

Contradictions of Green Development: Human Rights and Environmental Norms in Light of Belo Monte Dam Activism

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Abstract. This paper offers a historical examination of the ways in which advocacy strategies and tactics have shifted in relation to political opportunities, using a case study of a hydroelectric dam project in the Brazilian Amazon, known as the Belo Monte Dam. Drawing on over three decades of resistance by transnational activist coalitions, the paper looks at how new tactics and political alignments have altered the dynamics of activism and norm diffusion in Brazilian domestic environmental, human rights and development policies. The paper argues that current theories of norm diffusion inadequately explain backslides and tend to underestimate the complexity of domestic political alignments. The case adds political insight to our understanding of the relationship of transnational advocacy strategy to environmental and human rights political realities in Brazil.

Keywords: Belo Monte, dams, activism, norm diffusion, environment, human rights

Introduction

Successful activist campaigns are often understood in terms of their ability to mobilise a transnational activist community in response to what are often sub-national environmental concerns, and to then effectively engage domestic governmental and non-governmental actors in support of adopting a particular norm.¹ In this paper, I inquire into the nature of a three-decades-old transnational struggle to stop the construction of the Belo Monte Hydroelectric Dam Complex. The project is slated to be the world's third-largest dam in terms

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¹ Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca, NY: Cornell University Press, 1998); Thomas Risse, Stephen C. Ropp and Kathryn Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999); Kathryn Hochstetler, 'After the Boomerang: Environmental Movements and Politics in the La Plata River Basin', *Global Environmental Politics*, 2: 4 (2002), pp. 35–57.

of its energy production, generating around 11,000 megawatts (MW) when operating at full capacity. The Belo Monte Dam is located on the Xingu River, which is a major tributary to the Amazon and has been a source of political contestation by environmental groups since the late 1970s. How has activism over the dam shifted in the past 30 years? What do the efforts of activists tell us more broadly about the current dynamics of transnational advocacy networks (TANs) and environmental norms in Brazil and across the globe?

This paper will examine the ways in which TANs intersect with domestic politics, and will suggest that the predominant explanatory models of norm spirals and cascades have largely been trumped by domestic political factors. This leads to a three-fold argument concerning environmental activism and norm diffusion in the Brazilian context. First, the study of activism over the construction of the dam presented here notes that changing domestic political contexts significantly altered the course of activist alliances, substantially influencing their mobilisation strategies. Following from this insight, I contend that the conditions under which norms diffuse are more determined by domestic political contexts than the theories of such processes have previously acknowledged, and that the models of norm spirals and cascades inadequately account for backtracking and reversals over time. Following from both these points, I offer an alternative argument, contending that outcomes of TAN activism are better explained by countervailing domestic development pressures than the literature on environmental and human rights norms has acknowledged. Underpinning the 'development trump card', domestic factors include shifted allegiances within the environmental movement, many of which were catalysed by the effective leveraging of 'wedge issues'. They also include the strength of domestic development bank financing, a relatively open and stable political system, technocratic decision-making and successful deployment of nationalist frames. In combination, these factors constitute altogether different dynamics in the Belo Monte case today than the historical context of activism over the same case would suggest.

In support of these arguments, this paper identifies some key ways in which activism has shifted in the current-day struggle against the Belo Monte Dam, contrasting approximately 30 years of historical activism with present modalities of activism involving the same case. On the surface, the anti-Belo Monte activism in the present day appears to be a failure compared with the activist efforts of the 1980s. But the failure is not simply a result of activists' shortcomings; rather, it is largely due to a series of changed opportunity structures and domestic political realities that have altered the landscape of activism. The radically different reality of the present-day political context not only raises important considerations for our understanding of current Brazilian environmental politics, but also leads to new observations about

the ways in which transnational environmental activism's new tactics and challenges influence norm diffusion processes.

I proceed by analysing some of the core elements of scholarship on TANs and discussing how activists leverage influence through discussing the boomerang, spiral and norm cascade models. I then focus on a case study of the Belo Monte Dam project, illustrating the ways in which activist strategies over the hydroelectric complex have historically been consistent with several models for activism, and highlighting how today's activism is of a different tenor and involves different tactics and underlying domestic factors than the models suggest.

*Transnational Advocacy Networks and Norm Diffusion in
Environmental Politics*

Transnational advocacy networks are 'voluntary, reciprocal, and horizontal patterns of communication and exchange', but are distinguished from global civil society by possessing shared issue areas and webs of personal relations between actors.² These networks are based on commonalities in the issues and values which span across states.³ TANs reveal three scenarios that make cooperation likely: (1) where channels of communication between civil society and its government have been blocked; (2) where activists or political entrepreneurs believe that networking will strengthen their campaign; and (3) where conferences and other forms of transnational contact encourage or create cooperation.⁴ By putting difficult issues on state and national agendas, TANs can re-frame and re-prioritise issues at the national level, and provide a critical shock that 'bring[s] domestic NGOs' issues to the forefront of politics'.⁵

The literature on social movements has looked towards the possibilities for the success of a 'boomerang' model in activism to explain how TANs may be mobilised to successfully support struggles at a national level.⁶ The boomerang form of transnational activism involves domestic activists directing their energies towards the transnational level, in the hope that transnational parties (other states or international organisations) will exert pressure back on otherwise 'closed' target governments. According to this model, domestic

² Keck and Sikkink, *Activists Beyond Borders*, p. 9.

³ *Ibid.*

⁴ Paul Wapner, *Environmental Activism and World Civic Politics* (New York: SUNY, 1996); Michele M. Betsill and Harriet Bulkeley, 'Transnational Networks and Global Environmental Governance: The Cities for Climate Protection Program', *International Studies Quarterly*, 48: 2 (2004), pp. 471–93.

⁵ Scott Bailey, 'Information and Transnational Activism: A Cascade Model', paper presented at Annual Meeting of the International Studies Association, Montreal, 2004, p. 18.

⁶ Keck and Sikkink, *Activists Beyond Borders*.

NGOs bypass the state when they meet resistance at the domestic level. Certain causal chains do need to be in place for a boomerang activist network to function, and activists may form broad bases of coalitions so as to block or enable policy decisions.⁷ The focus centres on transnational civil society, with the explicit intention of seeing activists' message effectively deployed, in boomerang fashion, against the state. During this process, domestic pressure upon the state never ceases, but a new front of pressure from other states and transnational civil society is mobilised. Researchers have found that domestic compliance constituencies create boomerang patterns of influence by pressuring non-responsive government officials 'from above', through the work of transnational activists, and 'from below', through the efforts of domestic social movements.⁸ This strategy is particularly effective when domestic channels are non-responsive or blocked while international activism remains strong.⁹

Changes in Brazilian and international environmental policy regarding development projects in the Amazon illustrate the effectiveness of the boomerang model. Most notably, the assassination of Chico Mendes in 1988 was the 'shot heard around the world', awakening international awareness of the social and environmental struggles in the Amazon. The targets of the boomerang matter: the World Bank effectively pulled out of funding the Amazonian highways that Chico Mendes was concerned about, but in spite of very similar tactical approaches used by activists and the World Commission on Dams to pressure governments not to build mega-dams, India proceeded to build the Narmada Dam and China ignored opponents of the Three Gorges Dam.¹⁰

Although states may respond to such international pressures for a time, their responses are rarely final. A five-stage 'spiral' model has been discussed by scholars as a means of explaining the stages of international norm adoption. In this model, after the 'boomerang' of activism, stages of norm adoption largely depend on the state's political processes, which may entail changing tactics, adaptation and strategic bargaining. Eventually, norms become socialised into institutionalisation and policy changes, and are only then accepted and implemented in terms of habits, identities, interests and behaviour.¹¹

⁷ *Ibid.*; Kathryn Hochstetler and Margaret Keck, *Greening Brazil: Environmental Activism in State and Society* (Durham, NC, and London: Duke University Press, 2007).

⁸ Jeffrey Checkel, 'International Norms and Domestic Politics: Bridging the Rationalist-Constructivist Divide', *European Journal of International Relations*, 3: 4 (1997), pp. 473-95.

⁹ Keck and Sikkink, *Activists Beyond Borders*, pp. 12-13.

¹⁰ Ken Conca, *Governing Water: Contentious Transnational Politics and Global Institution Building* (Boston, MA: MIT Press, 2005).

¹¹ Risse, Ropp and Sikkink (eds.), *The Power of Human Rights*.

The notion of ‘norm cascades’ also offers an important explanatory tool for understanding how activists may respond to a pressing political issue. According to this model, international or high-level pressure can shift public perception through catalysing individual responses, such that perceptions become more visible within the public discourse even though nothing has happened to change an anticipated event’s probabilities.¹² The result of this behaviour in aggregate is often negative, as groups of actors may ultimately have a trajectory of stagnation in terms of adopting normative behaviours, or ‘severe lapses in judgement’, rather than necessarily reaching desirable policy outcomes.¹³ The norm-cascade framework adopts a decidedly top-down perspective on norm diffusion: ‘[The] understanding is that, while it is hard to get a global agreement, once it is there, it should “trickle down” to the domestic level.’¹⁴ Adherents to this view *expect* states to resist the inculcation of international norms at a domestic level. At the same time, they presuppose NGO concurrence with international norms. Rarely do theorists or practitioners recognise that domestic NGOs may not align around the same norms, or may have differing interpretations of the content of such norms. Rather, this widely accepted model assumes that values deemed good at the international level will be accepted at the domestic level, and that international programmes promoting these objectives will also be embraced at the domestic level.¹⁵

Brazil has remained a regular subject of such pressures from environmentalists since the 1970s, and international environmental norms are increasingly embedded within the Brazilian context.¹⁶ However, even as these norms have been embedded, the process of environmental licensing in Brazil has generally yielded conflictive politics, which are particularly influenced by public participation processes, financial interests and the role of the Ministério Público (MP).¹⁷ It is also important to note that new relationships between

¹² Timar Kuran and Cass R. Sunstein, ‘Availability Cascades and Risk Regulation’, *Stanford Law Review*, 51 (1999), pp. 683–768, esp. 685.

¹³ Elizabeth Garrett, ‘Voting with Cues’, *University of Richmond Law Review*, 37 (2003), pp. 1011–48, esp. 1046.

¹⁴ Suzanne Zwingel, ‘From International Regime to Transnational Implementation Network: Ways of Impact of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) on Women’s Lives’, paper presented at the 45th Annual Convention of the International Studies Association, Montreal, 17–20 March 2004, p. 8.

¹⁵ Martha Finnemore and Kathryn Sikkink, ‘International Norm Dynamics and Political Change’, *International Organization*, 52: 4 (1998), pp. 887–917; Kathryn Sikkink and Ellen Lutz, ‘International Human Rights Law and Practice in Latin America’, *International Organization*, 54: 3 (2000), pp. 633–60. ¹⁶ Hochstetler, ‘After the Boomerang’.

¹⁷ Kathryn Hochstetler, ‘The Politics of Environmental Licensing: Energy Projects of the Past and Future in Brazil’, *Studies in Comparative International Development*, 46: 4 (2011), pp. 349–71. The Ministério Público is the public prosecutor’s office, which serves to defend the ‘collective interest’ by taking any public or private entity into legal disputes in Brazil.

scientific researchers and civil society groups have influenced Brazilian energy planning. Those knowledge-building and coalition-based relationships have served in transformative roles for many conflicts between the state and civil society over hydroelectric dam construction in Brazil, although dams remain a particularly contentious issue.¹⁸

The discussion presented here emphasises the recent history of the Belo Monte Dam project, and focuses on the state of current activism in relation to the project.¹⁹ In contrast to much of the scholarly work on the dam, which has largely been based on secondary data, this paper is primarily based upon ethnographic research in the area affected by the Belo Monte Dam carried out in June–August 2005, April 2006–October 2007, June–July 2010, and 2012. In order to assess the breadth and nature of social movement dynamics, a broad range of activists were purposefully selected and interviewed, including organisational leaders as well as those in more participatory capacities. Those interviewed included NGOs active at international, national, regional and local levels, as well as public officials active at national, state and local levels. Additional snowball sampling was aimed at capturing people associated with but not directly related to activist activities.²⁰ Using a participant observation approach, I became involved in the regular office life of several of the central social movement organisations, as well as participating in public actions such as public hearings and marches. This method also involved innumerable conversations with unaffiliated but affected populations, including urban residents in Altamira, indigenous peoples, *ribeirinhos* (riverine peasants) and workers involved in the Belo Monte construction project.

The Belo Monte Dam Project

The Belo Monte Dam project arose in 1975 as part of a larger development strategy articulated by the military dictatorship.²¹ The dictatorship promoted Brazilian sovereignty and was motivated by the idea that the Amazon could be made economically productive as well as secure from foreign intervention.

¹⁸ Sabrina McCormick, 'The Governance of Hydro-electric Dams in Brazil', *Journal of Latin American Studies*, 39: 2 (2007) pp. 227–61.

¹⁹ The historical trajectory of the project has been well documented by others. See Edna Ramos Castro, 'Water without Dams: Women Organizing in the Amazon Region', *Women and Environments International*, 64/65 (Fall/Winter 2004/5), pp. 9–11; Glenn Switkes and A. Oswaldo Sevá (eds.), *Tenotã-Mô: alertas sobre as consequências dos projetos hidrelétricos no rio Xingu* (São Paulo: International Rivers Network, 2005); and Georgina O. Carvalho, 'Environmental Resistance and the Politics of Energy Development in the Brazilian Amazon', *Journal of Environment and Development*, 15: 3 (2006), pp. 257.

²⁰ In all, 25 qualitative interviews were conducted with social movement actors, eight with governmental representatives and six with members of the epistemic community involved with the Belo Monte Dam project.

²¹ Castro, 'Water without Dams'.

Developing major infrastructure projects involved explicit imperatives for highway construction and colonisation efforts in the Amazon, and dams became emblematic of modernisation efforts. The Balbinas, Tucuruí and Samuel dams were central parts of the military government's development agenda for the region; they were looked to as a means of generating hydroelectric energy potential to fuel the nation's growth. Between 1974 and 2004, Brazilian hydroelectric capacity grew by more than 400 per cent.²² These projects, however, led to significant social and environmental losses, and spurred the formation of a strong anti-dam movement. Most of these projects never went through public involvement processes or environmental impact studies; they were proposed by the military and their implementation was rapid.²³ Today hydroelectric energy accounts for around 80 per cent of the nation's energy supply, but despite activist concerns, it is claimed that Brazil still faces substantial demands for energy. A study by the Ministry of Mines and Energy predicted that consumption will grow at around 5 per cent annually in the next decade, and Brazil's minister of mines and energy has taken the position that the nation needs to double its energy production by 2020.²⁴

Infrastructure projects such as the Belo Monte Dam bring to a head a long-running debate over Brazil's different approaches towards 'sustainable development'. Defenders of dam development argue that dam-building is done more effectively than in the past in both environmental and human rights terms. Maximising hydroelectric energy generation is also seen as an environmentally 'clean' means of obtaining energy with no emission of greenhouse gases.²⁵ Locally, Belo Monte's defenders contend that the project will lead to the fulfilment of long-standing promises for improvements in the region. Opposing views see large dams in the Amazon (including Belo Monte)

²² Alexandre do Nascimento Souza and Paulo R. Jacobi, 'Expansão da matriz hidrelétrica no Brasil: as hidrelétricas da Amazônia e a perspectiva de mais conflitos socioambientais', paper presented at the Annual Meeting of the Associação Nacional de Pós-Graduação e Pesquisa em Ambiente e Sociedade, 2010, available at www.anppas.org.br/encontros/cd/artigos/GT17-601-577-20100903225428.pdf.

²³ Philip M. Fearnside, 'Brazil's Environmental Policies for the Amazon: Lessons from the Last 20 years', paper presented at the conference 'Environmental Policy, Social Movements, and Science for the Brazilian Amazon', University of Chicago, 5–6 November 2009.

²⁴ Sonal Patel, 'Brazil: Latin America's Beacon', *Power*, 154: 1 (2010), p. 48; 'Don't Mention the B-Word', *The Economist*, 10 Feb. 2011.

²⁵ Hochstetler, 'The Politics of Environmental Licensing'. There are many environmental objections and energy efficiency critiques of large dams, the bulk of which concern the effects of flooding land necessary for reservoirs. Multinational financial institutions such as the World Bank also consider hydroelectric dams within their renewable energy portfolio, although the bank no longer has any financial commitments to the Belo Monte project. The official discourse from the Brazilian government is that dams are carbon-neutral; however, when accounting for other greenhouse gas emissions from the associated flooding and deforestation, it becomes clear that this is not the case.

as an inherently wrong-headed model for development and urge consideration of alternatives for improving Brazil's energy infrastructure. For many, Belo Monte is a symbol of the continuation of developmental strategies from the late 1970s involving environmental destruction and state-led planning. Energy from dam-building in the Amazon is frequently viewed as serving the needs of mining and other extractive industries. Belo Monte, then, stands in opposition to what some socio-environmental activists see as good development for the region and for the nation as a whole.

The original plans for damming the Xingu River originated in 1975. Electrobras, the state-owned electric company, sponsored the project, and funding was acquired from the World Bank.²⁶ The initial Belo Monte project was enormous. Six upstream dams were proposed, as the project sought to generate over 20,000 MW and would have flooded 18,000 km² of rainforest land. Several scaled-down versions of the Belo Monte project were reintroduced in the late 1990s; the latest iteration dates to early 2003, after President Luiz Inácio 'Lula' da Silva included it in the nation's annual plans for growth soon after his 2002 election.²⁷ The plans justified increasing the national energy grid's capacity based on the nation's relatively low per-person energy consumption and on predicted increases in energy demand.²⁸ The perceived need to raise energy production was furthered by blackouts and energy rationing in the early 2000s. In 2009, moreover, a transmission line failure from the Itaipu Dam resulted in a blackout in 18 of Brazil's 26 states, affecting the cities of São Paulo and Rio de Janeiro for several hours and enhancing the argument for national electric grid stabilisation.²⁹

The latest version of the Belo Monte project, although smaller than the original, will still be the third-largest dam in the world, in terms of energy production, after the Three Gorges Dam in China and the Itaipu Dam, which is jointly run by Brazil and Paraguay. The plans entail a design for two large man-made canals (each 500 metres wide) to take more than 80 per cent of the flow of the Xingu, leaving dry a 100-km stretch upstream known as the Volta Grande (Big Bend). The new powerhouse is planned to have 11,233 MW of installed generating capacity, but is expected to generate an average of only 4,500 MW (less than 30 per cent of its

²⁶ Carvalho, 'Environmental Resistance'.

²⁷ Marcelo Salazar, 'Apesar das promessas, os direitos são desrespeitados', in *Povos indígenas no Brasil 2006–2010* (São Paulo: Instituto Socioambiental, 2010), pp. 464–77.

²⁸ Government of Brazil, Ministry of Mines and Energy, 'Projeto de usina hidrelétrica Belo Monte: perguntas frequentes', Feb. 2011, available at www.epe.gov.br/leiloes/Documents/Leil%C3%A3o%20Belo%20Monte/Belo%20Monte%20-%20Perguntas%20Frequentes%20-%20POR.pdf. Brazil's energy consumption per person is low in comparison to other powerful economies, at currently 560 kilowatt hours (kWh) per person, compared with around 840 kWh per person in Russia and South Africa and over 4,300 per person in the United States.

²⁹ Patel, 'Brazil'.

capacity) given the fluctuation in water levels between the Brazilian wet and dry seasons.³⁰ Costs for construction of the dam are estimated at around US\$ 16 billion, and 80 per cent of the financing comes from the Banco Nacional de Desenvolvimento Econômico e Social (Brazilian National Bank for Economic and Social Development, BNDES).³¹ In the current proposal, the Xingu's course and water flow involve a total flooded area of around 503 km², which is significantly less than in earlier versions of the project. While the reservoir size is smaller, critics argue (among other concerns) that the project will be unviable without the construction of additional dams and reservoirs that are still at proposal stages.³² The Belo Monte Dam project is scheduled to be finished by January 2015, and to be operating at full capacity by 2019.³³ Construction on the dam has moved forward in spite of numerous legal cases.

The economic, social and ecological ramifications of the project are acknowledged to be significant. The government's socio-environmental impact assessment studies have amounted to thousands of pages of documentation and years of study, and many social movement-allied scientists have been involved in the process of contesting, shaping and renegotiating these studies as well as the actual form of the project. Ultimately the government's studies have passed public scrutiny, though not without the persistence of serious contention and critique by other independent scientists. A brief synopsis of the main critiques is necessary to inform the discussion on activist efforts and social movement contestation against the dam which follows later in this paper.

First, given the amendments to the Belo Monte project which reduced its overall size, there is room to be sceptical about the economic viability of the project: energy prices will be between US\$ 28 and US\$ 41 per megawatt hour (MWh), which is only slightly below the average costs of hydropower generation.³⁴ A study accounting for the ecological costs of the dam suggests

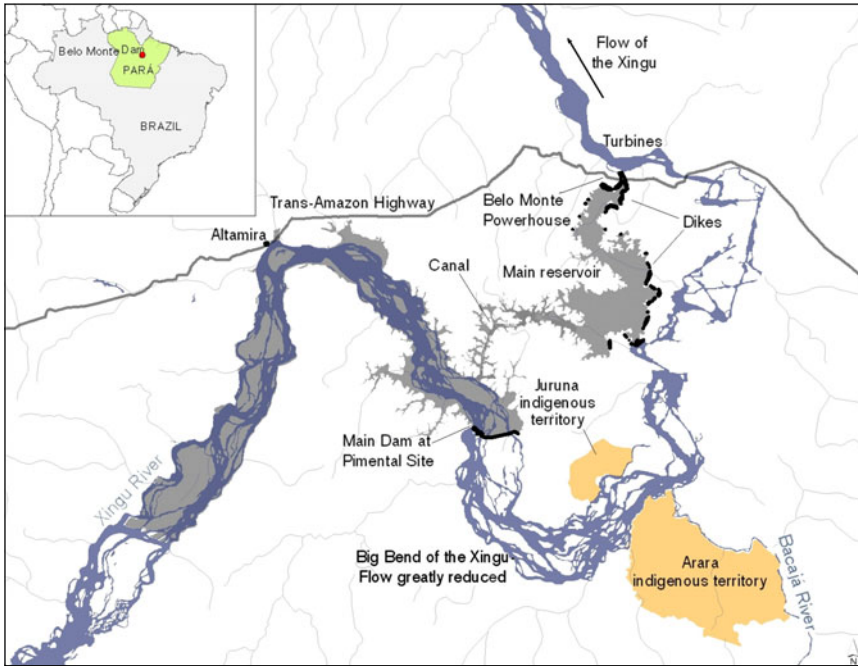
³⁰ Deforestation rates may also negatively affect the productivity of the dam, as new research has suggested. Claudia Stickler et al., 'Dependence of Hydropower Energy Generation on Forests in the Amazon Basin at Local and Regional Scales', *PNAS*, May 2013; Robin Yapp, 'Brazil Soars in Clean Energy Rankings', *RenewableEnergyWorld.com*, 28 September 2011, available at www.renewableenergyworld.com/rea/news/article/2011/09/brazil-sets-the-pace-in-clean-energy.

³¹ Government of Brazil, Ministry of Mines and Energy, 'Projeto de usina hidrelétrica Belo Monte: fatos e dados', 2011, available at www.mme.gov.br/mme/galerias/arquivos/belomonte/BELO_MONTE_-_Fatos_e_Dados.pdf.

³² Carvalho, 'Environmental Resistance'.

³³ Government of Brazil, Ministry of Mines and Energy, 'Projeto de usina hidrelétrica Belo Monte: perguntas frequentes'.

³⁴ Sara Diamond and Christian Poirier, 'Brazil's Native Peoples and the Belo Monte Dam: A Case Study', *NACLA Report on the Americas: After Recognition*, Sep.–Oct. 2010, p. 24; see also 'Preço da energia de novas usinas está abaixo de hidrelétricas em operação',

Figure 1. *The Belo Monte Hydroelectric Project on Brazil's Xingu River*

Source: International Rivers Network.

that the project is not economically viable.³⁵ Another suggests that the dam will only be viable if other dams are built upstream, leading to greater environmental impacts in the river basin.³⁶ The effects of the dam on local residents are also formidable: official estimates are that 19,242 people will be displaced by the dam, although independent scientists maintain that the number is significantly greater. They note that well over 100,000 people live in the area that is directly impacted by the dam, including urban residents of Altamira, fishing families and indigenous peoples.³⁷ The negative effects

Blog da Usina Hidrelétrica Belo Monte, 7 Aug. 2011, available at <http://blogbelomonte.com.br/2011/07/08/preco-da-energia-de-novas-usinas-esta-abaxo-de-hidreletricas-em-operacao/>.

³⁵ Wilson Cabral de Sousa Junior, John Reid and Neidja Cristine Silvestre Leitão, 'Custos e benefícios do complexo hidrelétrico Belo Monte: uma abordagem econômico-ambiental', Conservation Strategy Fund Technical Series 4 (Arcata, CA: Conservation Strategy Fund, 2006).

³⁶ Philip M. Fearnside, 'Dams in the Amazon: Belo Monte and Brazil's Hydroelectric Development of the Xingu River Basin', *Environmental Management*, 38: 1 (2006), pp. 16–27.

³⁷ Experts Panel, 'Experts Panel: A Critical Analysis of the Environmental Impact Studies for the Belo Monte Hydroelectric Dam', Oct. 2009, available at www.socioambiental.org/banco_imagens/pdfs/Belo_Monte_Painel_especialistas_EIA.pdf; Bibiana Graeff, 'Should We Adopt a Specific Regulation to Protect People that are Displaced by Hydroelectric

on these populations, most prominently on the indigenous groups, are the source of significant social discontent and legal disputes. Some scientists argue that the methane gases emitted as the forests under the flooded areas decay will contribute to climate change. Additionally, the area includes archaeological sites, areas where there are endemic species of fish and other aquatic life, and the possibility of species extinctions.³⁸ The scale of the project in terms of sheer land moved and excavated is nearly equivalent to building the Panama Canal.³⁹

As mentioned earlier, legal battles have meant that the project has moved forward in fits and starts. The federal Congress has passed measures allowing the dam to proceed, but these have been met with court injunctions and procedural delays in licensing. The auction for the construction of the dam proceeded on 20 April 2010, won by Norte Energia S. A. Consortium (NESA). In spite of an eleventh-hour legal injunction which questioned the validity of issued licenses, the auction proceeded, based on a judicial overruling that privileged concerns for public order and finances over environmental concerns.⁴⁰ While some court injunction procedures are still in progress and may slow or even halt the construction of the dam, at this point most are moot gestures. The requests for injunctions stem primarily from the office of the Ministério Público Federal (MPF) in the state of Pará. The MPF is the independent authority which is tasked with ensuring compliance with Brazilian and international laws on behalf of the public interest. Felício Pontes, the MPF official who filed requests for legal injunctions against the dam's licensing and construction, has expressed a sense of being persecuted from within the Conselho Nacional do Ministério Público (National Council of the Ministério Público, CNMP) due to his consistent legal efforts against the dam.⁴¹

In spite of the legal contention, protests and other activist efforts, construction at the dam site continues, making the project appear to be increasingly inevitable. As construction moves ahead, the human rights and environmental protection norms brought out by the legal cases fall further to the margins of discussion. Legal expert Bibiana Graeff describes the Belo Monte case as one in which ecological dimensions have frequently been trumped by economic rationales in legal decisions. Graeff's analysis notes

Projects? Reflections Based on Brazilian Law and the "Belo Monte" Case', *Florida A&M University Law Review*, 7: 2 (2012), pp. 261–85.

³⁸ Philip M. Fearnside, 'Will the Belo Monte Dam's Benefits Outweigh the Costs?', *Latin America Energy Advisor*, 21–5 (Feb. 2011), p. 6.

³⁹ Experts Panel, 'Experts Panel'. ⁴⁰ Graeff, 'Should We Adopt a Specific Regulation'.

⁴¹ Interview with Felício Pontes Jr., 29 June 2012; Comitê Xingu Vivo, 'Letter to the Inspector General of the National Council of the Ministério Público Federal', 7 Jan. 2012.

the importance of environmental studies in the judicial decisions, particularly the reliance on the precautionary principle as the basis for upholding injunctions, but emphasises that such decisions have a pattern of being overturned based on arguments that injunctions would cause 'severe damage to the public order and economy'.⁴²

Transnational Activism, Then and Now

Concurrent to Brazil's democratic opening in the mid-1980s, activists around the world took interest in the possibilities for conservation work in the Amazon. Brazilian environmental NGOs grew substantially in number during this time, and the handful of organisations that had been present in the 1970s gained the support of powerful international allies.⁴³ As the Belo Monte Dam has been contested for over 30 years, it has come to be seen by energy planners and anti-dam activists alike as a project involving a symbolic struggle as much as a practical one. In 1989, the *I Encontro das Nações Indígenas do Xingu* (First Encounter of the Indigenous Nations of the Xingu) effectively put a stop to the Belo Monte plan at that time, both because of its strong indigenous representation and because of the added pressure of international celebrity involvement. At the event, a Kayapó woman named Tuíra threatened an Eletrobras official with her machete. The symbolic gesture garnered attention, effectively revealing a case of successful 'boomerang' TAN activism. While the 1989 opposition to the dam was led by indigenous groups and had the support of local and international activists, indigenous activism over the renewed project of the 2000s is contradictory, fragmented and largely distinct from broader activist struggles. Such comparisons force us to examine why historically successful activist tactics are less effective in the present context.

Some of the same activist strategies against the dam that were used in 1989 have been employed again in recent years, but they have not met with the same success. Instead, opposition efforts have been thwarted by state resistance and the adoption of incremental modifications that have allowed the project to proceed. In 2008, the *Segundo Encontro dos Povos do Xingu* (Second Encounter of the Peoples of the Xingu) took place. Organised by local activists and indigenous tribes from the states of Pará and Mato Grosso, the event had strong participation by international NGOs, global media and international researchers. Again, Kayapó warriors were impassioned, and with their machetes, lightly wounded an electric company official. This time, however,

⁴² Graeff, 'Should We Adopt a Specific Regulation', p. 272.

⁴³ Russell A. Mittermeier, Gustavo A. B. da Fonseca, Anthony B. Rylands and Katrina Brandon, 'A Brief History of Biodiversity Conservation in Brazil', *Conservation Biology*, 19: 3 (2005), pp. 601–7; Hochstetler and Keck, *Greening Brazil*.

the project was not shelved. Plans continued apace and the federal government stepped up its response in defence of the dam.

Celebrity activism remains a common theme: Hollywood director James Cameron and actress Sigourney Weaver have become anti-dam activists, and California governor Arnold Schwarzenegger has also visited the site. Given the possibilities for more powerful outside groups and vocal celebrities to impose their agendas on local groups or to create factions through their involvement, outsider involvement in local struggles is not without its downsides.⁴⁴ A long-standing argument, which is especially popular in the context of the Brazilian Amazon, is that foreign environmental interests ought to stay out of Brazil's sovereign business.⁴⁵ Whether such nationalist sentiments are blatantly hypocritical, or even false, is a moot point; the nationalist critiques play a role in influencing the public discourse against all NGOs and foment a certain amount of political influence.⁴⁶ Energy Minister Edison Lobão described critics of the Belo Monte project as 'the demonic forces that are pulling Brazil down'.⁴⁷

Domestic activism is particularly hindered from gaining resonance when coupled with the allegation that home-grown efforts are underwritten by the United States and foreign environmentalists. For example, a short video produced by the Movimento Gota D'Água (Drop of Water Movement) and posted on YouTube.com featured 16 Brazilian actors and actresses speaking out against the Belo Monte project and urging people to sign a petition against its construction. The video quickly received over three million views, and the petition set a Brazilian record of over one million signatures within a week.⁴⁸ The film was directed and produced by two Brazilians, Marcos Prado and Sérgio Marone. However, since the film copies the style of a US campaign video ('Five Friends: Vote') produced by Leonardo DiCaprio and directed by Stephen Spielberg, the effort was accused in some mainstream Brazilian media outlets as being affiliated with the United States.⁴⁹ These allegations are important to our understanding of transnational activist tactics

⁴⁴ Janet Chernela, 'The Politics of Mediation: Local-Global Interactions in the Central Amazon of Brazil', *American Anthropologist*, 107: 4 (2005), pp. 620-31; Mac Chapin, 'A Challenge to Conservationists', *World Watch*, 17: 6 (2004), pp. 17-31.

⁴⁵ Alison Brysk, 'Turning Weakness into Strength: The Internationalization of Indian Rights', *Latin American Perspectives*, 23: 2 (1996), p. 42; Stephen Schwartzman and Barbara Zimmerman, 'Conservation Alliances with Indigenous Peoples of the Amazon', *Conservation Biology*, 19: 3 (2005), pp. 721-7. ⁴⁶ Brysk, 'Turning Weakness into Strength', p. 42.

⁴⁷ Marcelo Soares, 'Brazil Seeks to Wipe "Blackout" from Lexicon', *National Geographic*, 21 Dec. 2011, available at <http://news.nationalgeographic.com/news/energy/2011/12/111213-brazil-power-grid-preventing-blackouts/>.

⁴⁸ Karina Miotto, 'Movimento Gota D'Água ultrapasse 1 milhão de assinaturas', 21 Nov. 2011, available at <http://pib.socioambiental.org/es/noticias?id=108527>.

⁴⁹ Geraldo Azevedo, 'Belo Monte e os Magdos e Magdas da TV Globo. É o maior Festival de Besteiras jamais ditas num video', *Veja*, 24 Nov. 2011, available at <http://veja.abril.com.br/>

and impacts. The claim of outsider influence tends to undermine the legitimacy of the environmental and human rights norms behind the activists' claims, conversely strengthening nationalist arguments.

The indignation and derision voiced by government officials in response to activist pressures is severe, but does at least indicate that the activist critiques are taken seriously enough to merit strategically crafted responses aimed at undermining their legitimacy. Former president Lula's speech in Altamira during his visit on 22 June 2010 is illustrative:

I think it's important that the press register this democratic act that we're doing here. Certainly, a half-dozen well-intentioned young people ... If they had the patience to listen, they would learn what I've already learned [over] all this time.

When I was their age, they [the opposition] used to say ... that Itaipu would change the whole climate of the region. And they used to say even more: that the water would leak out beneath the Earth and it would change the Earth's axis, the Earth wouldn't be the same anymore ... And they [made] other arguments: the weight... isn't that true? The weight of the water would change the Earth's axis.

It's because of these constructed fantasies that we should not be afraid of debate. It's because of these constructed fantasies that we need to say: the state of Pará and the Xingu region cannot give up Belo Monte ...⁵⁰

The speech suggests clear recognition of the activists and their concerns, but an obvious tone of paternalism underpins Lula's response, framing the activist efforts as inconsequentially small and naive and positioning their concerns as invalid.

Countering the impression that the dam is inevitable is probably the single most important factor governing anti-dam activists' strategies, while keeping the project to its timetable is the primary objective of its defenders. Since 2003, the government has increasingly allowed the use of 'conditions' within the preliminary environmental licensing process, thereby allowing hydroelectric projects to move forward at a faster pace. Forty environmental conditions were attached to the preliminary license for the Belo Monte project, in addition to 38 conditions pertaining to indigenous peoples. In spite of the preconditions not being met, exceptions have been granted to NESAs (along with fines for non-compliance), thus allowing construction work to proceed. Substantial legal manoeuvring has been necessary to gain these exceptions and to allow expansive lists of conditions to be added to the licensing process. In response, indigenous groups have increasingly banded together to take collective action.

blog/reinaldo/geral/belo-monte-e-as-magdas-e-os-magdos-da-tv-globo-e-o-maior-festival-de-besteiras-jamais-ditas-num-video-e-olhem-que-a-concorrencia-e-grande/.

⁵⁰ Speech by President Luiz Inácio 'Lula' da Silva at a rally for the Belo Monte Dam and the 'development' of the Xingu region, International Rivers Network, 22 June 2010, available at www.internationalrivers.org/resources/speech-by-pres-lula-at-a-rally-for-the-belo-monte-dam-4293.

Current protests at the dam site take the form of sporadic ‘occupations’ by indigenous groups, involving work stoppages and blocked access roads. Company officials have also on occasion been kidnapped by indigenous groups as part of the latter’s attempts to have their demands met. Nevertheless, the groups are frequently divided in both their demands and negotiation strategies; while some insist upon a total halt to construction, others make specific lists which often include such ‘goodies’ as motorcycles, cellular phone access and better boats.⁵¹ When negotiations have occurred, the indigenous groups have generally acquiesced, allowing the construction to continue.

Occupation is an important tactic. The Belo Monte site had been occupied in the 1980s, and the Movimento dos Atingidos por Barragens (Movement of People Affected by Dams, MAB) and other groups have often used occupations within their mobilisation strategies.⁵² An occupation on 27 October 2011, just as Occupy Movement protests spread around the world, was disbanded later that same day,⁵³ but the relationship of this tactic to international activist efforts, and indeed to a global movement, should not be discounted. The tactic was repeated during the Rio + 20 Earth Summit in June 2012, when a three-day occupation and symbolic protest occurred at the dam site, primarily organised by the Movimento Xingu Vivo Para Sempre (Xingu Forever Alive Movement) and Amazon Watch, an international indigenous rights solidarity organisation. The protest involved a few indigenous leaders from the Xingu, but the main tribal participation was by the Mundurucu tribe from the (neighbouring) Tapajós River, which is also slated for hydroelectric dams. Different multi-tribal occupations at the dam site also occurred in July 2012 and May 2013. These actions have slowed the construction timetable and prompted the contractors to seek renegotiation of contracts but ultimately have not altered the nature of the project.⁵⁴

This discussion suggests that while many activist tactics have remained the same during the history of the Belo Monte project, in the present, international and transnational activist efforts are failing to meet with positive responses from the Brazilian government. Today, the Belo Monte project has steadfast political and financial backing and considerable judicial support, leaving activists facing what looks like a politically inevitable lost cause.

⁵¹ One list, ‘Direitos e compromissos não cumpridos’, was published on 25 June 2012, available at <http://xingubacajairiri.blogspot.com.br/>

⁵² Sabrina McCormick, *Mobilizing Science: Movements, Participation, and the Remaking of Knowledge* (Philadelphia, PA: Temple University Press, 2009).

⁵³ Alexei Barrionuevo, ‘Indigenous Activists Invade Dam Site’, *New York Times*, 27 Oct. 2011.

⁵⁴ André Borges, ‘Belo Monte Contractors Raise Price Tag of Controversial Amazon Dam’, *Valor*, 14 May 2013, available at <http://amazonwatch.org/news/2013/0514-belo-monte-contractors-raise-price-tag-of-controversial-amazon-dam>.

Shifting Alliances: Co-optation and Issue Shift

Delving into local micro-politics is necessary in order to understand the changed relationships of TAN activism and influence over the Belo Monte project. Party politics are largely responsible for major organisational rifts between social movement actors. The Partido dos Trabalhadores (Worker's Party, PT) has much to do with the trajectory of the Belo Monte project and socio-environmental activism more broadly. PT leaders at the highest ranks have committed to building the dam, and there exists a near-lockstep commitment within the party that the project should move forward. Notably, the social movement group leadership in the Trans-Amazon Highway and Xingu River basin region is predominantly steered by individuals with strong PT loyalties, who occasionally even hold governmental positions. These alliances play a strong role in influencing the constellations of activism that have taken place within the domestic civil society groups active in the Belo Monte case.

The leading social movement organisation in the Trans-Amazon Highway and Xingu River basin area, which represents over 100 grassroots community groups and is regarded as the 'umbrella' organisation for activists, is the Movimento pelo Desenvolvimento da Transamazônica e Xingu (Movement for the Development of the Trans-Amazon and Xingu, MDTX). In the late 1980s and early 1990s, the group took a position against the dam. It had worked to organise and advocate for the riverine peasants of the region since the early 1990s, and it also shared offices and affiliations with the anti-dam activist group Xingu Vivo Para Sempre (hereafter Xingu Vivo). Moreover, the MDTX played an instrumental role in creating environmental conservation areas in the Xingu River basin, working closely with the Comissão Pastoral da Terra (Pastoral Land Commission, CPT), the national group Instituto Socioambiental (ISA) and the Environmental Defense Fund, among other allies.⁵⁵ A top MDTX leader, Ademir 'Dema' Alfeu Federicci, was killed in 2001 in what was thought to be an assassination related to his stance against Belo Monte and the illegal loggers in the region.⁵⁶

As the PT maintained control at the state and federal levels after 2008, the groups that had once been far more cohesive in the region began to split. The MDTX decided to support the dam, ostensibly on the grounds that this would yield the realisation of the group's earliest and most central political demand: the paving of the Trans-Amazon Highway. Doing so also offered a means for the organisation to develop projects and politically engage

⁵⁵ Marina T. Campos and Daniel Nepstad, 'Smallholders, the Amazon's New Conservationists', *Conservation Biology*, 20: 5 (2006), pp. 1556–63.

⁵⁶ Ricardo Barreto, 'Defensor do desenvolvimento sustentável é assassinado no Pará', *Socioambiental*, 28 Aug. 2001, available at www.socioambiental.org/nsa/detalhe?id=33.

on friendly terms with the state and national government.⁵⁷ Meanwhile, Xingu Vivo maintained its staunch opposition to the dam and moved into offices shared by the CPT and the Conselho Indigenista Missionário (Indigenous Missionary Council, CIMI). Local activist coalitions fractured, pulled apart by a perceived set of trade-offs between the dam and road paving, and allegiances to specific causes in conflict with their long-time support of the PT. ISA and the Environmental Defense Fund remained on the sidelines and were generally focused on implementing the conservation areas and supporting the farmers and fishermen in the Xingu River basin.

A key moment in this divergence occurred in June 2010, when President Lula visited Altamira (the city nearest to the dam) and spoke in favour of the project.⁵⁸ Long-time allies found themselves at odds with each other during the event, with protestors organised by Xingu Vivo on one side of a police barricade and their former colleagues and friends from the MDTX face-to-face with them on the other.⁵⁹ Local leaders also became sceptical of the project: the Altamira mayor, who once supported the project enthusiastically, critiqued the president soon after his visit, saying: '[He promised] that the project would bring great benefits for Altamira and the other ten cities around the megaproject, and filled the population with enthusiasm, but what we see in practice up until now are painful frustrations, like more poverty, insecurity, and social chaos.'⁶⁰

These shifts between the groups suggest that the Brazilian government successfully deployed the paving of the Trans-Amazon Highway as a wedge; moreover, PT party loyalty itself became divisive.

A similar split of political allegiances occurred within MAB. At the national level, MAB supported candidate Dilma Rouseff in her presidential bid and has long-standing PT ties. Although the organisation is in principle against the construction of new dams and against the energy model that they represent, its political allegiances were a critical factor in undermining the group locally. Dom Erwin Krautler, bishop of the Xingu prelacy, publicly took issue with MAB's political position at a 2009 meeting, claiming it was contradictory and drawing a hard line against the work of the group. A long-standing critic

⁵⁷ Eve Z. Bratman, 'Constructing Conservationists: Identity Politics and Processes in Amazonian Sustainable Development Plans', unpubl. PhD diss., American University, Washington, DC, 2009.

⁵⁸ Eugênia Lopes, 'Lula vai a Altamira sob protestos contra Belo Monte', *O Estado de São Paulo*, 21 June 2010, available at <http://economia.estadao.com.br/noticias/economia+geral,lula-vai-a-altamira-sob-protestos-contra-belo-monte,24094,0.htm>.

⁵⁹ Anonymous interviews, August 2010 and June 2012.

⁶⁰ Odileida Maria Sampaio, quoted in Leonardo Sakamoto, 'Prefeitura de Altamira pede suspensão de Belo Monte', *Blog do Sakamoto*, 28 Sep. 2011, available at <http://blogdosakamoto.blogosfera.uol.com.br/2011/09/28/prefeitura-de-altamira-pede-suspensao-de-belo-monte/>. Author's translation.

of the Belo Monte project, the bishop questioned MAB's organisational values as its advocacy on behalf of those affected by the dam was dependent on the project moving ahead.⁶¹

Local MAB activists, who have been engaging with the Belo Monte case since 2008, are focused on organising the urban population in Altamira that will be displaced by the dam to demand that their rights be respected.⁶² As a relative newcomer to local-level organising against the Belo Monte case, MAB has also been particularly antipathetic in its relationships with other local groups because of its more confrontational approach to activism. At protests, gestures such as leaving garbage at the steps of the NESA offices have antagonised the sensibilities of other local anti-dam activists. Collaborations between MAB and local groups such as Xingu Vivo do exist, but only on a limited and highly instrumental basis for both MAB and the local groups concerned.

The constellations of regional, national and international activists involved with the Belo Monte case have expanded since 2008 to include organisations such as a Belém-based wing of Xingu Vivo, known as the Comitê Metropolitano Xingu Vivo Para Sempre, and international organisations with Brazil-based offices such as International Rivers and Greenpeace. National and international celebrity activism has mounted, while at local levels, alliances between groups have splintered.

Many of the groups that continue to oppose the project have decided to participate in the process of negotiating on the nature and terms of the social and environmental projects that will be given to the region as part of a Reais\$ 1.5 billion (US\$ 500 million) compensation package. The Xingu Vivo activists have maintained their opposition to participating in the local socio-environmental benefits committees, although many of their remaining allies, such as ISA, do participate. Fractures amongst local social movement groups have mostly run along lines of active support or affiliation with the PT and do not negate collaboration with the Belo Monte project's construction.⁶³

Today, the more than 20 indigenous villages that will be affected by the dam are also divided in terms of broader strategies and positions in relation to the project. While largely resistant to outside collaborations, these groups often work in conjunction with CIMI, receive support from international NGOs such as Amazon Watch, and partner with a few trusted anthropologists.

⁶¹ Anonymous interviews, 14 June and 23 June 2012.

⁶² Anonymous interview, 19 June 2012; Elaine Brum, 'Dom Erwin Kräutler: "Lula and Dilma will Go Down in History as Predators of Amazonia"' (trans. Rebel Girl), *Revista Época*, 4 June 2012, available at <http://iglesiadescalza.blogspot.com/2012/06/dom-erwin-krautler-lula-and-dilma-will.html>; 'MAB realiza marcha contra Belo Monte, em Altamira', *Brasil de Fato*, 14 March 2012, available at www.brasildefato.com.br/node/9051.

⁶³ Anonymous interview, 18 June 2012.

Many of the indigenous tribes have been open to negotiating with NESAs from 2006 onwards. Currently receiving substantial monthly payments and other benefits from NESAs, many tribes refrained from objecting to the project during its licensing stages. Still other tribes, most notably the Kayapó, consider the government's approval of the provisional license a declaration of war.⁶⁴

Insofar as the dam's construction process appears to be a *fait accompli*, the groups standing in opposition to the dam have become fewer in number and appear increasingly radical in their attempts to stop the project from moving forward. Once the political opportunities ripe for social movement leverage have passed, activist efforts are perceived as increasingly obstructionist measures undertaken by a radical minority. The TAN is not as effective in leveraging domestic pressure against the Brazilian state in the face of disparate local activist efforts. Additionally, strong affiliations with the PT allow existing political allegiances to trump concerns about the Belo Monte Dam's construction. In the face of such divisions, technocratic decisions become a safe outlet for governmental officials.

Norm Diffusion Revisited through the Lens of Belo Monte

As several scholars have suggested, domestic factors play an influential role in determining what international norms are adopted and the speed at which they come to be embraced.⁶⁵ The activism in the Belo Monte case builds upon this scholarship and adds explanation concerning the 'how' and 'why' of these norm trajectories. The two decades of policy and planning responses to the Belo Monte project reveal elements of domestic importance as crucial factors that are not otherwise explained by TAN activism or norm diffusion models. The current state of the Belo Monte project and activism suggest governmental positions where great pains are taken to maintain compliance with national laws and democratic commitments. Simultaneously, however, the government is unwilling to yield to policy changes that would be slow and costly. Additionally, the state's position has been resistant to concerted public participation, legal proceedings, impact assessments and public consultations, all of which offer possibilities for reversing the course of the project.

⁶⁴ Instituto Socioambiental, 'Índios Kayapó dizem não à Belo Monte em reunião na TI Capoto-Jarina', Socioambiental, 11 March 2009, available at www.socioambiental.org/nsa/detalhe?id=2988.

⁶⁵ Miranda A. Schreurs and Elizabeth Economy (eds.), *The Internationalization of Environmental Protection* (New York: Cambridge University Press, 1997); Edith Brown Weiss and Harold K. Jacobson (eds.), *Engaging Countries: Strengthening Compliance with International Environmental Accords* (Cambridge, MA: MIT Press, 1998); Stacy D. VanDeveer and Geoffrey D. Dabelko, 'It's Capacity, Stupid: International Assistance and National Implementation', *Global Environmental Politics*, 1: 2 (2001), pp. 18–29.

A cursory examination suggests that Brazil's environmental norms are relatively well established. The National Environmental Policy Act became enshrined in the democratic Constitution of 1988, along with a host of governmental agencies which were tasked with conducting environmental impact assessments as a legal requirement for licensing new projects. The public participation component of Brazilian environmental laws is also substantial; once the assessments are completed, the relevant environmental agencies must organise and conduct public hearings about proposed projects.

Protections for indigenous groups generally fall under the category of human rights law rather than environmental protections, although these often involve interrelated norms. If indigenous peoples are affected by a project, the law mandates consultations with those groups, along with explicit congressional authorisation for the project. The Brazilian government ratified International Labour Organisation Convention 169 in 2002, and this agreement calls for free, prior and informed consent of indigenous peoples. Only after this public involvement takes place does the law allow for preliminary licenses to be issued and public bidding processes to take place for work contracts.⁶⁶ The Belo Monte case history, however, has made these normative commitments appear disingenuous. Environmental and human rights norms are more unstable in the Brazilian context than previous theories acknowledge.

Finding policy 'wiggle room' is one way in which existing environmental norms have allowed the state to move forward with the Belo Monte project while simultaneously appearing to uphold its own rules and procedures. Before updated consultations or environmental impact assessments, the National Congress approved the construction of Belo Monte in 2004, with virtually no debate. Then, in 2009, the environmental licensing process was found to be inadequate by officials from within the national environmental agency. The head of the Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis (Brazilian Institute of the Environment and Renewable Natural Resources, IBAMA), Abelardo Bayma Azevedo, resigned in January 2011, allegedly over pressures he faced to grant a full environmental license for the construction of the dam.⁶⁷ The public hearings on Belo Monte were essentially taken as a token procedural matter. The energy ministry had

⁶⁶ Fernando Mathias Baptista and Kjersti Thorkildsen, 'The Belo Monte Dam: A Camel in the Tent?', Norwegian Latin America Research Network Analysis Paper, 21 Feb. 2011, available at www.norlarnet.uio.no/pdf/behind-the-news/englis/2011/belo_monte-engelsk.pdf.

⁶⁷ His predecessor, Roberto Messias Franco, also left the position in 2010 over differences of opinion surrounding the Belo Monte project. Jacqueline Amour Jampolsky, 'Activism Is the New Black! Demonstrating the Benefits of International Celebrity Activism through James Cameron's Campaign Against the Belo Monte Dam', *Colorado Journal of International Environmental Law and Policy*, 23: 1 (2012), pp. 227–56; Zachary Hurwitz, 'IBAMA President Resigns over Belo Monte Licensing', International Rivers Network

announced the date of the preliminary license before the hearings were held, and the 20,000-page environmental impact assessment was released to the public only two days before another hearing.⁶⁸ The timing was not illegal, but according to one close observer, it made a mockery out of the idea of public involvement.⁶⁹

Creative legal manoeuvring was also evident in the granting of construction licenses. Legal injunctions left the future of the project hanging in the balance. One week before the 20 April 2010 auction for the contracts to build the dam, an injunction was issued; it was then rejected by the court just two days later. The ruling stated that Brazil's energy demands were so urgent that if the Belo Monte project was to be delayed, other more expensive and polluting energy sources such as thermolectric energy would have to be tapped.⁷⁰ Thus, presenting the ruling as consistent in the name of 'green' logic, the NESAs (and Brazilian state) position that the dam should proceed triumphed over long-standing concerns about the lack of consultation with the affected indigenous peoples or the environmental impacts directly associated with the dam itself.⁷¹

In a final instance of legal shifts, adaptations were made to the licensing procedures for the dam. Brazilian law holds that an installation license for a project may only be granted after all of the conditions for the preliminary license have been met. As discussed earlier, the Belo Monte case involved over 40 social and environmental conditions within the preliminary license.⁷² When the conditions were not all met on schedule for the installation licensing process, IBAMA set a precedent and granted an exception in January 2011, allowing the installation license to be approved even though these preliminary conditions had not been met.⁷³ Lawsuits and appeals from the MPF requesting the suspension of this license have resulted in legal overruling by the high court in Brasilia. The basis for these rulings is that interfering with the project will harm public order and the economy.⁷⁴

Blog, 13 Jan. 2011, available at www.internationalrivers.org/blogs/258/ibama-president-resigns-over-belo-monte-licensing.

⁶⁸ Rodolfo Salm, 'Belo Monte: a farsa das audiências públicas.' *Correio da Cidadania*, 9 Oct. 2009, available at www.ecodebate.com.br/2009/10/08/belo-monte-a-farsa-das-audiencias-publicas-artigo-de-rodolfo-salm/; Gerusa Marques, 'Governo mantém data para leilão de Belo Monte', *O Estado de São Paulo*, 2 Nov. 2009.

⁶⁹ Interview with Biviany Rojas, lawyer, Instituto Socioambiental, 3 July 2012.

⁷⁰ Graeff, 'Should We Adopt a Specific Regulation'.

⁷¹ *Ibid.* ⁷² Decreto no. 7.340, 21 Oct. 2010.

⁷³ Anonymous interviews, 2012; Baptista and Thorkildsen, 'The Belo Monte Dam'.

⁷⁴ MPF, Pará, 2012; MPF, Pará, 2011; Federal Justice (1st instance), Altamira, State of Pará, *MP X ANEEL*, Process no. 411-57.2010.4.01.3903 (and others); Graeff, 'Should We Adopt a Specific Regulation'; 'Brazil's Controversial Belo Monte Back on Track after Court

Less manoeuvrability was possible in relation to human rights norms and the dam when, in April 2011, the Brazilian government was called before the Inter-American Commission on Human Rights (IACHR), part of the Organisation of American States (OAS), which demanded suspension of construction work for violation of human rights safeguards. President Dilma Rousseff rejected the decision and retaliated by recalling Brazil's ambassador to the OAS and suspending Brazil's payments to the organisation, totalling around US\$ 800,000.⁷⁵ In this instance, international human rights courts, which according to most theorists ought to function as a release valve for activists and further embed international norms, instead evoked reactive responses by the state, which closed the door on its own international commitments. A similarly provocative indicator of the state's unwillingness to bend on the Belo Monte issue came during the Rio+20 Earth Summit in June 2012, when anti-dam activists interrupted a session with high-level ministers and banking officials. Environment Minister Izabella Teixeira engaged in a 10-minute shouting match with the protestors, vehemently asserting the legitimacy of existing licensing procedures.⁷⁶

The Brazilian state's approach to the dam has largely been aimed at shifting the most problematic dimensions of the project into the realm of state technocratic expertise, a tactic which has also been the case in other projects, such as the dams on the Madeira River. Civil society groups have mobilised independent scientific researchers to offer technical analysis that counters government-commissioned science. The epistemic community can offer some countervailing pressure to the technocratic studies, but such efforts are largely reactive to the dam projects rather than proactive, and their studies pale in comparison to the amount of time and funding that governmental bodies and the corporations tasked with building the dams can devote to such efforts.⁷⁷ In spite of the notable participation by civil society in public hearings about the licensing of the dam, negotiations aiming toward compliance with licensing 'preconditions' have occurred behind the scenes in the Belo Monte case.

Decision Overruled', Mongabay.com, 29 Aug. 2012, available at <http://news.mongabay.com/2012/0828-belo-monte-resumes.html>.

⁷⁵ Katie Soltis, 'Brazil Disregards Charges from the Inter-American Commission on Human Rights', report for Council on Hemispheric Affairs, 9 June 2011, available at www.coha.org/brazil-disregards-charges-from-the-inter-american-commission-on-human-rights/; Baptista and Thorkildsen, 'The Belo Monte Dam'.

⁷⁶ Teixeira, quoted in 'Izabella bate boca com manifestantes', *O Eco*, 22 June 2012, available at www.oeco.com.br/salada-verde/26148-ministra-izabella-rebate-criticas-de-manifestantes; see also video from Miriam Leitão, 'Ministra Izabella Teixeira em um barraco ambiental', *O Globo*, 22 June 2012, available at <http://oglobo.globo.com/economia/miriam/posts/2012/06/22/ministra-izabella-teixeira-em-um-barraco-ambiental-451836.asp>.

⁷⁷ McCormick, *Mobilizing Science*.

NESA has twice been fined for non-compliance with the preconditions, yet construction continues.⁷⁸ When legal exceptions are no longer possible, as with the IACHR case, defensive arguments and resistance to environmental and human rights norms become the basis for the state's position. Because of this process, the normative framework of environmental licensing retains nominal significance, although its relevance becomes diluted.

This trend indicates that the environmental and human rights norms at stake are legally enshrined, but not necessarily held up in practice. Moreover, they indicate that the state is able to circumvent or otherwise derail the established normative frameworks through back-door measures. This wrangling over the Belo Monte project suggests a divergence from the norm cascade and norm spiral models. The critiques and shifts of environmental and human rights norms involved with the project reveal Brazilian governmental positions that do not entail a stage of deeply embedded norms, as other norm models predict. Instead, acknowledgement but subsequent dilution or undermining of norms best characterises the way in which the Brazilian government engages in its procedural and policy commitments.

Today's constellations of activism have been affected by the government's eagerness to engage in the project. Domestic political realities have led to considerable fracturing of anti-dam activist groups, based on shifting alliances between the PT and specific activist concerns. Challenges from the judiciary, meanwhile, slow but do not altogether stop the dam's construction. This indicates that environmental norms and judiciary power are, overall, relatively minor factors in relation to national political and economic imperatives. The current domestic political and economic realities are so strong, in fact, that they play central roles in explaining how and why activism against the dam has weakened and why environmental norms have not become further embedded within state practice.

How the Domestic Matters: Confident Democracy, Economic Autonomy

Many of the nationalist tropes and activist tactics that characterised the political debates of the past have had echoes in present discourse from governmental institutions and activists alike. Today's activism has involved many of the same mobilising structures, framing processes and mechanisms that were effective at stymieing earlier versions of the project. In today's Brazil, however, positions on the Belo Monte dam have shifted and have been amended through activism. The financial strength of the Brazilian government and its increased confidence as a democracy and a global political actor have

⁷⁸ André Borges, 'Ibama notifica construtoras de Belo Monte', *Valor*, 17 Feb. 2013, available at <http://www.ihu.unisinos.br/noticias/517681-ibama-notifica-construtoras-de-belo-monte>.

played a major role in shaping both the nature of activism and the nature of the project's development.

Governmental officials, and indeed many supporters of Brazil's development, contend that the dam projects in the Amazon today are different from those of the past. The government's argument is that Brazil is democratic and more participatory in its structure and hence more responsive to public interest and scientific processes than it was in the past.⁷⁹ Officials from the national environmental agency, IBAMA, described in interviews how huge numbers of local residents participated in the public hearings for the environmental licensing of the dam. Because of a new public transparency law, all of the public documents related to government projects are being digitised and made available on the internet. In response to the critiques that the dam will bring environmental damages to the region, Brazil undertook concerted efforts to defend national energy production increases as part of a 'green development' strategy that was especially prominent at the Rio+20 Earth Summit in 2012.

Several social movement activists involved in anti-Belo Monte activism (particularly those no longer allied with the PT) voice just the opposite view, drawing parallels with the dictatorship years. Some anti-dam activists stated in interviews that certain key electric company and Ministry of Mines and Energy officials are some of the same people who have been involved in promoting the dam since the late 1970s. Informants also noted how MPF injunction requests were largely ignored in the judiciary, and complained that politically motivated high-level courts would summarily overrule more carefully crafted lower-level court rulings that would slow the dam licensing process. Three days after the Rio+20 Earth Summit concluded, 11 people involved with anti-dam activism (including a priest, a nun and a documentary film-maker) were threatened with 'preventive imprisonment' for being suspected of involvement in non-violent protests against the dam. An outspoken critic of the dam, Bishop Dom Erwin Krautler has long had a 24-hour guard and wears a bulletproof vest underneath his vestments. In 2013, indigenous groups announced that the government planned to 'massacre' them in its efforts to remove them from the site.⁸⁰ In short, there remains a strong sense of suspicion against the Brazilian state and scepticism about the progress of Brazil's democracy.

There are also domestic political factors which help to explain why the state's institutions have consistently rebutted activist efforts in recent years.

⁷⁹ McCormick, 'The Governance of Hydro-electric Dams in Brazil'.

⁸⁰ 'Letter 8: The Massacre Has Been Announced and Only the Government Can Avoid this Fate', 29 May 2013, available at <http://amazonwatch.org/news/2013/0529-urgent-we-will-die-we-will-not-leave-without-being-heard>.

The Belo Monte project stands to benefit the national energy matrix as a whole. Energy from the dam will meet the load demands of the country's more industrialised south and will benefit the mining industries. It is certainly a plausible inference that the impetus for the dam involves a political calculus which aims to maximise the number of beneficiaries relative to those who will be made to suffer due to the Belo Monte project. While those living around the construction site contend with rather typical 'not in my back yard' arguments that their local resources are exploited for the good of the mining industries and that the dam does not actually bring local development, these objections appear relatively miniscule in comparison to the proportion of voting interests in the south and beneficiaries of enhanced electricity supply nationally.

A final consideration in relation to domestic political forces and the Belo Monte case concerns the relationship between the state and private corporate ownership over the project. Whereas the World Bank was set to be the primary funder of the earliest versions of the project, today's Belo Monte project is primarily funded by the BNDES, the national development bank. The blending of state-led finance for the project and private corporations, many of which have heavy investment by federal pension funds, means that the project is a hybrid of public and private in its design and ownership; this is also the case with the project's construction contracts.⁸¹ The scale of BNDES lending is not to be underestimated; in 2010, its lending volume was nearly three times greater than the loans of the World Bank, at around US\$ 69 billion.⁸² As such, an enormous campaign would be necessary to institutionalise greater sensitivity on environmental and social issues.⁸³ Infrastructure loans from the BNDES were up by 25 per cent in 2012 over the previous year, a notable indicator of the national commitment to rapid infrastructure development.⁸⁴ The BNDES loan commitments to NESA for the Belo Monte project are claimed to be R\$ 22.5 billion (US\$ 10.8 billion),

⁸¹ International Rivers, 'Belo Monte: Massive Dam Project Strikes at the Heart of Amazon', May 2012, available at www.internationalrivers.org/files/attached-files/belo_monte_fact-sheet_may2012.pdf.

⁸² BNDES, 'Performance: The Evolution of BNDES' Disbursements', 2013, available at www.bndes.gov.br/SiteBNDES/bndes/bndes_en/Institucional/The_BNDES_in_Numbers/; Sergio G. Lazzarini, Aldo Musacchio, Rodrigo Bandeira-de-Mello and Rosilene Marcon, 'What Do Development Banks Do? Evidence from Brazil, 2002–2009', Working Paper 12-047, Harvard Business School, Dec. 2011, available at www.hbs.edu/faculty/Publication%20Files/12-047.pdf.

⁸³ Alexandre Marinis, 'Bank Gone Wild in Brazil Distorts Market', Bloomberg, 18 Aug. 2010, available at www.bloomberg.com/news/2010-08-19/bank-gone-wild-in-brazil-distorts-market-alexandre-marinis.html.

⁸⁴ 'BNDES Aims for 25% Increase in Infrastructure Lending in 2012', *Wall Street Journal*, 14 Feb. 2012.

which is the largest single loan the bank has ever made.⁸⁵ State capital is subsequently diffused through public–private ownership consortia.

The partial privatisation of Brazilian energy systems in the 1990s already appeared to be a step backward for environmental and human rights standards, ‘leaving environmental impact assessment as one of the few remaining institutional levers available to affected people’.⁸⁶ With such complex private consortia at the lead, and the BNDES as a newer lending institution, activists are left scrambling for longer-term engagements and targets. Officials, meanwhile, are left without clear paths towards further embedding of human rights and environmental standards into their projects.⁸⁷ Exerting influence over projects at the stage of environmental licensing remains a crucial political moment for both coalitions of supporters and opposition actors.⁸⁸ However, current political realities make the political channels for activists more technocratic and less transparent than in the past.

Conclusion: Brazil Plays the ‘Development’ Trump Card

Belo Monte is a key element of a larger national energy strategy involving hydroelectric energy production from damming rivers in the north of the country, allowing Brazil to increase its renewable energy potential significantly by capturing the energy of Amazonian tributaries. This case study reveals several important lessons about how transnational and domestic activism over the Belo Monte dam case has changed over time, and how such contestation relates to environmental and human rights norms in the country.

The evidence presented here highlights that norm diffusion is neither as linear nor as internationally driven as standard models of norm diffusion propose. Both in terms of human rights and environmental norms, international activism has tended to obscure the positioning of the state rather than making it explicitly resistant to or accepting of those norms. The case offers evidence that should force readers to unpack assumptions of unity on the part of domestic NGOs in relation to activism, instead revealing stances that are fractured and based on competing interests, contradictory value sets, and often, self-interest. Linked to this observation on the characteristics

⁸⁵ ‘Brazil’s BNDES Approves \$10.8 bln Loan for Amazon Belo Monte Dam’, Reuters, 26 Nov. 2012, available at www.reuters.com/article/2012/11/26/bndes-belomonte-idUSL1E8MQ76I20121126.

⁸⁶ Franklin D. Rothman, ‘A Comparative Study of Dam Resistance Campaigns and Environmental Policy in Brazil’, *Journal of Environment and Development*, 10: 4 (2001), p. 323.

⁸⁷ Vince McElhinny, ‘The Sustainable Environmental Management Development Policy Loan for Brazil: The World Bank and Development Policy Lending – Lessons for Revising OP 8.60’, Bank Information Center Evaluation Report, Oct. 2011.

⁸⁸ Hochstetler, ‘The Politics of Environmental Licensing’.

of activism, the case reveals a model for norm diffusion that involves paradoxical stances by the state, and which highlights the significance of domestic political and economic conditions in establishing the terms and spaces in which activists may engage and in which norm diffusion takes place.

Tactics of transnational activists that were once highly effective are no longer as politically influential in the case of the Belo Monte Dam. The discussion here highlights both how and why activism has fractured and suffered from division in recent years. Effective leveraging of wedge issues and the political influence of the PT play particularly important roles in these changed dynamics. Moreover, the case study offers an explanation of why positions on environmental and human rights norms have shifted within the state. The strength of the Brazilian government, including its judicial processes, and also the vitality of the nation's financial institutions should be considered a central part of the explanation for why environmental norms have not become further embedded into the Brazilian state's normative structure, but rather have remained somewhat resisted and secondary to economic and political interests. Less able to leverage international pressure, fractured at local levels and with little local power mobilised to reject the Belo Monte project, activist opposition is hampered in its efforts to create an effective base of mobilisation or political resistance to the project.

This case reveals that outside activists and external financiers play diminished roles of influence in Brazil than is explained in other theories of transnational activism. Instead, domestic economic priorities and political realities shape social and environmental norms more directly, leading to lending criteria and funding priorities that are less intimately tied to the standards, priorities and norms held by the multilateral development banks, international courts and transnational activists. Recognition of the power of domestic economic development and financial autonomy over projects such as Belo Monte is relevant to a broader audience of observers, particularly as the Chinese and Brazilian development banks take on increasingly important roles in financing development projects overseas as well as in their own countries.

One of the implications present in this examination is the somewhat discomfiting observation that there is limited tactical or political benefit from engaging in transnational activism, even over resources that are commonly considered to be of global importance. In today's Brazilian political context, tried-and-true activist strategies function on a substantially altered playing field in ways that distinctly differ from the past, leading to a fracturing of domestic activist groups, legal circumventions of environmental and human rights frameworks, and projects which appear inevitable because of their secure financing. Rather than the linear process of norm contestation and ultimately diffusion that most models of norm diffusion maintain, this case highlights

the importance of internal fractures and competing visions of what norms look like within both the state and civil society as those norms are contested in development projects.

In the case of Belo Monte, activism and norms have taken shape as they have because of the state's commitment to moving forward with the project. Although its own policies and institutions make the state appear politically open, it has already committed itself to a particular path. Largely unshaken by transnational and domestic protest, Brazil has been steadfast in its commitment to building the Belo Monte Dam. Recognising the power of the state in this regard holds substantial relevance for other projects with similarly contentious environmental and human rights implications. The Brazilian state followed its basic laws and protocols enough to appease most critics, although many of its judicial and normatively established commitments appear disingenuous upon closer examination. In spite of the strength of existing policies and normative procedural frameworks on human rights and environmental norms, the state has been able to creatively navigate and sometimes circumvent its own institutional and legal channels. The government's resistance to international human rights courts, in favour of a stance that is strongly nationalistic and hostile to international human rights norms, thus indicates that human rights and environmental priorities are ultimately trumped by the demands of 'development'. Both in terms of human rights and environmental norms, international activism has tended to obscure the positioning of the state, rather than making it explicitly resistant to or accepting of the norms. The state's success in framing the dam as offering 'green development', successfully leveraging domestic political pressure and independently supporting the project through the Brazilian development bank, has also played an important contributing role. The Belo Monte case shows that in spite of Brazil's enthusiasm to enter the world stage on other fronts, nationalist resistance against foreign intervention, in tandem with an insistence on Brazilian sovereignty over development and environmental issues, remains a fundamental element of Brazilian politics.

This case counters the predominate explanations that norm diffusion is a product of increasingly secure institutionalisation or that it is a product of social movement activism. Instead, the political context in Brazil today is one in which a 'strong state' politics, characterised by nationalism in the polity, strong and independent national development bank financing and a confident government, have influenced not only the Belo Monte project itself but also the trajectory of existing environmental and human rights norms in the country. Even though all eyes are on Brazil as it stakes a claim for a seat on the United Nations Security Council, hosts the world in international sporting events and maintains a strong economic base, the nation is far less sensitive to international pressure than it has been in the past. The Belo Monte case

suggests that transnational activist networks will continue to be invested in trying to influence the nation's development, but that even in doing so, they may be stymied by the strength of domestic political leadership, the polity's confidence in the Brazilian democracy, and the economic autonomy of the country.

Spanish and Portuguese abstracts

Spanish abstract. Este artículo ofrece un examen histórico de las formas en las que las tácticas y estrategias de defensa al medio ambiente han variado según las oportunidades políticas, utilizando como caso de estudio el proyecto de una hidroeléctrica en la Amazonia brasileña conocida como la presa de Belo Monte. Basándose en más de tres décadas de resistencia de parte de coaliciones de activistas transnacionales, este material se pregunta cómo las nuevas tácticas y nuevos alineamientos políticos han alterado las dinámicas del activismo y la difusión de normas en las políticas brasileñas relacionadas al medio ambiente, a los derechos humanos, y al desarrollo. El material señala que las actuales teorías de difusión de normas explican inadecuadamente los retrocesos y tienden a subestimar la complejidad de los alineamientos políticos domésticos. El caso contribuye a entender mejor, en términos políticos, la relación entre las estrategias transnacionales de activismo y las actuales realidades políticas medioambientales y de derechos humanos en Brasil.

Spanish keywords: Belo Monte, represas, activismo, difusión de normas, medio ambiente, derechos humanos

Portuguese abstract. Este artigo apresenta um exame histórico das maneiras pelas quais estratégias e táticas de defesa de direitos têm mudado em relação às oportunidades políticas, utilizando como estudo de caso o projeto de uma hidrelétrica na Amazônia brasileira conhecida como Belo Monte. Usando como base mais de três décadas de resistência por coalizões de ativistas transnacionais, este artigo discute como novas táticas e alinhamentos políticos têm alterado as dinâmicas de ativismo e difusão de normas nas políticas brasileiras em relação ao meio ambiente, aos direitos humanos e ao desenvolvimento. O artigo argumenta que teorias atuais de difusão de normas explicam os retrocessos de maneira inadequada e tendem a subestimar a complexidade dos arranjos políticos domésticos. O caso insere conhecimento político ao nosso entendimento da relação entre estratégias transnacionais de ativismo e as realidades políticas, ambientais e de direitos humanos atuais no Brasil.

Portuguese keywords: Belo Monte, barragens, ativismo, difusão de normas, meio ambiente, direitos humanos