Environment eventually became an important ally for them. The absence of support from Argentina’s Environmental Secretariat for a fuller study of environmental impact undercut Argentine environmentalists, in contrast. Beyond this political role, the agencies’ capacity to execute and/or oversee a reliable study of environmental impacts and to monitor eventual project execution are also key skills to build. The Pantanal Project illustrates how international actors can help in a proactive way to build national knowledge bases and monitoring capacity—and help turn the “economic liability” of preservation into an economic plus. One possible new twist for transnational coalitions using the boomerang strategy would be to reorient their pressures on Northern governments and funding agencies to promote positive spending projects like the Pantanal Project rather than focusing on blocking spending for undesired programs.

In summary, international pressures for adopting environmental norms play a mutually reinforcing role—both positive and negative—with domestic legal and institutional developments. While some of Brazil’s domestic environmental developments preceded the pro-environment pressures exerted on it by international actors, Brazil’s increasing willingness to accept international environmental commitments has strengthened those domestic institutional developments. Similarly, Argentina’s comparatively weak domestic development of environmentalism coincides with its international stance, which has advocated a few well-publicized environmental commitments while remaining resistant to others. The five-phase spiral model helps to describe the potential succession of state responses to a boomerang strategy. However, the model’s focus on international norm socialization as the source of movement between the phases fails to adequately capture the role of domestic political developments in shaping the interaction between states and NGOs in environmental politics after a boomerang throw.
References


