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International Environmental Regimes and Latin America : The Role of Environmental Non-governmental Organizations

Jennifer T. Eller
Portland State University

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THESIS APPROVAL

The abstract and thesis of Jennifer T. Eller for the Master of Science in Political Science were presented on February 9, 2000, and accepted by the thesis committee and the department.

COMMITTEE APPROVALS:



Gary Scott, Chair

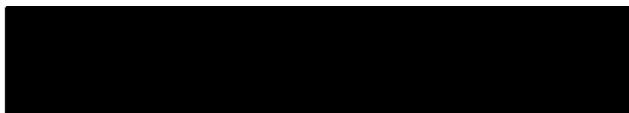


Richard Clucas



Martha Works
Representative of the Office of Graduate
Studies

DEPARTMENT APPROVAL:



John Damis, Chair
Department of Political Science

ABSTRACT

An abstract of the thesis of Jennifer T. Eller for the Master of Science in Political Science presented February 9, 2000.

Title: International Environmental Regimes and Latin America: the Role of Environmental Non-Governmental Organizations.

This study analyzes the obstacles to environmental policymaking in Latin America such as the poverty crisis, the North/South conflict and political corruption. These obstacles result in weak government institutions and create an opportunity for other actors to wield greater influence in the policymaking process.

This paper evaluates the effectiveness of environmental agreements such as debt-for-nature swaps. Debt-for-nature swaps emerged as a solution to the conundrum of the debt crisis and environmental degradation. The cases of Bolivia, Costa Rica and Ecuador illustrate the tensions between development and environmental degradation. The most important lesson learned from these swaps is that the support of local inhabitants is critical to the success of conservation programs. In general, debt-for-nature swaps fail to have a lasting impact on either the debt or conservation crises that they seek to alleviate.

The three main perspectives of regime theory: power-based, interest-based and knowledge-based regimes provide the analytic framework for the evaluation of environmental regimes in Latin America. This study suggests that a contextual

regime may be the most effective theoretical framework for environmental policymaking. The informal and nonbinding nature of contextual regimes could galvanize Latin American countries to initiate a dialogue on environmental issues and eventually result in more substantive, legal remedies over time.

A key component of a contextual regime for Latin America would include a more formal and substantive role for environmental non-governmental organizations (ENGOS). A key obstacle to their participation is the traditional, state-centric model of International Relations and the central tenet of sovereignty. This paper suggests a polycentric approach, one that includes both governmental and nongovernmental actors could provide a better framework for environmental policymaking in Latin America. This study looks at how ENGOS can educate local inhabitants about sustainable farming practices, monitor environmental agreements and assist with technology transfers. Specifically, I will look at the impact of ENGOS on the 1983 and 1994 International Tropical Timber Agreements and the Global Environment Facility negotiations. The proliferation of NGOs in environmental policymaking has been likened to a “quiet revolution” and defining the scope and extent of their role is an issue that requires further analysis.

INTERNATIONAL ENVIRONMENTAL REGIMES AND
LATIN AMERICA: THE ROLE OF ENVIRONMENTAL
NON-GOVERNMENTAL ORGANIZATIONS

by

JENNIFER T. ELLER

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requirements for the degree of

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INTRODUCTION

A cornerstone of international relations theory is the concept of the nation-state. With the birth of the nation-state system in 1648, the concept of sovereignty has played an integral role in the interactions of states. Hedley Bull describes the starting point of international relations as “the existence of *states*, or independent political communities, each of which possesses a government and asserts sovereignty in relation to a particular portion of the earth’s surface and a particular segment of the human population.”¹ The notion of sovereignty has been the foundation of international law since the middle of the seventeenth century and is the core norm of the nation-state system.² This paper will question whether the primacy of the nation-state system is the best theoretical framework for addressing environmental problems in Latin America.

This paper suggests that a polycentric framework is better suited for environmental policymaking than the traditional state-centric model. For example, Holdgate argues that the nation-state is being challenged by the force of decentralization.³ In the environmental context, decentralization means, “restoring the right of local communities to manage their own surroundings and resources within the overall goal of sustainable development.”⁴ A polycentric framework would engage both governmental and non-governmental actors and involves international, national and subnational interactions.⁵ I will suggest that the inclusion of other actors such as non-governmental organizations in the policymaking process

can greatly contribute to the success of environmental agreements. I will look at how an increased role and more formal recognition of NGOs (non-governmental organizations) will not cause the demise of the nation-state system but rather, strengthen the ability of Latin American countries to implement and enforce environmental agreements. In other words, the sovereign state system is likely to persist into the foreseeable future, but that changes can be made within the system to bolster the success of environmental agreements.⁶

Outline of the Study

Chapter 2 will first give an overview of the obstacles to environmental policymaking in Latin America. In many Latin American countries, environmental protection is impeded by widespread poverty, illiteracy, religious extremism, political corruption, and restricted freedom.⁷ Latin America is an excellent case for studying environmental conflict as it has been described as the “land of promise and paradox.”⁸ Although Latin America possesses a rich array of natural resources (for instance oil and minerals, abundant sources of water, high primary productivity and biological diversity), these resources are unequally distributed and many regions suffer severe resource restraints.⁹

In the 1980s, as environmental issues began to take a more prominent place on global agendas, the dominant paradigm began to shift from a policy of development at all costs to one of sustainable development. This was a critical

development for Latin America countries, and a very difficult change to initiate.

Traditionally, developing countries focused solely on economic growth, the consequence being rapid depletion of the natural resource base.¹⁰ I will look at how the goal of sustainable development policies in Latin America cannot be achieved without substantial changes in environmental policymaking.

Chapter 2 identifies three major obstacles to environmental policymaking in Latin America - the political landscape, the North/South conflict and the poverty crisis. I will trace the political trends and examine how corruption and instability impede policymaking efforts. In addition, I will look at how the weakness of institutions and bureaucratic capacity create an opportunity for other actors to wield a greater influence than might be expected.¹¹

Northern and Southern nations traditionally split on the priority of environmental issues, with the North placing more emphasis on global issues of climate change, the ozone layer, and protecting the earth's diversity.¹² For the South, "the remote vulnerability to an environmental collapse, while worrisome, is in general secondary to the immediate threats of stagnation and poverty."¹³ Broad and Cavanagh argue that the "aid is the answer" mantra of developed countries is a myth of the North/South relationship. This myth dictates that "if northerners want officials in poor countries to share our environmental concerns, there must be a massive increase in aid from wealthier countries, such as the United States, to pay for the environment and development initiatives."¹⁴ Korten points out that simply throwing

money at the environmental problems of the south is “to ignore decades of documentation demonstrating that such aid has actually *compounded* the environmental degradation.”¹⁵

Chapter 2 will also confront another myth, that “the poor are the problem.”¹⁶ In other words, the poor people in developing countries are the main perpetrators behind environmental degradation. Although poor people do contribute to environmental degradation, it often the result of dire conditions and a lack of alternatives. I will argue that the poverty issue is inextricably linked to the success or failure of environmental agreements. If conservation measures cannot be effectively implemented at the local level, the agreement is unlikely to be successful.

Chapter 3 will provide an overview of regime theory literature. This will provide the analytic framework with which to evaluate environmental regimes. I will use Hasenclever’s categorization of regimes to analyze the three main perspectives of regime theory: power-based, interest-based and knowledge-based regimes.¹⁷ These perspectives represent three different schools of thought within the study of international regimes: realists, who focus on power relationships; neoliberals, who base their analyses on constellations of interests; and cognitivists, who emphasize knowledge dynamics, communication and identities.

In Chapter 3 I will suggest that a *contextual* regime may be the most effective theoretical framework for environmental policymaking. In this view, regimes are not static structures and “evolve along a continuum from dialogue to sharing of

information, to more defined frameworks for cooperation, to binding norms in a more precisely legal sense.”¹⁸ A contextual regime is a relatively informal and nonbinding regime which could galvanize Latin American countries to initiate a dialogue on environmental issues and eventually result in more substantive, legal remedies over time.

Chapter 4 will look at the role of environmental non-governmental organizations (ENGOS) in environmental agreements. Former UN Secretary General, Boutros Boutros-Ghali describes some functions of NGOs, “They float new ideas and approaches. They push and embarrass governments and international secretariats to do their jobs. NGOs also carry out an essential representational role, an essential part of legitimacy without which no international activity can be meaningful.”¹⁹ Ever since the 1992 UN Conference on Environment and Development (UNCED), there has been explosive growth in the scale and scope of NGO participation.²⁰ NGOs have played key roles in successful international environmental agreements. For example, it is generally agreed that the International Union for the Conservation of Nature and Natural Resources (IUCN) was the motivating force in establishing the regime regulating trade in endangered species of fauna and flora.²¹

Chapter 4 will look at the functions of NGOs - such as education of local inhabitants about sustainable practices, monitoring environmental agreements and poverty lending to increase local investment. This paper contends that NGOs be

accorded a more formal role in what is traditionally “states-only” activities.²² As Simmons notes, the question is not whether to include NGOs in deliberations and activities but rather, how to incorporate NGOs into the international system in a way that “takes account of their diversity and scope, their various strengths and weaknesses, and their capacity to disrupt as well as to create.”²³

Chapter 5 will analyze environmental agreements in Latin America and evaluate their effectiveness. In the first part of the chapter, I will examine the mechanism of debt-for-nature swaps in Latin America. In general, a debt-for-nature swap is an arrangement by which an indebted developing country undertakes, in exchange for cancellation of a portion of its foreign debt, to establish local currency funds to be used to finance a conservation program.²⁴ Debt-for-nature swaps were conceived as a way to alleviate both economic indebtedness and environmental degradation.²⁵ The enormous external debt of Latin American countries has restricted their ability to manage their natural assets in a way that promotes sustainable development.²⁶

Specifically, I will examine debt-for-nature swaps in Bolivia, Costa Rica and Ecuador. I believe that debt-for-nature swaps set a dangerous precedent for developing countries. The proponents of debt-for-nature swaps concede that they fail to have lasting impact on either the debt or conservation crises that they seek to alleviate.²⁷ As Deacon and Murphy point out, the country hosting a debt-for-nature swap “stands to gain debt relief, at the cost of ceding control to a portion of its land

area.”²⁸ Nevertheless, debt-for-nature swaps have had some positive consequences for the host countries by drawing attention to environmental issues and galvanizing NGO activity at the local level. As Price observes, the presence of NGOs has increased levels of governmental responsiveness to environmental problems and has instigated a political dialogue where once there was none.²⁹

The second section looks at the 1983 International Tropical Timber Agreement (ITTA) and its successor agreement, the 1994 ITTA. The ITTA is an example of a global environmental agreement which directly bears upon Latin America’s natural resources. An analysis of the two agreements shows that the 1994 ITTA showed a commitment to sustainable development and called for increased transparency in the tropical timber industry. This development allows NGOs to participate in monitoring, have access to information and draw attention to suspected violations.

The third section builds upon the previous chapter by discussing how a more prominent role for local ENGOs could have made the environmental agreements more successful. I will examine the expansion of NGO access in the Global Environment Facility (GEF) negotiations. The GEF was established in 1991 to coordinate the environmental activities of the World Bank, the United Nations Environment Program (UNEP), and the UN Development Program.³⁰ Raustiala notes that the GEF case is a concrete and recent example of NGOs being brought into what was previously a states-only forum.³¹ The GEF example is significant in that

GEF addresses finance - a sensitive issue - it is a "least-likely" case for NGO access³².

Why have past environmental agreements in Latin America fallen short of their goals? What are some of the obstacles to environmental policymaking in Latin America? How can non-governmental organizations contribute to the success of future environmental agreements in Latin America? These are some of the questions this paper addresses. It is meant to help understand the tensions between development and environmental degradation and to explain what has become an increasingly important aspect of environmental policymaking - defining the role of non-governmental organizations (NGOs) within the sovereign-state system.

¹ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press, 1977): 8.

² Seyom Brown, *International Relations in a Changing Global System: Toward a Theory of the World Polity* (Boulder, CO: Westview Press, 1996): 15.

³ Martin W. Holdgate, "Pathways to Sustainability: the Evolving Role of Transnational Institutions," *Environment* 37 (November 1995): 23.

⁴ *Ibid.*, 24.

⁵ Barry Ames and Margaret E. Keck, "The Politics of Sustainable Development: Environmental Policy Making in Four Brazilian States," *Journal of Interamerican Studies and World Affairs* 39 (Winter 1997-1998): 1.

⁶ T. Bernauer, "The Effect of International Environmental Institutions: How We Might Learn More," *International Organization* 49 (Spring 1995): 351-77.

⁷ Lambert N. Wenner, *The Environmental Dilemma: Optimism or Despair: An Interdisciplinary Analysis of Trends, Issues, Perspectives, and Options* (Lanham: University Press of America, 1997).

⁸ Peter Furley, "Environmental Issues and the Impact of Development," in David Preson, ed., *Latin American Development* (Essex: Longman Publishers, 1996): 70.

⁹ *Ibid.*, 70-89.

¹⁰ Gary S. Hartshorn, "Key Environmental Issues for Developing Countries," *Journal of International Affairs* 44 (Winter 1991): 398.

¹¹ Ames and Keck, 2.

¹² See Steven Sanderson, "North-South Polarity in Inter-American Environmental Affairs," *Journal of Inter-American Studies and World Affairs* 36 (1994): 25-46; Shridath Ramphal, *Our Country, Our Planet: Forging a Partnership For Survival* (1992).

¹³ Christopher D. Stone, "Beyond Rio: 'Insuring' Against Global Warming," *The American Journal of International Law* 86: 471.

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- ¹⁴ Robin Broad and John Cavanagh, "Beyond the Myths of Rio: A New American Agenda for the Environment," *World Policy Journal*
- ¹⁵ David Korten, "Sustainable Development: A Review Essay," *World Policy Journal* 9 (Winter 1991-92): 157-190.
- ¹⁶ Broad and Cavanagh, 65.
- ¹⁷ Andreas Hasenclever, Peter Mayer and Volker Rittberger, *Theories of International Regimes* (New York, NY: Cambridge University Press, 1997).
- ¹⁸ Jutta Brunnee and Stephen J. Toope, "Environmental Security and Freshwater Resources: Ecosystem Regime Building," *American Journal of International Law* 91 (January 1997): 28.
- ¹⁹ Thomas G. Weiss and Leon Gordenker, *NGOs, the UN, & Global Governance* (Boulder: Lynne Rienner Publishers, 1986).
- ²⁰ See Thomas Princen and Matthias Finger, "Environmental NGOs in the UNCED Process," in Finger and Princen, *Environmental NGOs in World Politics: Linking the Local and the Global* (New York: Routledge, 1994).
- ²¹ See Lyster, *International Wildlife Law*, chap. 12; and Laura H. Kosloff and Mark C. Trexler, "The Convention on International Trade in Endangered Species: No Carrot, But Where's the Stick?" *Environmental Law Reporter* 17 (July 1987), pp. 1022-36.
- ²² Kal Raustiala, "States, NGOs, and International Environmental Institutions," *International Studies Quarterly* 41 (1997): 719-740.
- ²³ P.J. Simmons, "Learning to Live with NGOs," *Foreign Policy* (Fall 1998): 83.
- ²⁴ Michael Potier, "Swapping Debt for Nature," *OECD Observer* 165 (August-September 1990): 165.
- ²⁵ Jeffrey R. Jones, "Environmental Issues and Policies in Costa Rica: Control of Deforestation," *Policy Studies Journal* 20 (Winter 1992): 680.
- ²⁶ Potier, 165.
- ²⁷ Potier, 167.
- ²⁸ Robert T. Deacon and Paul Murphy, "The Structure of an Environmental Transaction: The Debt-for-Nature Swap," *Land Economics* 73 (February 1997): 14.
- ²⁹ Marie Price, "Ecopolitics and Environmental Nongovernmental Organizations in Latin America," *The Geographical Review* (January 1994): 56.
- ³⁰ Pallava Bagla, "Science Moves Up Ladder in Pushing for Sustainable Growth," *Science* 280 (April 17, 1998): 374.
- ³¹ Raustiala, 734.
- ³² *Ibid.*

CHAPTER 2

OBSTACLES TO ENVIRONMENTAL POLICY IN LATIN AMERICA

“I don’t think we can afford to have the [nature] reserve anymore - we need jobs. We’re a third-world country with first-world environmental laws.”

-Carlos Estrada, Mexican Land Developer, 1995

The sentiments of this land developer exemplify the disparity between the economic reality of Latin America and the global pressure to become environmentally responsible. Least able to afford expensive environmental - protection measures, the nations of the Third World find themselves under pressure at home and abroad to trade the protection of irreplaceable natural resources for economic development. Sadly, “the Earth’s greatest diversity is found in the countries least able to pay to protect it.”¹

The efforts of state management and government regulation have failed woefully to protect the natural resources Latin America depends so heavily upon. The wasteful, overly rapid and excessive natural resources exploitation continues and likely will into the future without a shift in resource management practices. But who is the culprit? As Ascher suggests, the simplest explanation for this mismanagement - technical ineptitude in understanding and managing natural resources - is not compelling.² This chapter will attempt to identify the maelstrom of factors impeding environmental policy-making in Latin America.

This chapter will provide an overview of the obstacles to environmental cooperation in Latin America. First, I will provide a brief description of the political landscape of Latin America and how its instability and corruption hamper environmental policy-making efforts. Second, I will trace the shift in environmental policy from development theory to one of sustainable development. Third, I will explore the impact of the North-South conflict on environmental issues in Latin America. Lastly, I will discuss how widespread poverty affects the environmental debate in Latin America.

The Political Landscape of Latin America

Each Latin American country has its own distinctive political history. However, the most common pattern followed over the last half century included a phase of competitive electoral democracy, subject to occasional military intervention. This period lasted from the 1940s to the 1960s. Then dissatisfaction with erratic civilian rule made the military take power on a longer-term basis. Military dictatorship gave way to a process of redemocratization in the 1980s. This section will examine how the features of the political landscape in Latin America have resulted in the obstacles of endemic government weakness and instability.

Civilian Democracies 1940s-1960s

From the 1940s to the 1960s, the larger republics in Latin America usually had elected civilian regimes. Voting rights were extended to most of the adult population. The big landowners developed interests in manufacturing, commerce, and banking. They entered the higher levels of government service. Successful businessmen from lower class or immigrant backgrounds could become assimilated into older forms of wealth through marriage alliances and the purchase of estates. Long-standing Latin American customs of highly personalized social relations, based on clientism and *compadrazgo* (ritual kinship), facilitated the intermingling of landed and urban elites.³

The term 'political clientism' pervades the description of Latin American politics and refers to the abundance of individual exchanges in the public sector between actors of unequal power; that is, between patrons and clients. The result of persistent clientism is a "politicized policy making that usually furthers personal gain rather than group or ideological interests."⁴ Appointments are 'political' rather than technical, not merely at the level of minister or secretary general but five or more levels down. Political parties expect to nominate party faithful to apparently technical positions, and major disputes arise over fair division of the spoils. Many holders of high bureaucratic positions expect to run for elective office, so they use their positions to develop personal followings.⁵

The weakness and ineffectiveness of government institutions were reinforced by the habits of partiality, inefficiency, and corruption in public administration. Latin American traditions of administrative weakness were first established during the colonial period, when both the Spanish and Portuguese monarchies failed to maintain effective control of their distant overseas possessions. Creole elites penetrated the government apparatus as a source of power, prestige and income. Post-independence *caudillos* habitually used public appointments to reward friends and followers. The multiplication of superfluous government jobs became a standard means by which the twentieth-century populist politicians sought middle-class votes.⁶

Latin American constitutional arrangements followed the US model. Presidents chosen through a national vote held executive power, alongside two-chamber legislatures whose members represented local and regional constituencies. The redrawing of constituency boundaries lagged behind the population shift to the cities, so there was a persistent over-representation of rural areas, where estate owners remained influential. Often the presidency was held by a populist, elected on a narrow majority or plurality, drawing support from mainly urban workers, and obliged to deal with a legislature in which his conservative opponents had a strong presence. The conflicts and stalemates that resulted were aggravated by very weak party structures. The parties amounted to little more than personal vehicles for candidates, lacking organization or continuity.⁷

In addition, the civilian governments were subject to military interference. Military training became increasingly rigorous during this period to cope with the technical demands of modern warfare. More men from lower- or middle-class backgrounds gained promotion as officers and these men held contempt for the traditional landowning elites. They favored industrialization, not least because it would provide a basis for national armaments production.⁸

The era of civilian democracies ended on a tumultuous note. The government proved incapable of funding development projects, social welfare and the bureaucracy with taxes. In addition, it failed to control inflation, correct exchange rate overvaluation, improve administrative standards, tackle the issue of land reform or check shantytown settlement. As a result, foreign capital inflows ceased and popular unrest intensified. The military then decided, with considerable civilian approval, that the imminent threat of social breakdown required them to retrieve the situation by taking power into their own hands.⁹

Military Dictatorships 1960s-1980s

Although military regimes often undertook problems in a more decisive way than their civilian predecessors, eventually every country in Latin America under military rule suffered a recurrence of the economic imbalances that had plagued earlier regimes. This section will demonstrate how the actions of military

dictatorships resulted in the 1980s debt crisis and ultimately, impeded environmental policy in Latin America.

First, dictatorships made little progress in eliminating personalism, clientism, and corruption from business and state administration.¹⁰ Indeed, the armed forces were ill prepared to oversee the development effort. For example, the continued influence of economic elites made the Brazilian military regime build its economic strategy around an indiscriminate, wasteful system of subsidies, biased towards large-scale enterprises and reliant on foreign borrowing.¹¹

Secondly, the authoritarian regimes were tested by upsurges of labor unrest. The trade unions built up during the populist period were for the most part, effectively managed by the military. However, a more aggressive 'new unionism' appeared, comprised of younger workers in the recently established automobile and engineering industries. The 1969 *cordobazo*, a wave of strikes and rioting by car workers and university students in the Argentine city of Cordoba, struck a fatal blow against General Ongania's regime.¹² During the later 1970s, the Brazilian military government was weakened by strikes in the motor vehicle factories of the São Paulo region.¹³

Lastly, the military regimes largest impediment was their lack of sufficient legitimacy. Authoritarianism conflicted with the prevailing assumption that Latin America's colonial origins and the nineteenth-century independence movements

made the region part of 'Western civilization' in which political pluralism and representative government had become the norm.

The political landscape of Latin America between the 1940s and 1980s was characterized by marked inequality between rich and poor that was established by unequal land ownership in the colonial period. The civilian governments and military regimes that held power during this time period were unable to pursue effective economic programs. The legacy of a system based on clientism, personalism and corruption from the colonial era still dominates the political landscape of Latin America. This system results in a weak and unstable government unable to pursue any reforms, especially an environmental agenda.

Latin America in the 1990s - The More Things Change...

In their study of environmental policy-making in four Brazilian states, Ames and Keck note that practices such as political clientism continue to plague Latin American policy-making. Therefore, policy making remains heavily dependent on individuals: the installation of the governor's brother as the head of Parana's new environmental organ halted new initiatives and slowed implementation of old programs.¹⁴

Government institutions and bureaucratic capacity are weak and thus have created an opportunity for environmental non-governmental organizations (ENGOS) to play a larger role in policy making. The role of ENGOS will be examined in

chapter 3. The prolonged economic crisis of the 1980s and early 1990s affected the environmental policy making process by privileging short-term economic gain over such long-term goals as sustainable development and by starving government agencies of resources.¹⁵

Environmental Policy in Latin America

The traditional model for economic development in Latin America places an emphasis on increasing the Gross National Product (GNP) through economic growth that is based on rapid depletion of the natural-resource base. Only recently has a policy of sustainable development emerged to challenge the traditional paradigm. This section will trace the impact of dependency theory on environmental issues to the nascent adoption of a policy of sustainable development.

Dependency Theory

Through the 1960s and 1970s, dependency theory was the dominant explanation for underdevelopment in third world countries. Dependency theory holds that Latin American countries are poor because advanced industrial countries appropriated their economic surplus.¹⁶ Industrialization was inextricably linked to profit making and the conservation and protection of natural resources were secondary concerns. The “dependency” school of scholars emphasized the dependent

relations between the Northern and Southern economies and argued, from a variety of theoretical positions, that modernization was a thinly veiled rationalization for intervention in the South on the North's terms.¹⁷ As Kaimowitz notes, the environment "is viewed as if a separate sector, rather than an integral part of how production and society are organized."¹⁸

During the time that dependency theory was the dominant paradigm, debt became an acute problem for Latin America in the 1970s and its consequences remain an obstacle to environmental policy-making. In the 1970s, Latin America's economic growth was facilitated by external borrowing. Commercial banks were happy to lend to growing countries rich in natural resources. Then major changes in international conditions made the debt unsustainable. A global recession restricted export markets, and tight monetary policies forced up global interest rates to levels far exceeding any in living memory. Bankers, alarmed by deteriorating creditworthiness, stopped lending. A flight of indigenous capital from developing countries compounded the problem.¹⁹ Latin American natural resources were being used not for development or to raise living standards, but to meet the financial requirements of industrialized country creditors.

The end of dependency theory coincided with the beginning of a global awareness of environmental issues. In many developing nations, the first United Nations Conference on the Human Environment, held in Stockholm in 1972, cultivated the idea that the environment was an issue that would not go away. In the

years following Stockholm, country after country developed an institutional base, often in the form of an environmental ministry, to deal with pollution and natural resource issues. Although the environment and economy were linked, the common assumption during this period “was that economic growth would be the panacea for environmental quality.”²⁰ In other words, economic affluence would lead to attention and action on the environment.

However, in the early 1980s, a shift towards a policy which links the environment and economic development began to emerge. The idea that economic reforms would, *ceteris paribus*, promote growth and would, both directly and indirectly, help to improve environmental issues was challenged. The changing consensus within the development community solidified following the 1987 publication of *Our Common Future*. In the late 1980s, many in the development and environmental communities embraced the influential concept of sustainable development.

Sustainable Development

The term sustainable development has become a catch phrase of the 1990s, a handy slogan for politicians, bureaucrats, environmental advocates, multinational aid officials and even business leaders. Implementing sustainable development policy, however, is no mere technical challenge. Environmental policy-making is political: a competition between multiple interests with differing goals, resources, tactics,

information and time horizons. Protection of the environment and promotion of economic development are not separate challenges. Development cannot subsist on a deteriorating environmental resource base and the environment cannot be protected when growth plans consistently fail to consider the costs of environmental destruction.²¹

The advent of sustainable development theory in Latin America has been characterized as a reform movement. Indeed, environmentalism in general has become one of the main forms of opposition politics in Latin America. It is about reforming the status quo to make capitalism more eco-friendly. One fundamental shift is that sustainable development has made the environment into a human issue by linking the protection of people and ecosystems.²² This section will define sustainable development and explore its impact on environmental policy in Latin America.

Defining Sustainability

Sustainable development has become a catch-all term widely used to frame environmental issues. It has come to mean, “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”²³ MacDonald, Nielson and Stern suggest that the term sustainable development allows people to think of compromises, “of ways to temper the impact of growth without sacrificing it entirely.”²⁴ Lebel and Kane argue that the concept of

sustainable development is a balance of the essential needs of the poor and the limitations imposed by technology and society on the ability of the environment to meet those needs.²⁵ Most importantly, the concept of sustainable development has inextricably linked environmental issues with economic development.

What constitutes a policy of sustainable development? Daly and Cobb developed an “index of sustainable economic welfare” which adjusts GNP to account for healthful environmental services and the negative effects of pollution.”²⁶ They conclude that if the services of natural ecosystems continue to be ignored, the sustainable economy may be driven down even while GNP rises. However, the use of the term ‘development’ rather than ‘economic growth’, implies acceptance of the limitations of the use of measures such as gross national product to measure the well-being of nations.²⁷ Instead development embraces wider concerns of quality of life issues - educational attainment, nutritional status, access to basic freedoms and spiritual welfare. Clearly, if we continue to treat ecology and economics as polar opposites, we are courting national and global disasters. Despite the attractiveness of the concept of sustainable development, its goals often conflict with the generally accepted goals of the trade and development community.

The realization of sustainable development policies require a new framework for implementation. This paper asserts that the traditional state-centric pattern for addressing environmental problems is not the most effective approach. For example, while social security adoption followed a state-centric pattern, “the adoption of

environmental policies has been *polycentric*, engaging from the beginning both governmental and nongovernmental actors and involving international, national and subnational interactions.”²⁸ In chapter four, I will discuss how environmental nongovernmental organizations (ENGOS) in Latin America are playing a critical role in promoting sustainable development. In chapter five, I will examine the 1983 International Tropical Timber Agreement (ITTA) negotiations and the subsequent 1994 ITTA to exemplify the problems and obstacles to work towards the goal of sustainable development.

The North-South Conflict

Although there is often consensus about the magnitude and nature of environmental problems, views tend to differ between the industrialized (Northern) and developing (Southern) countries of the hemisphere over the relative contribution to engendering these problems of the North and South, and the proper distribution of responsibility for resolving them.²⁹ This section will examine the impact of the North-South conflict on environmental policy in Latin America. In addition, I will discuss how a regional approach may diminish this obstacle in future environmental negotiations.

The North-South obstacle is generally defined as, “Northern and Southern nations traditionally split on the priority of environmental issues, with the North placing more emphasis on global issues of climate change, the ozone layer, and

protecting the earth's biodiversity."³⁰ In his discussion of impediments to environmental negotiations, Stone argues that the critical issue in North-South agreements is the profound unequal distribution of wealth. Indeed, one central issue in North/South discussions about ecology is how concern for protection of the natural world relates to meeting the basic needs of the poor.

From the Southern perspective, developing countries saw the North as having achieved a materially rich standard of living at the expense of the environment in Northern countries and many Southern ones which they colonized. Now those industrialized nations wanted to impose restrictions on development so as to protect their own lifestyles. People in the South, "feared attention to ecological concerns would divert human and economic resources from the more immediate justice issues of poverty and hunger."³¹

As I briefly discussed in the previous section, a state-centric approach was the dominant approach during the beginning of the North-South dialogue in the 1970s. From a theoretical perspective, Realists either ignored it or suggested that internal inequities among the Southern countries were more responsible for the troubles of the poor than were international inequities.³² Structuralists and dependency theorists contended that a good share of the misery of the South was in part explained by the colonial past and the resulting structural inequities in North-South relations.

In chapter five I will contend that the realist approach to environmental policy-making in Latin America will ultimately fall short. I will argue that the

North/South conflict impedes global environmental treaties because the participants are too diverse. For example, in her analysis of the Antarctic Treaty System, Buck suggests that the North-South coalitions do not hold together over the Antarctic because some developing nations are already strong parties in the treaty system.³³ Therefore, those developing nations have status and access to lose from declining to participate in the Antarctic treaty. At issue is the question of whether the common heritage of mankind should apply to the Antarctic. L.F. Macedo de Soares Guimares of Brazil (a consultative party to the treaty) notes that, “The common heritage of humankind ...is not a concept to be applied automatically to any area not traditionally subject to national sovereignty. For instance, it should not be applied to Antarctica.”³⁴ He describes the seabed issues of the Law of the Sea as questions of resource access and exploitation, distinct from the management issues of the Antarctic, which are questions of regulation of scientific activities.³⁵

Achieving the goal of sustainable development will be a difficult trial for Latin America. Goodman and Redclift note that the issue of sustainable development within a North/South framework requires attention to the contradictions imposed by the structural inequalities of the global system.³⁶ In other words, ‘Green’ concerns in the North, such as alternatives to work and ways of making work more rewarding, can often be inverted in the South, where the environment is “contested not because it is valued in itself, for example for amenity or aesthetic use, but because destruction creates value.”³⁷

This paper will demonstrate that unless the countries of the Hemisphere and of the world system as a whole begin to move away from the nation-state as the political unit governing the biosphere, “a global environmental agenda will be routed through an inter-state political circuitry created for a different era and a different set of problems.”³⁸

Poverty in Latin America

“Until the lions have their historians,” declares an African proverb, “tales of hunting will always glorify the hunter.” As this proverb suggests, the poor in third world countries are often the scapegoat for their shortcomings in environmental protection. The poor are often blamed for causing environmental degradation out of ignorance or even greed. Economic growth has clearly raised living standards for many people, but the gains have gone disproportionately to upper income groups. This section will examine closely the relationship between poverty and environmental degradation in Latin America. It is imperative to look closely behind this argument that the poor are an obstacle to environmental protection and test its validity.

In 1978, Robert McNamara, then president of the World Bank, gave what stands as the classic description of absolute poverty: “A condition of life so limited by malnutrition, illiteracy, disease, squalid surroundings, high infant mortality, and low life-expectancy as to be beneath any reasonable definition of human decency.”³⁹

In recent times, poverty has increasingly become an environmental phenomenon. The poor not only suffer disproportionately from environmental damage caused by the better off, many believe that they have *become* a major cause of environmental decline themselves. The poor are described as being, “pushed to marginal lands by population growth and inequitable development patterns, they raze plots in the rain forest, plow steep slopes, and overgraze fragile rangeland.”⁴⁰ Although I do not dispute that such practices occur, it is an incomplete characterization of the problem. As Broad and Cavanagh remarked, “...to view poverty as the root of cause [of environmental degradation] is to miss the dynamic of inequality and powerlessness.”⁴¹

Durning describes the problem of one in which, “economic deprivation and environmental degradation have thus come to reinforce one another to form a maelstrom - a downward spiral that threatens to pull ever more into its grasp.”⁴² This downward spiral illustrates how poverty can drive ecological deterioration when desperate people overexploit their resource base. The cruel logic of crucial short-term needs forces land-less families to put rain forest plots to the torch and mountain slopes to the plow. Environmental decline, in turn perpetuates poverty, as degraded ecosystems offer diminishing yields to their poor inhabitants.

This paper contends that the obstacle of poverty must be addressed for effective environmental policy in Latin America. For a large portion of the population in third world countries, food comes from the soil, water from the stream,

fuel from the woods, traction from the ox, fodder from the pasture, reeds to make mats from the stream bank, fruit from the trees around the hut. Because the livelihood of the poor is measured in the fertility and productivity of their environment, it is critical to insure that the downward spiral of poverty is broken.

It is clear that poverty, environmental degradation, and conflict can interact in complex and potent ways. If the issue of poverty is ignored in environmental policy-making, one manifestation could result in the recent phenomenon of environmental refugees. Lebel and Kane argue that the underlying causes of what appear to be political upheavals include deterioration of the natural resources and a resulting inability to support the population.⁴³ Recent famines in Ethiopia are a prime example. The world is graphically aware of the droughts in that country, but few people realize that the famine is less related to the vagaries of nature than to long-standing misuse of resources. The Ethiopian Relief and Rehabilitation Commission found in its study of the disaster that, "The primary cause of the famine was not drought of unprecedented severity, but a combination of long-continued bad land use and steadily increased human and stock populations over decades." In chapter four, I will look at the work of local ENGOs in Latin America that are working on the issue of poverty as it relates to sustainable development.

In summation, the goal of achieving a policy of sustainable development in Latin America demands that this issue of poverty be addressed. In other words, poverty is the greatest enemy of the environment because it forces both people and

governments into opting for short-term economic goals at the expense of those more conducive to sustainable development. Nevertheless, to tackle the monumental task of poverty would require abolishing the current system of highly concentrated ownership of assets and political control by a privileged minority. Poverty is not only an evil in itself, but sustainable development requires meeting the basic needs of all and extending to all the opportunity to fulfill their aspirations for a better life. A world in which poverty is endemic will always be prone to ecological and other catastrophes. At a demonstration in Bolivia, one activist carried a sign that read, “*Democracia Si, Hambre No!*” (Democracy yes, hunger, no.)

This chapter has explored the factors impeding environmental policy-making in Latin America. I have argued that the obstacles of political instability, the North/South conflict and widespread poverty impede the ability of Latin America to promote a policy of sustainable development. If we ask ourselves “what is unsustainable about development in Latin America today?” it becomes clear that the lessons of history have not been learned. Latin America’s development in the 1990s “makes few concessions to future generations, to intergenerational equity, while trapping millions of poor people within a cycle of deprivation and missed opportunities.”⁴⁴

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² William Ascher, “The Politics of Rent Distribution and Latin America Natural Resource Policy,” in Gordon J. MacDonald, Daniel L. Nielson and Marc A. Stern, *Latin American Environmental Policy in International Perspective*, (Boulder, CO: Westview Press, 1997) p. 15.

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- ³ John Ward, *Latin America: Development and Conflict Since 1945* (New York, NY: Routledge, 1997) p. 55.
- ⁴ Barry Ames and Margaret E. Keck, "The Politics of Sustainable Development: Environmental Policy Making in Four Brazilian States," *Journal of InterAmerican Studies and World Affairs* (Winter 1997-1998,) p. 5.
- ⁵ Ward, p. 41.
- ⁶ See Leslie Bethell, ed. *The Cambridge History of Latin America*, vol. vi (Cambridge, Cambridge University Press, 1994). E. Williamson, *The Penguin History of Latin America*, (Harmondsworth: Penguin Books, 1992).
- ⁷ Bethell, pp. 108-29.
- ⁸ Alain Rouquie, *The Military and the State in Latin America* (Berkeley, CA: University of California Press, 1987) pp. 84-92.
- ⁹ Ward, p. 57.
- ¹⁰ Peter B. Evans, *Dependent Development: The Alliance of Multinational State and Local Capital in Brazil*, (Princeton, NJ: Princeton University Press, 1979).
- ¹¹ Jeffrey A. Friedan, *Debt, Development, and Democracy: Modern Political Economy and Latin America, 1965-1985*, (Princeton, NJ: Princeton University Press, 1991).
- ¹² Thomas E. Skidmore and Peter H. Smith, *Modern Latin America*, 4th edition, (New York, NY: Oxford University Press, 1991).
- ¹³ See T. Cubitt, *Latin American Society*, 2nd edition, (London: Longman, 1995), L. Bethell, ed. *The Cambridge History of Latin America*, vol. vi: *Latin America since 1930: Economy, Society and Politics, Part 1: Economy and Society*, (Cambridge, Cambridge University Press, 1994).
- ¹⁴ Ames and Keck, p. 16.
- ¹⁵ *Ibid.*, p. 22.
- ¹⁶ Elizabeth Dore, "Capitalism and Ecological Crisis: Legacy of the 1980s," in Helen Collinson, ed., *Green Guerrillas: Environmental Conflicts and Initiatives in Latin America and the Caribbean* (New York, NY: Monthly Review Press, 1996) pp. 10-12.
- ¹⁷ Lynne Phillips, *The Third Wave of Modernization in Latin America: Cultural Perspectives on Neoliberalism*, (Wilmington, Delaware: Scholarly Resources, Inc., 1988) p.4.
- ¹⁸ David Kaimowitz, "Social Pressure for Environmental Reform in Latin America," in Helen Collinson, ed. *Green Guerrillas: Environmental Conflicts and Initiatives in Latin America and the Caribbean* (New York, NY: Monthly Review Press, 1996) p.82.
- ¹⁹ Commonwealth Working Group, *Technological Change* (London: Commonwealth Secretariat, 1985).
- ²⁰ H. Jeffrey Leonard, *Natural Resources and Economic Development in Central America* (New Brunswick, NJ: Transaction Books, 1987) p. 13.
- ²¹ George G. Lebel and Hal Kane, *Sustainable Development: A Guide to Our Common Future* (New York, NY: Oxford University Press, 1987).
- ²² Dore, p. 13.
- ²³ *Ibid.*, p. 13.
- ²⁴ Gordon J. MacDonald, Daniel L. Nielson and Marc A. Stern, eds., *Latin American Environmental Policy in International Perspective* (Boulder, CO: Westview Press, 1997) p.4.
- ²⁵ Lebel and Kane, 4.
- ²⁶ Robert Costanza and Lisa Wainger, "No Accounting for Nature: How Conventional Economics Distorts the Real Value of Things," *Washington Post*, 2 September 1990, p.B3.
- ²⁷ David Pearce, Edward Barbier and Ann Markandya, *Sustainable Development: Economics and Environment in the Third World* (Brookfield, VT: Edward Elgar Publishing Co., 1990), p.14.
- ²⁸ Barry Ames and Margaret E. Keck, "The Politics of Sustainable Development: Environmental Policy-Making in Four Brazilian States," *Journal of Interamerican Studies and World Affairs* 39 (Winter 1997-1998) p. 2.

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- ²⁹ Steven Sanderson, "North-South Polarity in Inter-American Environmental Affairs," *Journal of Inter-American Studies and World Affairs*, 36 (1994) p. 25-46.
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- ³² Robert L. Rothstein, *The Weak in the World of the Strong* (New York, NY: Columbia University Press, 1977).
- ³³ Susan J. Buck, *The Global Commons: An Introduction*, (Covelo, CA: Island Press, 1998), p. 64.
- ³⁴ L.F. Macedo de Soares Guimares, "The Antarctic Treaty System From the Perspective of a New Consultative Party," in Polar Research Board, *Antarctic Treaty System*, 342.
- ³⁵ *Ibid.*
- ³⁶ David Goodman and Michael Redclift, eds., *Environment and Development in Latin America* (New York: Manchester University Press, 1991): 1.
- ³⁷ *Ibid.*, p. 4.
- ³⁸ Steven Sanderson, "North-South Polarity in Inter-American Environmental Affairs," *Journal of Inter-American Studies and World Affairs* 36 (Fall 1994) p.44.
- ³⁹ Robert S. McNamara, *The McNamara Years at the World Bank: Major Policy Addresses of Robert S. McNamara 1968-1981* (Baltimore, MD: John Hopkins University Press, 1981).
- ⁴⁰ Alan B. Durning, "Poverty and the Environment: Reversing the Downward Spiral," *Worldwatch Paper* 92 (The Worldwatch Institute: Nov. 1989) p.4
- ⁴¹ Robin Broad and John Cavanagh, "Beyond the Myths of Rio: A New American Agenda for the Environment," *World Policy Journal* p. 67.
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- ⁴³ Lebel and Kane, 60.
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CHAPTER 3

REGIME THEORY

More than twenty years after students of international relations began to ask questions about “international regimes”, scholarly interest in the “principles, norms, rules, and decision-making procedures” that govern state behavior in specific issue-areas of international relations continues to be strong.¹ The study of international regimes arises out of the desire to understand order in the international system. Although conflict may be the rule; institutionalized patterns of cooperation are particularly in need of explanation.²

Sustained international cooperation is important for tackling many transnational environmental problems. Research into the development and implementation of international environmental regimes is therefore important for everyone who is concerned with such problems, as well as to researchers interested in international institutions or processes of cooperation and conflict.

There are several environmental regimes in Latin America and this paper will suggest ways these regimes might be brought together into a coherent, regional regime. In this chapter I shall first critique the regime literature, giving much attention to the institutionalists’ perspective which is considered the mainstream approach. This will provide the basis for suggesting an international environmental *contextual regime* for the Americas. Further, this critique will suggest a larger role

for non-state actors such as Environmental Non-Governmental Organizations (ENGOS).

Realism is arguably the most influential theoretical tradition in International Relations, even by its critics. The realist school, as its name suggests, formulated their views in reaction to the liberal-utopians of the 1920s and 1930s. Realists saw power politics as necessary and endemic feature of the international landscape. Although realism can be traced back to Thucydides' "Melian Debate," I will briefly discuss the main tenets of modern or "traditional" realism, articulated by the work of E.H. Carr and Hans Morgenthau to provide a context for the rise of regime theory. In addition, I will look at Waltz's neo-realism which emerged in the 1980s as an example of what are considered power-based regimes later in this chapter.

E.H. Carr's *The Twenty Years' Crisis* (1939) which was published on the eve of the Second World War was a scathing attack on the concept of collective security espoused by the League of Nations. Carr argued that the goal of international peace was inherently dangerous because it focused on how we would *like* the world to be versus how it *is*. Carr describes the preoccupation with the "end to be achieved (international peace) in International Relations to be a an exercise in which "wishing prevails over thinking, generalisation over observation, and in which little attempt is made at a critical analysis of existing facts or available means."³³ Instead of focusing on wishing for peace, Carr advocated a more rigorous approach which "emphasized the realities of power in international politics rather than one which took as its

starting point, an image of how the world could be: in other words, what *is* rather than what *ought* to be.⁴ Although Carr's work is not a comprehensive theoretical account of realism, it is important to this discussion for its contrast to the later regime literature. I believe Carr would chastise mainstream regime theory in much the same way he lambasted utopian visions of peace; he would argue that the overarching factor in regime formation and success "would be shaped by the realities of global power."⁵ I believe Carr would liken the concept of international environmental regimes in the Americas being successful to having a wishbone where one's backbone ought to be.

The early regime literature of the 1970s was conceived as a challenge to traditional views of world politics, especially to their assumption that nation-states were the primary actors in international affairs. Keohane and Nye's work on regimes in *Power and Interdependence* challenged the primacy of states as the key actors in all areas of world politics and saw a far-reaching role for international regimes in world affairs.⁶ Although states are typically the formal members of regimes, many case studies have demonstrated that non-state actors are often very important in the formation and development of international environmental regimes. The dominant realist paradigm of the late 1950s and early 1960s which emphasized the omnipresent possibility of war among sovereign states, lacked the capacity to satisfactorily explain interstate cooperation. Thus, the notion of a regime was originally developed by "institutionalists" who were concerned to demonstrate,

against the claims of “neorealists”, that international institutions can matter in world politics.⁷

It is imperative to begin a section on regime theory by defining what constitutes a regime. Krasner’s definition of a regime is generally accepted as the consensus definition in the literature. This definition was one of the results of a conference convened to prepare the 1982 special issue of *International Organization* on international regimes and it was later elaborated by Stephen Krasner in his introductory essay to the same issue. According to Krasner regimes are:

“sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice.”⁸

I will briefly summarize the major criticisms of Krasner’s definition and offer an alternative which is better suited to international environmental regimes.

The ambiguity of the definition is one of the major criticisms levied against Krasner. As noted by de Senarclens, “failing to distinguish between regimes and ‘order’ or ‘stability’ is a major problem.”⁹ Even scholars such as Oran Young who are favorable to the study of regimes complain that, “the whole enterprise of regime analysis continues to rest on a shaky foundation,” explaining that “the concept of a regime itself is often used so loosely that critics have reasonably questioned whether the concept is anything but a woolly notion likely to produce more confusion than illumination.”¹⁰

Furthermore, in a review article, Young criticized Krasner's definition of the term "international regime" on three counts: (1) The definition is "really only a list of elements that are hard to differentiate conceptually and that often overlap in real-world situations." (2) It "exhibits a disconcerting elasticity when applied to the real world of international relations." (3) It is "conceptually thin" in that it fails to "tie the concept into...[some] larger system of ideas that would help to solve the....ambiguities [inherent in the definition]..., and that would offer guidance in formulating key questions and hypotheses regarding international regimes."¹¹

While people generally accept Krasner's definition, there is common dissatisfaction with the definition held by many students of regimes and commentators on regime analysis. Young's first two points illustrate the most widespread criticism of the definition. Even when Krasner's careful explication is taken into account his definition does not seem precise enough to preclude fruitless disputes about the proper description of any given regime.¹² However, what are the costs associated with dropping the consensus definition and replacing it with a more straightforward one which would be much less open to divergent interpretations? For example, Keohane offered a more narrow definition of a regime as: "Regimes are institutions with explicit rules, agreed upon by governments, that pertain to particular sets of issues in international relations."¹³ While the pragmatic gains of this definition are obvious, there are costs which cannot be overlooked. As Hasenclever, Mayer and Rittberger note, "not only does the consensus definition, by its very

complexity, encourage the analyst to reflect thoroughly upon the mutual relationship of the various injunctions (“rules” in Keohane’s terminology) in the issue-area in question, it also forces a certain structure upon descriptions of regimes, thus making comparison across issue-areas easier, which, in turn, is a prerequisite for inductive theory building.”¹⁴

I believe that Young’s third point, the alleged “conceptual thinness” of the definition is the most constructive of his criticisms because it leads to a valid comparison between a complex definition and a lean one. The requirement of (sufficient) thickness can be understood as “reflecting the view that no satisfactory definition of social phenomenon can be formed independently of any theory about this phenomenon.”¹⁵ This view is not uncommon in international relations theory. Kenneth Waltz endorses it when, discussing the difficulties of defining the concept of power, he argues that “the question of meaning...[is] a problem that can be solved only through the articulation and refinement of theories.”¹⁶ And Arthur Stein advocates for a “theoretically rooted” conceptualization of regimes.¹⁷ These viewpoints suggest that in the absence of a well-articulated and highly developed theory of international regimes, all that we can reasonably hope for is a working definition. Indeed, Greene points out that “if social scientists shied away from using essentially contested concepts, whole disciplines would collapse.”¹⁸

Components of a Regime

Oran Young reminds us that real-world regimes are often unsystematic and ambiguous, incorporating elements derived from several analytic constructs or ideal types.¹⁹ Typically, a regime is comprised of three elements: a substantive component, a procedural component and implementation.

The substantive component of a regime refers to the cluster of rights and rules of that regime. A right is anything to which an actor (individual or otherwise) is entitled by virtue of occupying a recognized role.²⁰ In addition, some authors suggest that the substantive component includes a principle that is the basis for regime formation.²¹ For example, the notion of common concern or sustainable development being the impetus for a freshwater regime.

The procedural component of a regime relates to the recognized practices for handling situations requiring social or collective choices. Brunnee and Toope define the procedural component of a regime as a framework, "...leading to the elaboration of procedural rights and obligations and institutional mechanisms - that promotes the identification of common interests, the involvement of all relevant players and cooperation where ecologically essential, yet is sufficiently flexible to adapt to changing circumstances, allowing for evolution of the regime."²²

Lastly, the implementation component refers simply to the compliance mechanisms for addressing the problem of rule violations. For example, in the Montreal Protocol on Substances that Deplete the Ozone Layer, the parties agreed to

develop a specific noncompliance mechanism,²³ independent of the formal dispute settlement procedure envisaged by the 1985 Vienna Convention for the Protection of the Ozone Layer.²⁴ The *Ad Hoc* Working Group of Legal Experts on Non-Compliance was created and charged, inter alia, with the identification of “advisory and conciliatory measures to encourage full compliance.”²⁵ Rather than simply defining noncompliance for the purpose of identifying a breach of obligations, the Group worked to encourage and facilitate compliance. The body created to administer the non-compliance procedure is known as the Implementation Committee²⁶ and in its practice to date, the committee has “operated in a cooperative, non-judicial and non-confrontational atmosphere.”²⁷ Thus far, this approach to dealing with non-compliance issues appears to be a success. As Brunnee and Toope note, the committee’s discussions of actual or potential noncompliance by various parties to the Montreal Protocol “have been sufficient to induce most of them to comply or to reach agreements with the committee on future compliance.”²⁸ I believe that the Implementation Committee is a model approach for addressing concerns of compliance in international environmental regimes.

Many critics of regimes treat compliance as an insurmountable obstacle to regime formation and success. But as Young points out, this limitation of anarchy is exaggerated and no institution can operate effectively unless the great majority of those subject to its rights and rules comply with them voluntarily.” The fact that a

plethora of international regimes exists appears to support the assertion that voluntary compliance pervades the international system.

Defining a regime remains a difficult task; one could say that despite the consensus definition proposed by Krasner over a decade ago, the concept is still essentially contested.²⁹ Despite the ambiguity of Krasner's definition as a whole, it is a good starting point from which to develop a more useful definition. Krasner's definition is important because it distinguishes regimes from international organizations and also from international conventions or structures that apply across a wide range of issue areas. Keohane points out that regimes must be distinguished from agreements. Agreements are *ad hoc*, often "one-shot." As Greene notes, "it encompasses informal or politically agreed rules and procedures as well as legally binding ones."³⁰

Thus, a regime is viewed as an international social institution. Somewhere between the complex definition offered by Krasner and the more lean one described by Keohane, lies a useful definition of international regimes. Using the term regime "allows us to point to and comprehend sets of activities that might otherwise be organized or understood differently."³¹ This section has shown that the various approaches to conceptualizing a regime is less than straightforward. Nonetheless, the consensus definition has significantly promoted research by providing practitioners of regime analysis with a valuable analytic tool.

Contextual Regimes

Having examined the analytic components of regimes, I will now turn to how regimes exist in real-world situations. Many instances of cooperation between states are characterized as regimes. Regimes can be formal agreements, conventions, and treaties. Vig and Axelrod argue that regimes emerge “when states need to reach agreement on common problems in a fashion that goes beyond *ad hoc* action but does not go as far as to oblige them to give up sovereignty to a more permanent decision-making system.”³²

This project seeks to build upon the concept that Brunnee and Toope explicate in their study of freshwater regimes. They argue that regimes primarily function to serve as “guides to action,” which can generate norms.³³ By distinguishing regimes from “custom” per se, regimes are “better seen as potential precursors to, or possibly incipient evidence of, emerging custom; alternatively, as the fertile ground for the elaboration of explicit treaty norms.”³⁴ They refer to the relatively informal and nonbinding regimes as *contextual regimes*, for they provide a setting in which binding normativity can emerge.³⁵ Further, a contextual regime can be viewed as “a bridge from the most simple attempts to find some policy commonality in an issue-area, to binding legal norms shaping the behavior of states within the same issue-area.”³⁶

I believe that a contextual regime will be the most effective approach for environmental cooperation in Latin America. If regimes are understood as building

blocks for the construction of more specific and binding agreements, a contextual regime at the outset may serve as the basis for future successful environmental cooperation. Debt-for-nature swaps, which I shall examine in the next chapter, are an example of environmental cooperation gone wrong. I will demonstrate that the development of a contextual regime for the environment in the Americas would guide and lend focus to subsequent environmental agreements. The existence of a contextual environmental regime would be unlikely to result in approaches such as debt-for-nature swaps which result in short-term economic gains in exchange for environmental degradation. The idea that the formation of conceptual regimes can provide the impetus for future, specific agreements is shared by mainstream regime theorists. Robert Keohane has argued that the tendency of regimes to lead to more precise agreements is the heart of their appeal:

[A] major function of regimes is to facilitate the making of specific agreements on matters of substantive significance within the issue-area covered by the regime. International regimes help to make governments' expectations consistent with one another. Regimes are developed in part because actors in world politics believe that with such arrangements they will be able to make mutually beneficial agreements that otherwise be difficult or impossible to attain.³⁷

In chapter five, I will look at the debt-for-nature swaps in Latin America, the International Tropical Timber Agreement of 1983³⁸ and its successor agreement, the International Tropical Timber Agreement of 1994³⁹ and suggest ways in which a contextual regime would have been more effective.

Categorizing Regimes: Power, Interest and Knowledge-Based Regimes

In this section I will use the Hasenclever, Mayer and Rittberger categorization of regimes to analyze the three main perspectives of regime theory: power-based, interest-based and knowledge-based regimes.⁴⁰ These perspectives represent three schools of thought within the study of international regimes: realists, who focus on power relationships; neoliberals, who base their analyses on constellations of interests; and cognitivists, who emphasize knowledge dynamics, communication and identities. This typology is useful because it distinguishes between types of regimes examining the variance between the “behavioral models” upon which realists, neoliberals and cognitivists tend to base their analyses, i.e. the assumptions they make about the nature of state actors and their motivation.⁴¹ By using this typology, I am able to examine the relationships between the causal factors of regimes (power, interest and knowledge) to study regime formation and success.

Power-based theories of regimes assume that states care not only for absolute, but for relative gains as well. These theorists are least inclined to ascribe a considerable degree of causal significance to international institutions, although they acknowledge that regime-based inter-state cooperation is a reality in need of an explanation. Many realists stick to the “orthodox” position arguing that the causal significance of regimes and other international institutions is too slight to warrant extensive efforts to address them analytically. Other realists who take international institutions seriously argue that power is no less central to cooperation than in

conflict between nations. According to these authors, “the distribution of power resources among actors strongly affects both the prospects for effective regimes to emerge and persist in an issue-area and the nature of the regimes that result, especially as far as the distribution of benefits from cooperation is concerned.”⁴²

Neoliberal or interest-based theories of regimes have proliferated in the past decade and have come to represent the mainstream approach to analyzing international institutions.

Power-based Regimes

The realist contribution to the debate about international regimes cannot be reduced to restatements of orthodox realist interpretations of international politics as a state of war which militates against any significant role for international institutions. In this section, I will discuss power-based regime theories and examine their contribution to regime analysis. Realist theories of regimes emphasize relative power capabilities as a central explanatory variable and stress states’ sensitivity to distributional aspects of cooperation and regimes.

At one end of the spectrum of power-based theories of regimes is the position that the mere concept of a regime is useless, if not misleading. As aforementioned, Susan Strange argues that the concept of regimes is pernicious, “because it obfuscates and obscures the interests and power relationships that are the proximate, not just the ultimate, cause of behavior in the international system.”⁴³ According to these authors, regimes are merely epiphenomenal because they are easily upset by

changes in the balance of bargaining power or the perception of national interest among the states that negotiate them.⁴⁴ The realist paradigm from which the position relies, conceptualizes a world of rational self-seeking actors. These actors function in a system or environment that is defined by their own interests, power, and interaction. In this milieu, principles, norms, rules and decision-making procedures do not have a large impact on outcomes and behavior.⁴⁵

Waltz's *Theory of International Regimes* exemplifies this position.

According to Waltz, the defining characteristic of the international system is that its component parts (states) are functionally similar and interact in an anarchic environment. International systems are distinguished only by differing distributions of relative capabilities among actors. It is assumed that states act in their own self-interest and that they "seek their own preservation and, at a maximum, drive for universal domination."⁴⁶ Thus, behavior is a function of the distribution of power among states and the position of each particular state. For Waltz, regimes simply reflect the underlying power capabilities that sustain them.⁴⁷

A classic example of a power-based theory of international regimes is the *theory of hegemonic stability* which links the existence of effective international institutions to a unipolar configuration of power in the issue-area in question. Keohane explains this theory as one in which "the concentration of power in one dominant state facilitates the development of strong regimes, and that fragmentation of power is associated with regime collapse."⁴⁸

However, the theory of hegemonic stability fails to explain “lags between changes in power structures and changes in international regimes; does not account well for the differential durability of different institutions within a given issue-area; and avoids addressing the question of why international regimes seem so much more extensive now in world politics than during earlier periods of supposed hegemonic leadership.”⁴⁹

Power-based regime theory is a spectrum with analysts who attribute little credence to the concept of regimes on one end and others who argue that regimes are simply reflections of the distribution of power. Nevertheless, rationalism pervades both the interest and knowledge-based regimes and serves as the basis for the study of regimes.

Interest-based Regimes

Interest-based regimes are considered the mainstream approach. There are many points of agreement between the neoliberals and realists in their shared commitment to rationalism, a meta-theoretical tenet which portrays states as self-interested, goal-seeking actors whose behavior can be accounted for in terms of the maximization utility and their assumption that actors’ preferences remain stable over time. However, they diverge from the power-based theorists in that they believe that regimes may matter, but only under certain restrictions.

This section will discuss the two main approaches of neorealist regime theory. First, the works of Oran Young, Raymond Hopkins and Donald Puchala will illustrate the “neoliberal institutionalist” position which is characterized by viewing

regimes as a pervasive characteristic of the international system.⁵⁰ In this paradigm, behavior is an explanation for regime formation and performance. Secondly, I will examine the position proffered by Arthur Stein, Robert Keohane and Robert Jervis which is often described as “modified-structural.” These authors analyze regime formation in terms of principles derived from microeconomics. For example, Young describes this position as one in which, “the development of regimes constitutes a response to ‘political market failure’ on the part of actors who assess their options in terms of a kind of rule utilitarianism and who employ reasonably low discount rates in computing the present value of future benefits.”⁵¹

Neoliberal-Institutionalists

This section will look at the works of authors that can be categorized as neoliberal institutionalists. From the institutionalists perspective, regimes are, at the outset, “social institutions” or “recognized patterns of behavior or practice around which expectations converge.”⁵² Rooted in the Grotian perspective, these authors see regimes as “much more pervasive, as inherent attributes of any complex, persistent pattern of human behavior.”⁵³ For example, Hopkins and Puchala conclude that “regimes exist in all areas of international relations, even those, such as major power rivalry, that are traditionally looked upon as clear-cut examples of anarchy. Statesmen nearly always perceive themselves as constrained by principles, norms, and rules that prescribe and proscribe varieties of behavior.”⁵⁴

Puchala and Hopkins emphasize five major features of regimes that characterize an institutional perspective.⁵⁵ First, a regime is an attitudinal phenomenon. That is, *regimes themselves are subjective*; they exist in the participants' understandings, expectations or convictions about legitimate, appropriate or moral behavior.⁵⁶

Second, an international regime includes tenets concerning appropriate procedures for making decisions. In other words, this feature does not only identify the major substantive norm of a regime but extends the normative influence to deciding who participates, what interests dominate or are given priority and what rules are adopted.

Third, a description of a regime must include a characterization of the major principles it upholds as well as the norms that prescribe orthodox and proscribe deviant behavior.

Fourth, each regime has a set of elites who are the practical actors within it.

Lastly, a regime exists in every substantive issue-area in international relations where there is discernibly patterned behavior. This is a point of disagreement for regime theorists. The Institutionalists assert that "wherever there is regularity in behavior some kinds of principles, norms or rules must exist to account for it."⁵⁷

Knowledge-based Regimes

Knowledge-based theories of regimes have focused on the origins of interests as perceived by states and, in this connection, have accentuated the role of causal as well as normative ideas. Part of their contribution may thus be seen as complementary to the rationalist neoliberal mainstream in regime analysis, attempting to fill a gap in interest-based theorizing by adding a theory of preference formation.⁵⁸ Cognitivist approaches to the study of international politics stress ideas and knowledge as explanatory variables. Cognitivists attack both realist and neoliberal theories for treating states' identities and interests as exogenously given, i.e. as non-theorized initial conditions in explanations of international phenomenon such as international regimes.

Proponents of knowledge-based theories argue that the processes which produce the self-understandings of particular states (i.e. their identities) as well as the objectives which they pursue in their foreign policy (i.e. what they perceive to be in their interest), a significant source of variation in international behavior and outcomes is ignored and trivialized.⁵⁹ Thus, realist and neoliberal approaches are inadequate and need to be supplemented by a mode of analysis which focuses on the way the "distribution of knowledge" constitutes the identities and shapes the preferences as well as the perceived options, of state actors.⁶⁰

There are significant differences among cognitivists themselves as to how radical a critique of rationalism they deem necessary. Therefore, this section will

distinguish between “weak” and “strong” cognitivists. While weak cognitivists focus on the origins and dynamics of rational actors’ understandings of the world, strong cognitivists inquire into the origins and dynamics of social actors’ self-understandings in the world.⁶¹

Weak cognitivists argue that the demand for regimes in international relations depends on actors’ perception of international problems, which is, in part, produced by their normative and causal beliefs. These beliefs, in turn, are considered partially independent of actors’ material environment (e.g. the distribution of power and wealth), which makes both the origins of these beliefs and their impact on decision-making worthy of examination. Owing to their focus on “the prevailing forms of reason by which actors identify their preferences, and the available choices [i.e. options] facing them” the concerns of weak cognitivists can thus be seen as *complementary* to mainstream regime theory.⁶² Weak cognitivists are still comfortable with a conceptualization of states as rational utility-maximizers, provided that the perception of utility is based on knowledge and that knowledge is irreducible to material structures.

Epistemic Communities

Haas’ research on the role of ‘epistemic communities’ stresses the role of transnational expert groups in developing environmentally desirable agreements in the face of resistance from reluctant politicians. As Haas himself has said, this

research is to be seen as an adjunct to the broader institutionalist approach and thus, is categorized as an example of a weak cognitivist. The proponents of ‘epistemic’ communities also emphasize the critical interface between science and policy. They describe the problem in terms of “the difficulty of persuading short-sighted and narrowly self-interested national politicians to respond to enlightened scientific prediction in a timely way.”⁶³

According to Haas, even though an epistemic community may consist of professionals from a variety of disciplines or backgrounds, they have four common elements: (1) a shared set of normative and principled beliefs, which provide a value-based rationale for the social action of community members; (2) shared causal beliefs, which are derived from their analysis of practices leading to or contributing to a central set of problems in their domain; (3) shared notions of validity - that is, intersubjective, internally defined criteria for weighing and validating knowledge in their domain of expertise; and (4) a common policy enterprise - that is, a set of common practices associated with a set of problems to which their professional competence is directed.”⁶⁴

A decade ago, Peter Haas asked the pointing question, “Do regimes matter?”⁶⁵ Despite all the criticisms examined in this section against the utility of regimes, I believe the development and effectiveness of international environmental institutions remains an important area of study. Regimes provide an important framework for the interactions both between international and domestic actors and

processes, and between knowledge, power and interests relevant to a particular issue. Moreover, a regime can provide the focus for the formulation and implementation of policies to address transnational environmental problems.

¹ John Gerard Ruggie, "International Responses to Technology: Concepts and Trends," *International Organization* 29: 557-83.

² Robert O. Keohane, "The Demand for International Regimes," *International Organization* 36 (Spring 1982): 325.

³ E.H. Carr, *The Twenty Years' Crisis* (London, 1939), pp. 11-12.

⁴ Scott Burchill, "Realism and Neo-realism," in Scott Burchill and Andrew Linklater (eds.), *Theories of International Relations* (New York, NY: St. Martins Press, 1996,) p. 68.

⁵ Carr, pp. 301-2.

⁶ Robert Keohane and Joseph Nye, *Power and Interdependence* (Boston, MA: Little, 1977).

⁷ Volker Rittberger, (ed.), *Regime Theory and International Relations*, (Oxford: Clarendon, 1993).

⁸ Stephen Krasner, ed., *International Regimes* (Ithaca, NY: Cornell University Press, 1983) p. 8.

⁹ Helen Milner, "International Regimes and World Politics: Comments on the Articles by Smouts, de Senarclens and Jonsson," *International Social Science Journal* (Nov. 1993) 45: 493.

¹⁰ Oran Young, *International Cooperation: Building Regimes for Natural Resources and the Environment* (Ithaca, NY: Cornell University Press, 1989) p. 9.

¹¹ Oran Young, "International Regimes: Toward a New Theory of Institutions," *World Politics* 39: 106.

¹² Stephen Haggard and Beth A. Simmons, "Theories of International Regimes," *International Organization* 41: 491-517.

¹³ Robert Keohane, "Reciprocity in World Politics," *International Organization* (1986) 40: 4.

¹⁴ Andreas Hasenclever, Peter Mayer and Volker Rittberger, *Theories of International Regimes* (New York, NY: Cambridge University Press, 1997) p.12.

¹⁵ Hasenclever, Mayer and Rittberger, p. 13.

¹⁶ Kenneth A. Waltz, *Theory of International Politics*, (New York, NY: Random House, 1979) p.11.

¹⁷ Arthur A. Stein, "Coordination and Collaboration: Regimes in Anarchic World," in Krasner, ed. 1983, p. 115-40.

¹⁸ Greene, p. 198.

¹⁹ Young, 1989, p. 20.

²⁰ Oran R. Young, "International Regimes: Problems of Concept Formation," *World Politics* 32 (April 1980): 333.

²¹ Jutta Brunnee and Stephen J. Toope, "Environmental Security and Freshwater Resources: Ecosystem Regime Building," *American Journal of International Law* (91) (Jan. 1997) 26-59.

²² *Ibid.*, 42.

²³ Montreal Protocol on Substances That Deplete the Ozone Layer, Sept. 16, 1987, *reprinted in* 26 ILM 1550 (1987). Article 8 requires the parties, "at their first meeting, [to] consider and approve

procedures and institutional mechanisms for determining non-compliance with the provisions of the Protocol and for the treatment of the Parties found to be in non-compliance.”

²⁴ See Convention for the Protection of the Ozone Layer, Mar. 22, 1985, Art. 11, TIAS No. 11, 097, reprinted in 26 ILM 1529 (1987) [hereinafter Vienna Convention]; Annex II to the Convention sets out detailed information exchange provisions.

²⁵ Decision III/2 of the 1991 Meeting of the Parties, discussed in Peter H. Sand, ed., *The Effectiveness of International Environmental Agreements* (1992).

²⁶ Patrick Szell, “Implementation Control: Non-Compliance Procedure and Dispute Settlement in the Ozone Regime,” in Winfried Lang, ed., *The Ozone Treaties and Their Influence on the Building of International Environmental Regimes* (1996) 43, 46-47.

²⁷ David G. Victor, “The Montreal Protocol’s Non-Compliance Procedure: Lessons for making Other International Environmental Regimes More Effective,” in *The Ozone Treaties and Their Influence on the Building of International Environmental Regimes* supra note 24, at 58.

²⁸ Brunnee and Toope, p. 45.

²⁹ Susan Strange, the most prominent European critic of regime theory, claims the concept is ‘value-loaded’. She posits that ‘Not only does using the word regime distort reality by implying an exaggerated measure of predictability and order in the (international) system as it is, it is also value-loaded in that it takes for granted what everyone wants is more and better regimes, that greater order and managed interdependence should be the collective goal’. See “Cave! hic Dragones,” in Krasner, *International Regimes*, p. 345.

³⁰ Owen Greene, “Environmental Regimes: Effectiveness and Implementation Review,” in John Vogler and Mark F. Imber, (eds.), *The Environment and International Relations*, (New York, NY: Routledge, 1996) p. 196.

³¹ Donald J. Puchala and Raymond F. Hopkins, “International Regimes: Lessons From Inductive Analysis,” *International Organization* 36 (Spring 1982): 245.

³² Norman J. Vig and Regina S. Axelrod, eds., *The Global Environment: Institutions, Law, and Policy* (Washington, DC: CQ Press, 1999): 60.

³³ Brunnee and Toope, p. 31.

³⁴ *Ibid.*

³⁵

³⁶ *Ibid.*, p. 37.

³⁷ Robert O. Keohane, “The Demand for International Regimes,”

³⁸ International Tropical Timber Agreement, Nov. 18, 1393, U.N. Doc. TD/TIMBER/11/Rev.1 (1984), reprinted in 1983 U.N.T.S. 67 (1985).

³⁹ International Tropical Timber Agreement, Jan. 10, 1994, UNCTAD: Doc.TD/TIMBER.2/Misc.7/GE94_50830 reprinted in 33 I.L.M. 1014 (1994).

⁴⁰ Hasenclever, Mayer and Rittberger.

⁴¹ Young, 1989, p. 209-213.

⁴² Hasenclever, Mayer and Rittberger, p.4.

⁴³ Strange, p. 487.

⁴⁴ *Ibid.*

⁴⁵ Krasner, 1982, p. 190.

⁴⁶ Kenneth Waltz, “*Theory of International Relations* (Reading, Mass.: Addison-Wesley, 1979) p. 118.

⁴⁷ *Ibid.*, especially chapters 5 and 6.

⁴⁸ See Robert O. Keohane, “The Theory of Hegemonic Stability and Changes in International Economic Regimes, 1967-1977,” in Ole R. Holsti, Randolph Siverson, and Alexander George, eds., *Changes in the International System* (Boulder: Westview, 1980).

⁴⁹ Keohane, 1982, p. 326.

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- ⁵⁰ Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," *International Organization* 36 (Spring 1982): 185.
- ⁵¹ Young, 1989, 199.
- ⁵² Oran R. Young, "Regime Dynamics: The Rise and Fall of International Regimes," *International Organization* 36 (1982): 277.
- ⁵³ Krasner, 1982, p. 190.
- ⁵⁴ Raymond Hopkins and Donald Puchala, "International Regimes: Lessons From Inductive Analysis," *International Organization* 36 (Spring 1982) p. 270.
- ⁵⁵ Puchala and Hopkins, p. 246-47.
- ⁵⁶ *Ibid.*
- ⁵⁷ *Ibid.*
- ⁵⁸ Young, 1982, 5.
- ⁵⁹ Young, 1982, 136.
- ⁶⁰ Emanuel Adler and Peter M. Haas, "Epistemic Communities, World Order, and the Creation of a Reflective Research Program," in P. Haas (ed.) 1992, 367-90.
- ⁶¹ According to Hasenclever, et al. weakness and strength, in this connection is measured by the distance of the respective research program from rationalism, not by the quality of the arguments it is based upon.
- ⁶² Peter M. Haas, "Epistemic Communities and the Dynamics of International Environmental Cooperation," in Volker Rittberger, (ed.), *Regime Theory and International Relations* (Oxford: Clarendon Press, 1993) p. 170.
- ⁶³ Volker, p. 10.
- ⁶⁴ Peter M. Haas, "Introduction: Epistemic Communities and International Policy Coordination," *International Organization* 46 (Winter 1992): 3.
- ⁶⁵ Peter M. Haas, "Do Regimes Matter? Epistemic Communities and Mediterranean Pollution Control," *International Organization* 43 (Summer 1989).

CHAPTER FOUR

ENVIRONMENTAL NON-GOVERNMENTAL ORGANIZATIONS

The goal of this paper has been to suggest a contextual international environmental regime for Latin America that will effectively promote the transition from persistent environmental degradation to a policy of sustainable development. This paper argues that environmental nongovernmental organizations (ENGOS) will play a substantial role in such regimes. The proliferation of NGOs in general and ENGOS demands an examination into how these entities fit into international environmental policy-making. Thus far, the research on the impact of NGOs is nascent, and has mostly focused on the virtues of NGO participation in environmental agreements. This chapter will go beyond simply extolling the benefits of NGO participation and will examine how NGOs challenge the primacy of the nation-state system. This chapter will discuss what constitutes an NGO and the functions that NGOs serve in international policy-making. In addition, I will address some of the criticisms of NGO participation such as paternalism and corruption. Lastly, I will demonstrate that ENGOS in Latin America can be successful vehicles for addressing the issue of poverty and that they fill institutional gaps not filled by governments. I will begin by looking at the limits of formal international environmental agreements and how the legal concept of sovereignty constrains NGO participation.

The Limits of International Law

Although formal international environmental agreements have met with some success, twenty-seven years after the Stockholm Declaration we still lack the institutional and legal mechanisms to deal effectively with transboundary and biospheric environmental degradation.¹ The 1970s and 1980s witnessed an immense growth in international environmental law, both “hard” (treaties and conventions) and “soft” (non-binding declarations of principle). This section will look at how public international law limits the success of environmental agreements and the participation of NGOs.

Despite the proliferation of international agreements some of which have slowed down degradation, there is no effective legal framework to help halt the destruction. Indeed, as Vig and Axelrod note, there is no global legal system or global authority responsible for proposing and enforcing environmental regulations affecting multiple states.² As Palmer points out, the environmental situation at issue often worsens during the long lag in securing widespread ratification because of insufficient incentives for nations to sign up.³ In addition, Susskind argues that while the signing of formal agreements may seem like a tremendous victory for those directly involved in treaty negotiations, “for the rest of us, it would be a mistake to measure success in terms of anything less than tangible environmental improvements, regardless of time or effort it took to hammer out the legal accords.”⁴

In addition to the lack of a global infrastructure for addressing international environmental problems, there is also the issue of sovereignty. With the birth of the nation-state system in 1648 the concept of sovereignty has played an integral role in the interactions between states. Over the past 350 years the basic tenets of sovereignty, that is a centralized power that exercises its lawmaking and law-enforcing authority within a certain territory have changed little.⁵

The period since 1945 has seen an unprecedented growth in the activity of international organizations, a phenomenon that has forced us to rethink the way we try to understand global politics. We still view the world in terms of states, we still see ourselves as citizens of one country or another, and the study of International Relations has been heavily influenced by realist theory, “which argues that global politics is best understood by a study of the nature of relations among states: forming alliances, going to war, imposing sanctions, protecting and promoting individual interests, and pursuing self-interested goals of security, open markets, and autonomy.”⁶

Despite the primacy of the nation-state, the ever-evolving body of international law has constrained behavior in ways that are not necessarily consistent with the tenets of sovereignty. In other words, states enter into relationships or agreements that *do* constrain their lawmaking in the international arena. The protection of the natural environment is one area in which states have constrained

their sovereignty. But how far are states willing to go to accommodate NGO participation?

Cameron argues that the notion of state sovereignty, which is arguably the cornerstone of international law, limits the ability of public international law to accommodate NGOs and individuals in a substantive way. Cameron points out that “adherence to the concept of sovereignty poses difficulties for the establishment of a role for non-state actors in helping to develop and enforce primary rules.”⁷

Integrating NGOs into the system as full voting partners challenges the tradition of one nation -one vote, which respects national sovereignty. As Cameron points out, difficult questions arise, such as who do NGOs represent, how are they held accountable and how votes should be allocated to the tens of thousands of NGOs clamoring to be part of the process?⁸ Most importantly, how should the input of NGOs be weighted against the input of the nation state?

The tensions between the legal concept of sovereignty and NGO involvement are particularly problematic in the area of environmental and sustainable development issues. Indeed, “the increasing number of NGOs in the developing countries is being viewed with suspicion, particularly by those states who are most concerned with expressing their rights to exploit the developing countries’ natural resources.”⁹ It is clear that the contentious relationship between sovereignty and NGOs is an issue both states and international relations scholars will continue to grapple with as the participation of NGOs continues to escalate.

States often use the argument that their sovereignty is being imposed upon as a rationale to exclude or limit NGO participation. For example, China and Group of 77 delegations are mobilizing to block the expansion of NGO participation and interpose the doctrine of sovereignty by way of defense for their restrictive positions. Although such tactics impede local participation through NGOs, this type of response is an outgrowth of the nation-state system. As Vig and Axelrod note, “the state system has failed to develop an effective response to issues that transcend state lines...the modern industrial state may have improved the quality of life of many of its citizens, but it has done so at the expense of encouraging people to think of themselves as competing citizens of individual states rather than as cooperating members of the human race.”¹⁰

Vig and Axelrod argue that NGOs face three major handicaps to their participation in international environmental policy-making: first, there is no central authority to which NGOs can appeal, other than the United Nations and its specialized agencies, which have only limited powers and certainly lack the kind of elected officials needed to provide a connection between an institution and those who live under it.¹¹ Second, international treaties and organizations are the result of agreements among states, and citizens of those states have an influence over such agreements only indirectly through their own national governments. Lastly, it can be very difficult to enforce international law. The first and second handicaps that Vig and Axelrod mention will be addressed later in this chapter. I will offer some

suggestions for recognizing more formally NGO participation in environmental policy-making. Though the lack of enforcement of international law is clearly an obstacle to environmental agreements, it is beyond the scope of this work to address this issue. This chapter will demonstrate that the inclusion of NGOs does not come at the expense of state centrality; instead, it is to the advantage of states for NGOs to participate.

What is a Non-Governmental Organization?

The term “NGO” can be used to describe a variety of institutions whose efforts range from development work and political lobbying to social and sport clubs.¹² Among their many functions, NGOs can deliver relief aid, engage in popular organizing, address environmental concerns, operate development projects, and act as subcontractors or intermediaries for governments and other aid organizations. This section will trace the history of NGOs and define what constitutes an NGO.

The term “NGO” was first used by the United Nations in 1949. Article 71 of the UN Charter provides that:

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.¹³

During this early period, the term became widely applied to a broad spectrum of organizations. Since then, terms used to identify these organizations have multiplied.

Some of these terms include “voluntary associations,” “nonprofit associations,” “international nongovernmental organizations,” “new social movement organizations,” “people’s organizations,” “membership organizations,” “grassroots support organizations,” and “membership support organizations,” to name but a few. The diversity in these terms suggest NGOs serve a variety of functions and have a wide range of goals. Similar to the difficulties encountered in defining a “regime” in the previous chapter, there is a lack of consensus about what constitutes an NGO. Most authors agree that an NGO can mean many things, and then get on with what they want to describe. For this author I will focus on environmental nongovernmental organizations (ENGOS).

This paper argues that ENGOS should be granted a larger formal role in regional policy-making in Latin America. ENGOS have become pivotal actors internationally in the struggle to address the problems of a shrinking and environmentally threatened global commons.¹⁴

Functions of NGOs

Many observers note that one of the paramount benefits of NGO participation is the information they provide about policy options. Thus, states can maximize policy information and research while minimizing expenditures. As Raustalia notes, this function is particularly important for developing countries who “often lack not

only the resources but the intellectual infrastructure and expertise to allow adequate policy evaluation and creation.”¹⁵

As discussed earlier in this chapter, one criticism of formal agreements is the length of time for ratification. The failure to satisfy domestic interests can cause the rejection of a proposed accord: the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA), which took six years to negotiate, collapsed due to opposition from Greenpeace, EDF, and other NGOs.¹⁶ These NGOs were excluded from the negotiating process and believed that the agreements were concluded without the input from local interests.

One major function of Latin American NGOs is intermediation. Carroll’s work on intermediary NGOs in Latin America distinguishes between two types of NGOs based on their function. The first type are grassroots support organizations (GSOs) and the second type are membership support organizations (MSOs). These distinctions are helpful because much of the NGO literature lumps together many kinds of organizations together and their various functions are lost or over-generalized. This section will look at how GSOs and MSOs in Latin America can play critical roles in addressing the issue of poverty and galvanize participation of citizens in environmentally sound practices. As discussed in chapter two, poverty is one of the largest factors contributing to environmental degradation. A multi-pronged approach to achieving sustainable development is most likely to succeed.

In general terms, GSOs and MSOs may be defined as developmental NGOs involved *directly* in grassroots work. Carroll provides the following definition of a GSO:

A GSO is a civic developmental entity that provides services allied support to local groups of disadvantaged rural or urban households and individuals. In its capacity as an intermediary institution, a GSO forges links between the beneficiaries and the often remote levels of government, donor, and financial institutions. It may also provide services indirectly to other organizations that support the poor or perform coordinating or networking functions.¹⁷

The primary functions of GSOs include productive and income-generating activities, social services, and networking. GSOs are often an update on the earlier NGOs which trace their origins to the Catholic Church or other relief agencies.

The definition of an MSO includes more emphasis on membership and its responsibility to those members:

An MSO has similar attributes. It also provides service and linkage to local groups. However, an MSO represents and is accountable to its base membership, at least in principle. For example, a primary or base-level membership organization is a local cooperative or labor union. A regional association of such base groups is a secondary, or second-level group. This is sometimes capped by a third-level national federation. It is these second and third-level membership organizations that are referred to as MSOs.¹⁸

MSOs are often involved in agricultural and health issues and are often rooted in cooperative or union movements.

It is important to note the focus on development oriented function of these NGOs: this is to distinguish them from relief or charity NGOs. This focus on development arguably puts both GSOs and MSOs in a strategic position to aid in

sustainable development policies. Another important distinction is that MSOs are beholden to the desires of their membership. These members are stakeholders and financial supporters of the MSO. The potential for conflict occurs when the members believe they possess the right to impose policies on areas where the local citizens have not participated in the decision-making process.

Poverty and Sustainable Development

In chapter two, I explored the link between poverty and environmental degradation. Until the late 1980s, training by NGOs did not often deal with the connections between poverty and environmental deterioration. Although two-thirds of Schneider's worldwide sample of ninety-three GSOs focused on food and water, only ten dealt with soil erosion and twenty-three with reforestation.¹⁹ In less than a decade, this trend has reversed and poverty and sustainable development have become the goals of many Southern NGOs. In this section, I will examine several examples of ENGOs in Latin America working to alleviate poverty and in turn, promote sustainable development practices. I believe that a two-pronged approach will be the most effective: the ENGOs will provide the technical transfer and assistance to promote sustainable development practices and promote financial independence through poverty lending. The case studies examined in this chapter exemplify how ENGOs can fill in the gaps that government is unable to provide.

In his study of thirty GSO and MSO programs, Carroll found that the direct beneficiaries of the programs were the “middle poor,” those at the third and fourth quintile of the income-distribution spectrum.²⁰ This finding is significant because the beneficiaries represent an income stratum lower than that occupied by the clients of rural development programs sponsored by governments and financed by international agencies such as the Inter-American Development Bank (IDB) and the World Bank. Thus, GSOs and MSOs in Latin America are reaching a population that has previously not received assistance.

There are several reasons why the GSOs and MSOs were having success that the governments and other aid agencies were unable to accomplish. First, GSOs and MSOs use ongoing research such as CIPCA (Centro de Investigacion y Promocion del Campesino) to target poorer beneficiaries in rural regions that are seldom or poorly covered by government programs. Second, these NGOs fill in the gaps where the government has given up or lacked the resources to continue assistance programs. For example, in Peru and Chile, a number of GSOs and MSOs have worked with the beneficiaries of recent land reforms, after their respective governments abandoned the reform cooperatives. These NGOs assisted the local villages in successfully completing their development projects long after the government gave up on them. Third, the agenda of many of these NGOs is driven by the donors, who oftentimes have extensive local knowledge and who desire to help the poorest inhabitants in remote villages. In general, these NGOs succeed because they possess an intimate

knowledge of the socioeconomic characteristics of the regions and they develop local reputations and more isolated groups request assistance.

The Special Program of Social Development (Predes) designed by local NGOs in Cusco, Peru is one example of how locally-based NGOs can work to alleviate poverty.²¹ Predes focuses on local institutional development, promoting participation and decision-making while strengthening municipal leadership. A departure from the traditional social-investment model which concentrates solely on poverty alleviation, Predes aims to promote development through participative politics. Burt notes that the key to Predes success was the fact that the program “relied heavily on local NGOs for their experience in local rural development and their close links to the population.”²² I believe that the people-to-people contact that Predes encouraged through the establishment of community forums called district development committees (CDDs), enabled participants to provide feedback and feel invested in the program’s outcome. This people-to-people contact I believe is critical to the success of environmental reform in Latin America. Thus far, NGOs have been the most successful at achieving this level of assistance to the citizenry.

In his field study of NGOs working in upper Canar, a region in the southern highlands of Ecuador, Keese examined the influence of ENGOS in land use reform. Keese found that two NGOs in particular, PLAN International and CARE-PROMUSTA emerged to fill the institutional void left by reduced government budgets and lack of attention to small farmers in the highlands.²³ The findings of this

case study are relevant and informative because the two NGOs that Keese chose are typical of the international NGOs that proliferate throughout Latin America. Both of these NGOs work in many communities in the region, have large budgets, very comprehensive assistance programs and focus on community development.

I will briefly look at the study of PLAN, which is an international humanitarian, child-sponsorship development organization without religious, political, or governmental affiliation.²⁴ PLAN operates in 33 countries in the world, with an annual budget of over \$206 million, and has operated since 1982 in the rural areas of Canar Province. PLAN is the largest NGO working in the province, both in number of projects and budget: currently it has projects in 45 communities in upper Canar, making its impact in the upper Canar the most important of all organization (state or nongovernmental) working in the region. PLAN enrolls children and then provides project assistance to families and communities in the areas of infrastructure, agriculture, education, sanitation, health, forestry and income generation.²⁵

PLAN's efforts in Canar can serve as a model for ENGOs promoting sustainable development in Latin America. PLAN worked with a community of 75 families and provided the technical transfer so the families were able to purchase a modern irrigation system for their pasture. By converting their land to promote more income-generating uses such as family gardens, field crops and raising livestock, the families were able to correct environmentally degrading practices. For example, they were able to reduce the risk of erosion, improve the soil fertility, and insure future

arability of the land by rotating crops. The success of this program will not be limited to these 75 families. Over time, it is hoped that non-project families will adopt similar practices with assistance from their community. Although such programs can take time to implement, they are still preferable to an international legal approach because the local NGO can reach inhabitants normally left out of agreements and they can become invested in the project. This sense of personal investment is critical to the long-term success and effectiveness of environmental agreements.

In addition to providing information about farming practices, land reform and health issues, NGOs in Latin America have the potential to play a large role in developing a program of poverty lending, also called village or community banking.²⁶ As Muhammad Yunus, the founder of the Grameen Bank observed, “The Poor will eat up the environment for the sake of survival: we cannot prevent them from doing so.”²⁷ The plan to institute poverty lending in Latin America is based on the Grameen Bank model, pioneered in Bangladesh and consists of the following features:

- It targets the poorest of the “productive poor.”
- It provides a series of very small, very short-term loans, with weekly or monthly repayment schedules.
- It includes compulsory savings. The repayments are capitalized into a revolving fund.
- Individuals get loans from their community groups, and the groups collectively guarantee repayment.
- Women are preferred as borrowers.

The Grameen Bank works with thousands of borrowers' groups through its own network of bankers on bicycles who start at 6:00 A.M. and cover fifteen miles per day. The first two loans go to the poorest members in a group and no individual gets a loan if one member does not repay. By December 1986, its 295 branches served 234,343 members, three-fourths of them women. More than 100 branches per year have been added since that time and, as of 1989, more than 400,000 loans averaging \$60 each had been extended to purchase tools and livestock.²⁸ Village banking is a promising approach because voluntary labor contributions by the poor are put toward the building of social infrastructure (wells, latrines, schools).²⁹

The case studies looked at in this chapter reveal that the NGO role is one of helping certain disadvantaged groups overcome the barriers to technical change, thus fulfilling a need that is not being met by government agencies.³⁰ Clearly, the transition from environmentally degrading land use practices to one of sustainability will not be achieved without the contribution of such NGOs as PLAN. These groups have the ability and resources to reach the poorest of the poor who commit the worst environmental violations. The success of the Predes program in Peru illustrates the importance of people-to-people contact in promoting environmental reform. These NGOs provide information and alternatives to put an end to the cycle of poverty and environmental degradation. I believe that combining technical transfers and poverty lending are two important contributions NGOs can provide in promoting sustainability.

Criticism of NGOs

Milton Friedman has observed, “the power to do good is also the power to do harm,” a process that is all the more difficult to sort out when “what one man regards as good, another may regard as harm.”³¹ Bebbington cautions that the effectiveness of NGO actions should not be assumed, “NGO interests can vary greatly, often putting them in conflict with each other or with governments, and the lack of coordination within the NG sector often results in the duplication of services and a waste of resources.”³²

The strengths and successes of the NGO community have been emphasized without our acknowledging its weaknesses. Often the NGO community is fragmented and disorganized. Many NGOs lack skilled staff and resources to deal seriously with the many priorities with which they are confronted.³³ NGO representatives may be ill-prepared and not build their case on sound data. As Bichsel notes, this is particularly detrimental to the NGO movement, whose credibility rests on its reputation for sound expertise.³⁴ Also, the NGO community possesses a common abhorrence of authoritarian structures and hierarchy. Thus, decisions must be based on consensus, a very positive but also time consuming process.

One major charge levied against NGOs is the potential for paternalism. Since many NGOs are dependent upon donors for financial support, NGOs are often accused of paternalism when they implement programs prescribed by donors with

little consultation with the affected community.”³⁵ In order to address the charge of paternalism, many NGOs have placed great emphasis on “accountability, participation, and reinforcing the autonomy of grassroots groups.”³⁶ Carroll argues that the secret of nonpaternalistic giving is “mutuality - in obligations, contributions, and benefits - and the right to question or to protest.”³⁷

The nature of the work of NGOs makes them highly susceptible to charges of paternalism. One example is the efforts of the CECADE, a progressive Costa Rican NGO. CECADE was formed by intellectuals associated with the Costa Rican left, and was closely aligned with one of the country’s peasant unions and worked to promote political participation by peasants both at the local and national levels.³⁸ After several years of working in the community one CECADE promoter acknowledged the difficulty in encouraging community participation. “It has been difficult to break with the paternalistic mentality,” he said. “The people expect us to arrange everything. They still don’t feel like the project is theirs.”³⁹ The possibility of paternalism will always be a risk for NGOs which offer initiatives and guidance and help in development for local areas.

Another major criticism of NGOs is how they are funded. Critics of NGOs argue that the agenda that prevails ends up reflecting the concerns of environmentalists in first world countries footing the bill, and not necessarily the priorities of local and national populations. For example, in Brazil, NGOs are to a large extent financially dependent on international funds.⁴⁰ According to a 1996

study, among the NGOs that operate with a budget larger than \$100,000 U.S. dollars, funds coming from international cooperation amount to 50% of total resources.⁴¹ In addition to questions about the source of funding for NGOs, there is also the potential for corruption. Holloway argues that two factors contribute to NGO corruption: the dramatic increase in money available to NGOs and the confusion about the role of NGOs.⁴² The need for individual NGOs to promote their own image in order to secure funds may at times hinder coalition building and cooperation between NGOs. As Bichsel points out, the NGO community is very heterogeneous and therefore, its actors are largely self-selected and their specific agendas are not always representative and democratically defined.⁴³

While both Southern and Northern NGOs are criticized for paternalism and questionable funding sources, Northern NGOs are more typically funded by corporate money rather than individual donors and this raises other concerns. For example, in the 1993 negotiations over the North American Free Trade Agreement, the environmental community in the United States split among fundamental ideological and tactical lines. On one side were the Washington, DC or New York based NGOs such as the National Wildlife Federation (NWF), the World Wildlife Federation and on the other, the Sierra Club, Greenpeace, the American Humane Society and a host of grass-roots organizations. Each side accused the other of “distorting facts, failing to recognize economic or political reality, and imperiling public safety.”⁴⁴ The head of the NWF charged that opposing NGOs were “putting

their protectionist polemics ahead of concern for the environment,” while a coalition of opponents asked in an advertisement, “Why are some ‘green’ groups so quick to sell off the North American environment? Maybe they are too cozy with their corporate funders.”⁴⁵

The Role of ENGOs in Latin America

This paper argues for an expanded, more substantial role for ENGOs in the creation and operation of international environmental regimes. Spiro argues that, international regimes protecting human rights and the environment would arguably amount to nothing without initial and continuing NGO pressure.⁴⁶ Indeed, as Price notes, “in the politics of ecopolitics the significance of state and local actors is underappreciated.”⁴⁷ This paper argues that the impact of NGOs is inadequately reflected in international law or in the formal structure of international institutions. As Spiro notes, NGOs must be better integrated into decision-making processes.⁴⁸ This section will examine how the conventional roles of governments and NGOs are being redefined.

Many analysts trace the surge of NGO activity in Latin America to the processes of democratization.⁴⁹ Many authors identify several generations of NGOs in Latin America, each with differing characteristics. Korten distinguishes between three “generations” of NGOs, the first committed to relief and welfare activities, the second, to small-scale, local, development projects, and the third to community organization, mobilization, and coalition building.⁵⁰

The earliest NGOs, predominantly relief and welfare NGOs, were formed prior to the period of the most severe curtailment of political rights. These NGOs often emerged from the philanthropic work of the church, adopting a mildly critical stance toward government (e.g. the International Red Cross/Red Crescent movement).⁵¹ The increased independence and direct involvement of these Southern NGOs in rural and urban development are now part of an emerging national civic mobilization and social activism in Latin America.⁵²

The second generation development NGOs aimed to “weaken the dependency engendered by ‘first generation’ NGO strategies and use activities such as primary health care programs and agricultural cooperatives to organize peasants at the local level, helping them to challenge local elites.”⁵³ Such NGOs often become involved in overt political campaigning and protest actions.

Third generation NGOs, dating to the 1970s, and inspired principally by Latin American liberation theology, focus on “conscientization” (i.e. raising the critical consciousness of members of members) and mobilization, leading to direct intervention in political conflicts.⁵⁴ These NGOs focused more on being catalysts for social change rather than service-providers. These NGOs built upon earlier, indigenous NGOs that directly supported base groups, that is local village or community organizations.⁵⁵ These indigenous organizations energized local groups and provided vertical mediating links between them and the higher reaches of the financial, technical, and political power structure.⁵⁶

Some of the more radical NGOs were created in opposition to governments which neglected or discriminated against the rural poor.⁵⁷ Others were formed by those (particularly left-leaning professionals) forced out of the public sector and university positions by authoritarian ruling groups. Others emerged as universities, particularly social science departments, were starved of resources by government for either political (for example, Chile) or economic reasons.⁵⁸ For all of these groups, forming an NGO was in part of an economic survival strategy, and in part a means to continue pursuing a socio-political program.⁵⁹

Given their roots, NGOs in Latin America were critical of the government, and most avoided any contact with it. The NGOs of the early or mid-1980s were composed of “small groups of motivated, qualified, and relatively well-paid professionals, often with close links to supportive northern universities offering postgraduate training.”⁶⁰ This type of NGO still operates in Latin America but a new breed of NGOs has emerged which are far less political, and much more concerned with program implementation than policy and political critique. To the extent that these NGOs criticize the government, it is on the ground of its inefficiency, rather than its distributional and political biases.⁶¹

Indeed, many NGOs are working to educate Latin Americans about farming practices that promote a policy of sustainable development. But their role is expanding beyond education to one of filling in gaps in weak government programs. There is growing recognition of the need for local communities to manage their own

environments instead of deferring to outside authorities. ENGOs can be catalysts for local community programs for environmental protection. I believe this role will accord ENGOs a prominent position in environmental policy-making and implementation. This section will examine how ENGOs have stepped forward to do the work the government has been thus far unable to do.

The efforts of ENGOs in Latin America permeate nearly every function of state and local government activities. Some observers have likened the proliferation of ENGOs in the third world to a “quiet” revolution that at least one analyst believes many “prove to be as significant to the latter twentieth century as the rise of the nation-state was to the latter nineteenth century.”⁶² This paper argues that the NGO sector can be a new vehicle for implementing programs inside government. The types of relationships proposed have included the contracting of NGOs to implement government targeted levels of technology transfer (Chile), the delegation of NGOs of transfer actions without any financial resources from government to NGOs (Bolivia), and the allocation of small grants to NGOs to implement small rural projects (as in the proposed ‘social funds’ in several countries).⁶³

What is a suitable role for NGOs? NGOs have been formally - but not fully - incorporated into what were previously “states-only” activities.⁶⁴ The participation of NGOs in international politics is a *privilege*, not a right. I agree with the authors who suggest expanding the mechanisms by which NGOs interact with the UN System. One possibility is a formal recognition of NGOs based on the precedent of

the ILO model. The International Labor Organization (ILO), the sole surviving institutional innovation of the Peace of Paris and the League of Nations era, operates under a tripartite structure in which governments, workers and employers have votes in a 2:1:1 ratio. A handful of variations on the ILO model exist that work well, particularly on technical issues and the setting of standards. The International Organization of Standardization, or ISO, for example, is a hybrid NGO that brings together representatives of industry, government, consumer, and other bodies together on equal footing to resolve global standardization issues.

Lessons from Rio

Environmental NGOs have been particularly prominent players in international politics.⁶⁵ For example, at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, 9,000 NGOs from 171 countries were represented by more than 20,000 participants.⁶⁶ Agenda 21, the plan of action adopted at the conference emphasized that government action alone will not lead to sustainable development. Partnerships will have to be created with business, the professions (including science, economics, and the law), and representatives of all sectors of the community (including women, young people, and indigenous peoples).⁶⁷ This section argues that the Rio Conference brought the problem of how NGOs should participate to light and also serves as an example of the nexus between state sovereignty versus environmental protection.

The Rio Conference exemplified the difficulty in coordinating NGO participation and the ambiguity of their role. For example, 1500 NGOS were accredited to participate in UNCED, but trying to include them all was impossible, so in the final days of the conference, government delegates increasingly retreated behind closed doors.⁶⁸ As Simmons points out, “narrowing the [NGO] field is extraordinarily difficult because no one algorithm or set of criteria can objectively rank the worth of an NGO to a participatory process.”⁶⁹ For example, should the World Trade Organization (WTO) consult and share information with groups that have large memberships but are sworn enemies of the WTO’s existence?

Cameron argues that the UNCED process “marked a significant increase in the involvement of NGOs and individuals and focused attention onto their importance in achieving sustainable development.”⁷⁰ Indeed, it has even been argued that UNCED preparations have shifted the line between acceptable influence and intrusions on sovereign power, bringing NGOs closer to the heart of decision-making. For example, at the preparatory sessions for UNCED, NGOs “have worked alongside the government delegations to prepare reports, to find issues, provide data and advocate positions. This expanded NGO role is forcing a new examination of the traditional 15 state decision-making process and is stretching the boundaries of the United Nations negotiating structures.”⁷¹

Many analysts stress the importance of NGO participation and Handl goes as far as to propose new means of formally structuring environmental regulations to

achieve this. Handl suggests that one possibility might be “to treat these entities [NGOs] as formally independent of states in recognition of their *de facto* independence in the transnational arena.”⁷² But Cameron cautions against any proposal too radical which countries would refuse to support. I agree with Cameron’s assessment that there is a need for a structure for participation for non-state actors that increases their availability to contribute meaningfully to the decision-making process without violating traditional (but no less real) concepts of sovereignty.⁷³ The challenge lies in finding a solution which allows greater participation, but does not compromise the ‘outsider’ status which is one of the great strengths of NGOs.

Some states are doing better than others in coping with who should participate and how in international agreements. Canada stands out for its role in forging an alliance with NGOS on the landmine ban. As Foreign Minister Lloyd Axworthy has said, “Clearly, one can no longer relegate NGOs to simple advisory or advocacy roles...They are now part of the way decisions have to be made.” The U.S. record in working with NGOs is mixed: generally good in areas such as the environment and relatively poor in areas such as arms control and regional issues.⁷⁴ At the extreme, China chose to banish NGO delegates at the Fourth International Women’s Conference in Beijing in 1995 to a site one hour’s drive away from the main proceedings. States are clearly grappling with the role NGOs should play in formerly “states-only” activities.

I agree with Princen who argues that NGOs fill a political “niche” unfulfilled by other international actors. Local NGOs have the power to build expertise in areas diplomats tend to ignore and understand immediate community needs. In other words, local NGOs are actors who are “unencumbered by territory to defend or treaties to uphold...who can trade on these assets for access. With access, NGOs can create linkages between the local and the global, linkages that respect local needs for sustainable economies.”⁷⁵

¹ Stockholm Declaration on the Human Environment, adopted by the UN Conference on the Human Environment at Stockholm, June 16, 1972, Section I of Report of the United Nations Conference on the Human Environment, UN Doc. A/CONF. 48/14 and Corr. 1 (1972), *reprinted in* 11 *ILM* 1416 (1972).

² Norman J. Vig and Regina S. Axelrod, eds., *The Global Environment: Institutions, Law, and Policy* (Washington, DC: CQ Press, 1999): 52.

³ Sir Geoffrey Palmer, “New Ways to Make International Environmental Law,” *American Journal of International Law* 86 (1992): 263.

⁴ Laurence E. Susskind, *Environmental Diplomacy: Negotiating More Effective Global Agreements* (New York: Oxford University Press, 1994).

⁵ Hans J. Morgenthau and K.W Thompson, *Politics Among Nations: The Struggle for Peace and Power*, 6th ed. (New York: Alfred A. Knopf, 1985).

⁶ Vig and Axelrod.

⁷ James Cameron, “Compliance, Citizens, and NGOs,” in James Cameron, Jacob Werksman and Peter Roderick, eds., *Improving Compliance with International Environmental Law* (London: Earthscan Publications, Ltd., 1996): 31.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Vig and Axelrod, 56.

¹¹ Vig and Axelrod, 68.

¹² Thomas F. Carroll, *Intermediary NGOs: The Supporting Link in Grassroots Development* (West Hartford, CT: Kumarian Press, 1992): XI.

¹³ UN Charter, Article 71.

¹⁴ Carrie A. Meyer, “Public-nonprofit Partnerships and North-South Green Finance,” *Journal of Environment and Development* 6 (June 1997): 123.

¹⁵ Kal Raustiala, “States, NGOs, and International Environmental Institutions,” *International Studies Quarterly* 41 (1997): 726.

¹⁶ *Harvard Law Review*, “Comment: Developments in the Law - International Environmental Law,” *Harvard Law Review* 104 (1991): 1601-2.

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- ¹⁷ Thomas F. Carroll, *Intermediary NGOs: The Supporting Link in Grassroots Development* (West Hartford, CT: Kumarian Press, 1992): 11.
- ¹⁸ *Ibid.*
- ¹⁹ Bertrand Schneider, *La Revolucion des Pieds Nus-Rapport ua Club de Rome* (Paris: Fayard, 1985).
- ²⁰ *Ibid.*, p. 67.
- ²¹ Jo-Marie Burt, "Local NGOs in Peru Devise an Alternative Anti-Poverty Program," *NACLA Report on the Americas* 29 (May-June 1996): 34-36.
- ²² *Ibid.*, p. 35.
- ²³ James R. Keese, "International NGOs and Land Use Change in a Southern Highland Region of Ecuador," *Human Ecology: A Interdisciplinary Journal* 26 (Sept. 1998): 451-69.
- ²⁴ PLAN International, *Worldwide Annual Report* (Plan International, 1994).
- ²⁵ Keese, p. 457.
- ²⁶ *Ibid.*, p. 74.
- ²⁷ Hilary French, "The Role of Non-State Actors," in Jacob Werksman, ed., *Greening International Institutions* (London: Earthscan, 1996): chap. 6.
- ²⁸ See Judith Tendler, *What to Think About Cooperatives: A Guide from Bolivia* (Inter-American Foundation, 1983); Alan B. Durning, "Action at the Grassroots: Fighting Poverty and Environmental Decline," *Worldwatch Paper No. 88* (The Worldwatch Institute, 1989); David Hulme, "Can the Grameen Bank be Replicated? Recent Experiments in Malaysia, Malawi and Sri Lanka," *Development Policy Review* 8 (1990): 287-300. Similar banks have been set up in Rwanda, Egypt, Kenya, Sudan, and Malawi.
- ²⁹ *Ibid.*, p. 76.
- ³⁰ Keese, p. 460.
- ³¹ Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962).
- ³² Anthony J. Bebbington, "Modernization From Below: An Alternative Indigenous Development," *Economic Geography* 69 (1993): 274.
- ³³ Anne Bichsel, "NGOs As Agents of Public Accountability and Democratization in Intergovernmental Forums," in William M. Lafferty and James Meadowcroft, eds., *Democracy and the Environment* (Brookfield: 1996): 235-253.
- ³⁴ *Ibid.*
- ³⁵ *NACLA Report on the Americas*, "A Mixed Blessing: the NGO Boom in Latin America," *The Geographical Review* (March-April 1995): 30.
- ³⁶ Carroll, p. 87.
- ³⁷ *Ibid.*, p. 88.
- ³⁸ Laura MacDonald, "A Mixed Blessing: the NGO Boom in Latin America," *NACLA Report on the Americas* 28 (March-April 1995): 34.
- ³⁹ *Ibid.*
- ⁴⁰ David Kaimovitz, "Social Pressure for Environmental Reform in Latin America," in Helen Collinson, ed., *Green Guerrillas: Environmental Conflicts and Initiatives in Latin America and the Caribbean* (London: Latin American Bureau, 1996): 20-32.
- ⁴¹ *Ibid.*
- ⁴² Richard Holloway, "NGOs - Losing the Moral High Ground?" *UN Chronicle* 93 (1998).
- ⁴³ Bichsel, 252.
- ⁴⁴ Princen and Matthias, 9.
- ⁴⁵ Keith Schneider, "Environmentalists Fight Each Other Over Trade Accord," *New York Times*, September 16, 1993, A1, A10.
- ⁴⁶ Peter J. Spiro, "New Global Communities: Nongovernmental Organizations in International Decision-Making Institutions," *The Washington Quarterly* 18 (Winter 1995): 45.
- ⁴⁷ Marie Price, "Ecopolitics and Environmental Nongovernmental Organizations in Latin America," *The Geographical Review* (Jan. 1994): 56.

⁴⁸ Spiro, p. 51.

⁴⁹ J. Healey and M. Robinson, *Democracy, Governance and Economic Policy: Sub-Saharan Africa in Comparative Perspective* (London: Overseas Development Institute, 1992).

⁵⁰ Korten, *Getting to the 21st Century*, pp. 115-27.

⁵¹ Anthony Bebbington and John Farrington, "Governments, NGOs and Agricultural Development: Perspectives on Changing Inter-Organisational Relationships," *The Journal of Development Studies* 29 (Jan. 1993): 201-2.

⁵² See Albert O. Hirschman, *Getting Ahead Collectively: Grassroots Development in Latin America* (New York: Pergamon Press, 1984); Mario C. Padron, *NGOs and Grassroots Development: Limits and Possibilities* (The Hague, Netherlands: Institute of Social Studies, 1982); Leilah Ladim, "Nongovernmental Organizations in Latin America," *World Development* 15 (1987): 29-38.

⁵³ Gerard Clarke, "Non-Governmental Organizations (NGOs) and Politics in the Developing World," *Political Studies* XLVI (1998): 42.

⁵⁴ *Ibid.*

⁵⁵ Carroll, p. 2.

⁵⁶ David K. Leonard, "Analyzing the Organizational Requirements for Serving the Rural Poor," in *Institutions of Rural Development for the Poor*, edited by David K. Leonard and Dale Rogers Marshall, (Berkeley, CA: Institute of International Studies, University of California, 1982): 1-39; Robert F. Gorman, ed., *Private Voluntary Organization as Agents of Development* (Boulder, CO: Westview Press, 1984); Milton Esman and Norman Uphoff, *Local Organizations: Intermediaries in Rural Development* (Ithaca, NY: Cornell University Press, 1984).

⁵⁷ Bebbington and Farrington, p. 204.

⁵⁸ Brian Loveman, "NGOs and the Transition to Democracy in Chile," *Grassroots Development* 15 (1990): 2-12.

⁵⁹ A.D. Lehmann, *Democracy and Development in Latin America: Economics, Politics and Religion in the Postwar Period* (Cambridge: Polity Press, 1990).

⁶⁰ Bebbington and Farrington, p. 202.

⁶¹ *Ibid.*, p. 203.

⁶² Lester M. Salamon, "The Rise of the Nonprofit Sector," *Foreign Affairs* 73 (1994): 109.

⁶³ Bebbington and Farrington, p. 212.

⁶⁴ Raustiala, p. 719-40.

⁶⁵ Tom Princen and Matthias Finger, *Environmental NGOs in World Politics: Linking the Global and the Local* (New York: Routledge, 1994).

⁶⁶ J. Fisher, *The Road from Rio: Sustainable Development and the Nongovernmental Movement in the Third World* (Westport, CT: Praeger, 1993).

⁶⁷ Martin W. Holdgate, "Pathways to Sustainability: the Evolving Role of Transitional Institutions," *Environment* 37 (Nov. 1995): 22.

⁶⁸ P.J. Simmons, "Learning to Live with NGOs," *Foreign Policy* (Fall 1998): 82-96.

⁶⁹ *Ibid.*

⁷⁰ Cameron, p. 34.

⁷¹ Lindborg, "Future Role of Non-Governmental Organisations in International Environmental Negotiations," in Laurence Susskind, E.J. Dolin and J.W. Breslin, eds., *International Environmental Treaty-Making*

⁷² G. Handl, "Human Rights and Protection of the Environment: A Mildly 'Revisionist' View," in Cancado Trindade, ed., *Human Rights, Sustainable Development and the Environment* (San Jose: Instituto Interamericano de Derechos Humanos, 1992): 117.

⁷³ Cameron, p. 38.

⁷⁴ Simmons, p. 91.

⁷⁵ Thomas Princen, "NGOS and Environmental Diplomacy," in Princen and Finger, 42.

CHAPTER FIVE

ENVIRONMENTAL AGREEMENTS AND LATIN AMERICA

Debt-for-Nature Swaps

By the end of the 1970s and even more starkly in the decade of the 1980s, most Latin American countries had incurred massive external debt. The staggering debt load, combined with the shock of oil price increases and generally declining export markets, left many countries with virtually impossible burdens of debt servicing.¹ Argentina, Chile and Costa Rica were among the economies hardest hit by the external debt crisis. By the end of 1987, the foreign debt of Argentina had reached some \$54 billion; that of Chile, \$20 billion; and Costa Rica, some \$4 billion.²

One of the policy tools used by Latin American countries to cope with the external debt load were various forms of debt conversions. Debt conversion becomes attractive when lenders, unsure of eventual repayment of the loans, are willing to sell debt notes and accept a loss, and when the central banks of the debtor nations are willing to prepay the original debt, but in the local currency of the debtor country.³ One version of the debt conversion scheme is the debt-for-nature swap. A debt-for-nature swap is “an arrangement by which an indebted developing country undertakes, in exchange for cancellation of a portion of its foreign debt, to establish local currency funds to be used to finance a conservation programme.”⁴ International

NGO's have facilitated negotiations between debtor countries, local NGOs and interested commercial banks.

Since the first debt-for-nature swap with Bolivia in 1987 and until the end of 1994, thirty-two environmental swaps were completed in fifteen debtor nations, most of them in Latin America. They have reduced the stock of commercial foreign debt by \$177 million and generated close to the equivalent of \$130 million in domestic currencies for conservation.⁵

Former World Wildlife Fund Director Thomas Lovejoy, first proposed debt-for-nature swaps in 1984 to resolve a conundrum that has long troubled environmentalists: ecologically rich but economically indebted nations tend to put conservation low on their list of priorities.⁶ In 1984 Lovejoy attended a number of congressional hearings exploring the relationship between foreign debt and environmental damage. Lovejoy's account of how the idea germinated is revealing, "As I sat there, I thought surely there is a way to help solve the debt crisis and help the environment at the same time."⁷ He argued that the financial crisis in developing countries had resulted in catastrophic reductions in their already meager environmental budgets. Because of their economic and financial situation, many developing countries put an additional emphasis on export promotion which led to increased exploitation of natural resources.⁸

This chapter will look at both debt-for-nature swaps & the International Tropical Timber Agreement (ITTA) because they exemplify the confluence of the

environment and debt/trade issues. I will also examine the establishment of the Global Environment Facility (GEF), a more recent example of NGO participation. As this paper has demonstrated, there is a clear relationship between debt and environmental degradation. These examples show that without the input of local NGOs and a regional approach, these negotiations are often dominated by First World agendas and little environmental assistance. In addition, they had relatively small direct effects on the environmental problems they attempted to address.

The Mechanics of a Debt-for-Nature Swap

Debt-for-nature swaps are generally categorized as “private” or “public” swaps. The majority of swaps have been private swaps and are termed private because they were negotiated by and used funds raised by private international conservation organizations (COs).⁹ Three COs have been most active: Conservation International, The Nature Conservancy, and the World Wildlife Fund (WWF). The face value of debt retired in private swaps is \$95.1 million and this debt was acquired by international COs at a cost of \$24.6 million, so the average purchase price was 26 percent of face value.¹⁰ In exchange for canceling its debt the debtor government generally agrees to establish a conservation trust fund. A typical private swap includes three or more parties, an international CO that donates the funds and often initiates the process, a conservation organization in the host country with whom the international CO has established a working relationship, and one or more government agencies from the host country.¹¹

Other debt-for-nature swaps have been negotiated by developed country governments rather than international COs. The first two “public” swaps used debt donated by Sweden and the Netherlands. Nine have proceeded under the U.S. Enterprise for the Americas Initiative (EAI), a program that “allows debt owed to the U.S. by Latin American and Caribbean countries to be swapped for economic and environmental concessions.”¹² However, most debt-for-nature swaps in Latin America have been private swaps and the cases examined in this chapter will focus on private swaps involving international COs.

The first step of a debt-for-nature swap is the decision by a national government or NGO interested in conservation in a developing country to engage in a swap. This host organization then contacts an international organization interested in conservation. Once the international organization agrees, it searches for the funds needed to purchase part of the debt on the secondary market. Meanwhile, the host organization arranges approval from the host country’s highest financial authority and natural resources authority.¹³

Next, the host organization and the international organization must also agree to the project before the host government can authorize funding. Approval by the financial authority, usually the central bank, will usually state the following terms: a description of the donor, including a condition that the donor be an international organization committed to preserving the environment; the type and face value of debt instruments to be purchased on the secondary market; the type of local currency

bonds to be issued in exchange for the debt instruments, with details of the exchange rate, bond maturity and annual rate of interest; and the use of the proceeds from the local bonds.¹⁴ The financial authority then assigns an intermediary national bank to receive and supervise the deposit of funds from the swap. The final step in preparing the swap is when the host government agencies issue regulations controlling the administration of the funds and the project.¹⁵

Bolivia

On July 13, 1987, Conservation International (CI), an environmental organization based in the US, signed an agreement with the Government of Bolivia canceling \$650,000 of the latter's debt in exchange for certain resource measures to be undertaken in Bolivia.¹⁶ CI bought the Bolivian debt at the discounted rate of \$100,000 and then offered to write off the debt on the condition that the Government committed itself to conserving the 3 million acre Chimanes forest. In return for canceling the debt, the Bolivian Government agreed to establish an endowment fund worth \$250,000 in local currency to underwrite the operating costs of a 2.7 million "biosphere reserve" and buffer zone in the Beni river region of the Bolivian Amazon.¹⁷ At the time, this first ever debt-for-nature swap was hailed as a "pioneering debt-for-nature swap - a way to reduce South America's debt and preserve the environment."¹⁸

At first blush, swaps seem the perfect "win-win" solution for Latin America. As Elliot observed, the debtor country has part of its debt relieved and environmental

protection or repair is funded when it might otherwise not have been.¹⁹ But in reality, the swaps often resulted in disagreement and dissatisfaction and political unrest in the host countries. This section will look at how the CI-Bolivia swap affected the region and assess its goal of conserving the environment. First, I will look at the reasons why local inhabitants opposed the swap. Second, I will look at how local NGOs were excluded from the process and lastly, I will look at whether CI's commitment to preserving the environment was realized.

The first criticism of this debt-for-nature swap is that the parties ignored the local inhabitants and failed to include them in the decision-making process. In August of 1990, 2,000 Bolivian Indians made an unprecedented month-long march across Bolivia to protest that a debt-for-nature swap has led to the destruction of their ancestral homelands. Indians of the Chimanes, Mojeno, Yuracare and Movima tribes marched 640 kilometers to the Bolivian capital, La Paz, to attract attention to their situation.²⁰ As a result of the debt-for-nature swap, part of the Chimanes forest was designated a "Permanent Production Zone", and logging has subsequently wreaked havoc across the land of Amerindians living there. The Indians reached a breaking point and declared, "we are tired of promises and studies...and would rather die than have this living slavery."²¹ As a result of this production zone, seven logging companies practicing supposedly sustainable logging have decimated the area. The logging roads have opened up the forest to colonization, with disastrous consequences for the forest wildlife on which the Indians depend.

The second criticism of this swap is that local NGOs were left out of the negotiating process. For example, the Chimanes Indians had their own proposal for the forest which was an alternative to the swap, which was simply ignored.²² In addition, the local NGOs were not allowed to participate in the negotiations or program implementation. The CI-Bolivia swap, was similar to most swaps in that it involved only the debtor government, the creditor, and an international environmental non-governmental organization (CI). CI acted as an intermediary between the creditor and debtor, the debtor's central bank, and was on the spot to receive the proceeds of the debt conversion and implement the conservation program.²³ I believe that local NGOs were not included in the process because the donor countries may not be willing to delegate major responsibility for an internationally-funded program to them. Thus, I believe that a more formal recognition of the contributions of NGOs as discussed in the previous chapter would enable these local NGOs to participate in these environmental agreements. In turn, the local NGOs would be able to organize grassroots support for the program, provide education about it, and also provide an outlet for local inhabitants to voice their opinions and take ownership of the conservation program.

The third criticism of this swap is that the environmental promises were not realized and degradation of the Amazon, dubbed the "earth's lung" continues. One account reports that officials failed to create promised foreign reserves along a world Bank-financed highway through the Amazon. In 1989, satellite photos pinpointed

thousands of fires burning simultaneously in the Amazon, set by colonists who cleared the forest for government-subsidized farming or ranching.²⁴

Bequette suggests that debt-for-nature swaps are simply a new form of domination. She asks, “are the territorial restrictions imposed on the indigenous populations justified, when in fact the debt is none of their making?”²⁵ Some experts argue that in most cases these swaps do not result in much more than a few conservation measures that preserve appearances, and that no in-depth, concrete action actually takes place.

The environmental goals of the CI-Bolivia swap were not realized when the Bolivian government neglected to deliver the US\$ 100,000 it had promised into the fund to manage the reserve. Other partners in the project, including the U.S. Agency for International Development, withdrew their support for the project.²⁶ Bolivia also reneged on its commitment to require loggers to replant designated areas around the reserve. However, CI has continued to support the Beni Biological Station and has plans to design and implement a communications campaign at the national and international levels to “promote the projects, achievements and richness of the Beni Biological Station as a unique conservation unit.”²⁷

Costa Rica

In many ways, Costa Rica was an ideal candidate for the nature swap initiative.²⁸ After the less than encouraging experience with the Bolivia swap, the international NGO community looked to Costa Rica as an opportunity for great

success. Costa Rica was an exception when compared to most other potential recipients in that it had established national parks by the end of the 1960s and managed to safeguard close to one-third of its territory to some degree by the end of the 1980s. Many observers ranked the country's conservation commitment as "one of the most effective in the world."²⁹ Costa Rica entered the process with a "worldwide reputation as a leader in conservation."³⁰

The swaps in Costa Rica are generally thought of as successful ventures. Six swaps in the late 1980s retired six-and-a-half percent of the national debt and strengthened governmental and non-profit, private institutions.³¹ Despite Costa Rica's commitment to conservation, it faced both serious environmental problems and a debt crisis. It had one of the highest rates of deforestation on earth for much of the 1980s, and also suffered from the highest per capita foreign debt in the developing world.³²

In March 1987, the Costa Rican Ministry of Natural Resources, Energy and Mines (MIRENEM) contracted the Northwest Bank of Indiana with the prospect of trading Costa Rican debt for investment in a privately run environmental venture. The investment would capitalize Portico, a wooden-door manufacturer, and the financing would enable it to purchase forestland and manage it responsibly. This swap met with moderate success and led to another swap with a more ambitious agenda. On March 20, 1990, the WWF, the Costa Rican Ministerio de Recursos Naturales, Energia Y Mintas (the Ministry), and the Fundacion de Parques

Nacionales (the Foundation) agreed to the terms of a debt-for-nature swap.³³ The Ministry is a government resource management agency and the Foundation is a private Costa Rican conservation organization. The Central Bank of Costa Rica had agreed separately to exchange up to \$10.8 million in Costa Rican external debt for domestic currency bonds issued specifically to fund conservation activities.

There are two notable features of the Costa Rican swap. First, in a WWF compliance review of the swap, the swap was generally found to be achieving its goals, but noted that “personnel were often distracted from assigned duties by the task of repelling invasions by gold miners into the protected areas.”³⁴ This highlights one role WWF and the local ENGOs may inadvertently serve - the delineation and enforcement of existing nominal property rights that are held by the host government. Oftentimes, developing countries designate large tracts of land as government reserves but do not provide monitoring and enforcement--creating so called paper parks.³⁵ This is critical to the success of future environmental agreements; like many developing countries, Costa Rica has been cited for weakness in the enforcement of its environmental protection laws.³⁶

The second notable feature of this swap is the authority granted to WWF and the local ENGO. The contract authorizes WWF and the Foundation to select, administer, and monitor specific projects. In addition, conservation proposals are to be submitted by the Foundation and approval of funding requires WWF consent.³⁷ The Foundation is responsible for preparing budgets and reporting on activities

completed. More importantly, the Foundation is charged with monitoring and issuing compliance reports to the Costa Rican government.

Since the 1987 and 1990 debt-for-nature swaps, other NGOs have initiated conservation programs in Costa Rica. For example, in 1995, the AMISCONDE project, a partnership with McDonald's Corporation, Clemson University and two leading NGOs in Costa Rica and Panama, helps local farmers, community groups and businesses to make smaller farms more profitable - thus preventing encroachment.³⁸ AMISCONDE is a notable success for several reasons. First, it helps to raise yields on land that is already cleared by introducing new products like fruit trees and focusing on intensive, organic farming techniques. Second, AMISCONDE is encouraging new opportunities by initiating an agricultural credit program and is helping to improve market access. Third, the project is helping to raise conservation awareness among the local population by educating framers, women's and children's groups. This investment in the local inhabitants has resulted in the sense of regional ownership and the communities have assumed greater responsibility in managing the projects.³⁹ Thus, the debt-for-nature swaps have led to such projects, many of them initiated and executed by local ENGOS.

Ecuador

Despite the setback in Bolivia, another debt-for-nature swap went forward in Ecuador. The case of Ecuador demonstrates the contribution of local ENGOS to the success of environmental agreements. I believe the model that emerged from the

Ecuador swap, is a model for future environmental agreements and supports my contention that the participation of local ENGOs is critical to the success of environmental agreements in Latin America.

On December 14, 1987, the World Wildlife Foundation (WWF) purchased \$1 million in Ecuadorian debt and assigned the debt to Fundacion Natura, an Ecuadorian environmental NGO. Unlike the Bolivian transaction, the Ecuadorian swap was not solely an exchange of debt for government commitments to undertake environmental measures.⁴⁰ Instead, this agreement adopted a more complex three-step process. First, WWF purchased dollar-denominated Ecuadorean debt from a group of international banks. Next, WWF exchanged this debt for Ecuadorean bonds, repayable in local currency, to be held by a local environmental group, the Fundacion Natura. Third, WWF and the Ecuadorean government agreed to allow the Fundacion Natura to use the payments from these bonds to fund the preservation of undeveloped lands.⁴¹ The Ecuadorian swap is distinct from previous swaps not only because it de-emphasized the role played by the debtor government and used “environmental” bonds to avoid the inflationary effects of swaps,⁴² it emphasized the involvement of local ENGOs. The role of local ENGOs helped to alleviate the common problem of enforcement of debt-for-nature agreements.

In the Ecuadorian swap, local environmental groups created a model of compliance and cooperation that has markedly improved debt-for-nature swaps.

This “Transparency/Involvement” Model presumes that:

“International environmental groups can best ensure compliance with swap agreements by: (1) requiring annual reports and independent audits that are subject to scrutiny by the press and local political constituencies (“transparency”); and (2) taking an active role in the management and oversight of projects, and assigning significant responsibilities to friendly local NGOs (“involvement”).⁴³

I believe this model exemplifies the future of environmental policymaking in Latin America. It acknowledges the contribution of local ENGOs to issues of accountability and enforcement and the critical role they play in promoting environmentally-sound practices to the local inhabitants. Although debt-for-nature swaps may not be the best solution for environmental problems in Latin America, this model should serve as the basis for policy-making and be included in a Latin American regime

International Tropical Timber Agreement

The International Tropical Timber Agreement (ITTA), was the first international commodity agreement which specifically included provisions for the protection of the environment.⁴⁴ I will examine this agreement and the subsequent organization that was formed to provide an example of a global environmental agreement which directly bears upon Latin America’s natural resources. I will compare the 1983 ITTA with the subsequent 1994 ITTA. In addition, I believe that the ITTA is a glaring example of what happens when regional interests are not represented in global environmental agreements and local ENGOs do not participate

in negotiations. Keohane and Levy note that international agreements such as the ITTA, have failed to affect tropical forestry practices, “largely due to low concern on the part of the governments of the tropical countries.”⁴⁵ In this section I will briefly provide a history of the ITTA and look at how it has affected Latin America both financially and environmentally.

In 1977, the Japanese originally tabled a resolution on timber at the United Nations Conference on Trade and Development (UNCTAD).⁴⁶ Although they imagined a commodity agreement of the sort which governed the international trade in jute and rubber, what resulted was quite different.⁴⁷ Whereas the jute and rubber commodity agreements confined themselves strictly to trade issues, it soon became clear in the negotiations that the international trade in timber, coming as it does from a variety of sources in different regions of the world’s forests, could not be treated as a single, well-defined commodity. Thus, the ITTA was hailed as a unique hybrid - part commodity and part international environmental agreement.

During the negotiations, an environmental policy and advocacy group, the International Institute for Environment and Development (IIED), became involved. One author has succinctly observed that the IIED forcefully argued its case that any resulting commodity agreement could not limit itself merely to the technical and commercial aspects of timber extraction and trade, “but must also provide for the other crucial ecological and genetic services provided by forests.”⁴⁸ Because of intense pressure imposed by domestic environmental groups, the industrialized

countries in particular could no longer afford to ignore the IIED's arguments. In late 1983, after six years of multilateral negotiation, the ITTA was finally signed by the individual members of the International Tropical Timber Organization (ITTO). The ITTO is the main discussion and decision-making forum on tropical forest management and use. It is composed of 25 producing and 26 consumer nations. The ITTO was charged with two, possibly mutually exclusive objectives. The first is to promote the expansion and diversification of international trade in tropical timber; the second is to maintain the ecological balance of the timber producing regions.⁴⁹

Although the environmental provisions were a victory for conservationists, one point of dispute still remained. The national governments participating in the negotiations were primarily concerned with how power under the new international agreement would be divided. The resulting voting system, clearly reveals where the parties think the relevant trade and environmental priorities are located.⁵⁰

I will briefly summarize the ITTA's complicated formula in which votes are divided equally between consumers in the developed world and exporters of tropical wood in the developing world.⁵¹ Consumer states are apportioned a number of votes based on their consumption of tropical timber, which apparently also determines the size of their funding obligations.⁵² Japan, which imports roughly 60% of its timber requirements, has the most votes of any consumer country because it is the largest importer of tropical timber. In comparison with Japan's high consumption rate of 45.7% of total output, that of the US (9.7%), South Korea (7.9%) and France (6.4%)

seems insignificant.⁵³ Therefore, these countries' ability to influence ITTA policy by voting is quite limited. Similarly, producers of tropical timber receive weighted votes based on the amount of timber they export.⁵⁴ On the producer side, that means Indonesia, which exports 42.1 of all tropical timber has the most votes, followed by Malaysia (19.5) and Brazil (8.2%).⁵⁵ By way of contrast, a country's actual area of tropical forests is given only secondary importance.

The net result of this weighted voting system is that *the more a country contributes to the destruction of tropical forests, the more votes with which it is rewarded.*⁵⁶ The ITTA's voting structure thereby ensures that the goal of promoting the international trade in tropical timber outweighs its secondary conservation goal. Viewed from this perspective, the ITTA-created voting system can be seen as a serious structural impediment to promoting sustainable timber harvesting at the multilateral level.

In addition, the ITTO is criticized for lacking both the authority and the resources to have a discernible influence on logging practices in the tropics.⁵⁷ The ITTO's aid budget is small and relies on voluntary contributions.

Since its creation, the ITTO has been plagued by continual doubts about its effectiveness in promoting environmental practices. One glaring example was the proposed project in 1993 that would catalogue endangered tropical trees. The \$800,000 research project, which the British and Dutch governments had offered to fund through the ITTO, aimed to create an international database on endangered

tropical trees.⁵⁸ The project was summarily rejected by the ITTO and afterwards there was an outcry from the environmental community. Simon Counsell, rainforest campaigner for Friends of the Earth says: “This demonstrates that the ITTO’s priority is to serve the timber trade, and the British government’s confidence in its conservation credentials is misplaced.”⁵⁹

The lack of confidence in the ITTA was reflected in the process to renew the agreement. The 1983 ITTA was to expire on March 31, 1994. At a meeting of the International Tropical Timber Council in Accra, one participant testified that, “At this stage there appears to be a likelihood that the International Tropical Timber Agreement 1994 may not go into force (as planned) in September.”⁶⁰ The remarks of council members at that meeting suggest a renewed commitment to sustainable practices which I believe was key to the adoption of the 1994 agreement. ITTO Council President Jerry Rawlings, opening the meeting, said logging and forest protection could go hand in hand. “Instead of telling conservationists in consuming countries to mind their own business we should be educating them in the measures we have taken towards sustainable management and demonstrate our commitment to a timber industry and trade that would rather ensure the survival of the forests,” he said. I believe Rawlings comments acknowledge the relationship between poverty and environmental degradation which the ENGOs had been working hard to establish. Rawlings said the ITTO should consider the issues of poverty and

ignorance in the fight against deforestation. “The greatest single cause is slash-and-burn agriculture in response to the needs of the growing population,” he said.

The debate over renewing the ITTA reflected an acknowledgment of past mistakes and a greater commitment to the producing countries, such as those in Latin America. Rawlings noted that the 1983 agreement had failed in its management of the tropical forests, “It is an inescapable and unpleasant fact that cause for concern does indeed exist. Damage has been done and continues to be done by inappropriate policies, by ineffective enforcement and trade malpractice.”

Now I will compare the 1994 ITTO with the 1983 agreement. The 1994 agreement reaffirmed the commitment to the objective that exports of tropical timber come from sustainably managed sources by the year 2000. However, the 1994 agreement goes further and establishes a new fund to assist tropical timber producers in obtaining the resources to reach the 2000 year objective. The Bali Partnership Fund (BPF) was established to assist producing members to make the investments necessary to enhance their capacity to implement a strategy for achieving exports of tropical timber and timber products from sustainably managed sources by the Year 2000.⁶¹ The ambitious 2000 objective of the 1994 ITTO has not yet been realized. Despite massive spending to support this goal, almost no logging in the tropics outside plantations can yet be considered sustainable.⁶² However, the overall concept of sustainable forest management remains popular.

Another key element of the 1994 agreement is that it contains broader provisions for information sharing that promote transparency in the tropical timber market. Increased transparency is key to compliance with environmental provisions and NGOs can play a critical role in this area. For example, Weiss and Jacobson argue that “sunshine methods.” are critical to compliance with environmental agreements.⁶³ Sunshine methods are intended to bring the behavior of parties and targeted actors into the open for appropriate scrutiny. Sunshine measures include regular national reporting; peer scrutiny of reports; on-site monitoring by parties, secretariats and NGOs; access to information by NGOs; media access and coverage of provide public awareness; publication of parties’ violations of the agreements; regional workshops to track behavior; corporate or private sector monitoring networks; consultants working on site; and informal pressures by parties and secretariats to comply.⁶⁴ Sunshine methods often rely on NGOs to bring suspected violations to the attention of governments and more importantly, the media.

The increased focus on environmental concerns is reflected in the projects undertaken by the ITTO after the 1994 agreement. For example, a grant of nearly \$1 million from the ITTO was awarded to fund the education of foresters and forestry trainers throughout Latin America and the Caribbean.⁶⁵ The Tropical Forest Foundation (TFF), an international nonprofit organization dedicated to conserving tropical forests through sustainable forestry, will run the program. “Training is the first step for countries interested in adopting sustainable forest management,” noted

TFF director Johan Zweede. “In most cases, the lack of trained personnel has been the limiting factor in the wider implementation of forest-management and low-impact logging practices in tropical forests throughout Latin America and the Caribbean.”⁶⁶ Local ENGOs will play a critical role in the implementation of the project. In Brazil, a local environmental NGO, Fundacado Floresta Tropical (FFT), will work with IBAMA (Brazil’s Environmental Protection Agency) to implement the two-year ITTO program.

As of November 1999 the ITTO had 54 members, including the European Community, which together represent 95 percent of world trade in tropical timber and 75 percent of the world’s tropical forests.

Future Environmental Agreements in Latin America

Unenforceability

As discussed in earlier chapters, one of the main obstacles to environmental policymaking is the lack of enforcement of agreements. Despite its virtues, international law will not be the solution to the environmental problems that plague the developing world. Few deny that the rules of international law actually exist and create real rights and obligations for states and individuals. However, it is equally true that there are “varying degrees of cogency, persuasiveness and consensus which are incorporated in agreements....but do not create enforceable rights and duties.”⁶⁷

For example, in order to explain the advent of debt-for-nature swaps it is helpful to look back at what alternatives international law has provided for Latin American countries. One possibility is Principle 21 of the United Nations Declaration on the Human Environment, written in Stockholm in 1972. Generally, the declaration is an international legal mandate that provides assurances from the signing states that their jurisdiction will not cause damage to the environment. However, as Giaimo observes, it is criticized as being of little value since it is not legally binding and it recognizes that lesser developed countries may favor development over the environment.⁶⁸ Another alternative may be the Treaty for Amazonian Cooperation which was signed by the eight countries whose territories include portions of the Amazon Basin. However, as Reisman notes, this treaty was also criticized because it “does not address the exploitation of the Amazon, as far as initiating substantive constraints, rather only with respect to the outside intervention of other countries.”⁶⁹ A third example is the UN World Charter for Nature signed in 1982 which does address the adverse impacts on nature permitted by nations. Nevertheless, it has no binding force and many Amazonian nations have expressed their opposition to this charter. In short, as Reisman argues, international environmental law has not discovered the answer ecologists and governments are looking for. Perhaps that is why governments and NGOs have tended to try alternative means, such as debt-for-natures swaps, to address environmental concerns.⁷⁰

Thus, it is my contention that the strength of an environmental regime for the Americas, would include the participation of local ENGOs who would help ensure compliance from the local people affected by the degradation and help them become invested in preservation of their environment. I agree with Sher, who argues that the most effective means of enforcing environmental commitments in Latin America is to support strong, responsible environmental NGOs within host countries.⁷¹ Sher argues that in this way, international donors can achieve results through grassroots political efforts that would be unobtainable by other means. In this view, local NGOs would be given significant responsibility for the management and transactions in their own countries so that they become invested in the projects. More importantly, “local NGOs can monitor compliance with environmental agreements and call violations to the attention of the public, thus bringing political pressure to bear upon the government of the host country to keep its environmental commitments.”⁷²

In his analysis of debt-for-nature swaps in Latin America, Hamlin observes that the inclusion of local environmental organizations in both policymaking and implementation of agreements, “strengthen the influence and expertise of environmental interests in developing nations,” and that “creating a formal linkage between local environmentalists and their respective governments may be the most significant accomplishment of the debt-for-nature agreements.”⁷³ For example, the CI-Bolivia swap directs CI to “name a national institution as executing entity of its

programs and/or projects” in Bolivia.⁷⁴ The agreement empowers this institution to act as CI’s representative and to contract for “the execution of [CI’s] programs and/or projects.”⁷⁵

Sovereignty and North/South Issues

The developed North’s economic domination and attempted political hegemony over the developing nations of the South are perceived, at least among citizens of developing nations, as violations of their sovereignty and autonomy.⁷⁶ When environmental issues began to emerge on the international agenda in the 1980s, the North wanted the South to stem the alarming trends, while the hard-line developing country governments, such as Malaysia, India, and Brazil insisted on their free-riding incentive and on their sovereign rights to repeat the environmentally destructive action of today’s developed countries.⁷⁷ As Jakobeit notes, “the environment was perceived as a new chance to alter the perceived imbalance between North and South after similar attempts had failed in the debate over a new international economic order. Sovereignty over their environmental resources became a fiercely defended principle for developing countries.”⁷⁸

With regards to each of the cases discussed in this chapter, examples of sovereignty tensions are not hard to find. In Bolivia, CI did not consult the indigenous people in relation to the debt-for-nature swap agreement nor inform them of the effect on their lives. Indeed, at the time the swap was being organized, the

Moxo Indians were struggling to obtain title to certain portions of the land involved in the swap.⁷⁹ Title to the land provided the only evidence of a right to the affected area. The debt-for-nature swap agreement actually divested traditional rights to the land. This put the indigenous people in conflict with a conservation program which, in effect, divested them of their rights to the land.⁸⁰ Therefore, there was a great deal of resentment amongst some of the indigenous people toward the debt-for-nature swaps. Webb argues that to be successful, the environmental organizations “need to recognize the cooperation and support of the indigenous people will be necessary for long-term success of the project. Problems such as poverty, poor farming techniques and the need to utilize forests for food and fuel will not be alleviated by erecting a fence.”⁸¹

Many analysts point out that debt-for-nature swaps can involve “a possible diminution of sovereignty in cases where the agreement involves restrictions on the use of resources of lands, or where it effectively directs funding decisions.”⁸² In the opinion of many Latin Americans, the environment has become an excuse for political intervention. Cleary goes as far as to describe debt-for-nature swaps as a form of ecological imperialism, that “the political agenda of the First World has dictated the formulation and content of debt-for-nature proposals.”⁸³

Debt-for-nature swaps arguably call into question the sovereignty of Latin American governments to make decisions about how their resources are used, without intervention from outside interests.⁸⁴ Cleary observes that debt-for-nature

swaps “have proved a powerful symbol of external interference in domestic Brazilian affairs.”⁸⁵ Hamlin describes debt-for-nature swaps as, “another mechanism by which the North pursues its interests at the South’s expense.”⁸⁶

The Global Environment Facility (GEF)

This last section will look at the more recent agreement to establish the GEF and specifically, at the participation afforded NGOs. The GEF was established just prior to UNCED in November 1990 as a three-year, \$1 billion pilot program to coordinate the environmental activities of the World Bank, the United Nations Environment Program (UNEP), and the UN Development Program. It assumed greater importance in 1994 after becoming the implementing arm of the environmental treaties stemming from the Rio Summit. Its projects focused on four global environmental problems: global warming, biodiversity loss, pollution of international waters, and depletion of the ozone layer.⁸⁷ Assessing the effectiveness of the GEF is beyond the scope of this chapter. I will focus on one aspect of the GEF - the participation of NGOs.

The GEF restructuring included a significant shift in the attitude towards NGOs. In the pilot phase, NGOs criticized the GEF for failing to involve affected peoples and local experts in the development and implementation of projects and policies.⁸⁸ NGOs point out that they were “excluded from participants’ meetings (even as observers), that many project documents were routinely withheld from the

public, and that the facility persistently failed to consult with local communities at important stages in the project cycle.”⁸⁹ Governments themselves called for increased transparency in GEF decisionmaking. Both NGOs and governments complained that GEF grants were often too large for the absorptive capacity of developing country institutions.⁹⁰ One highlight of the restructuring was the concession to allow NGO observers in the GEF’s governing council. None of the multilateral development banks (the World Bank and the Inter-American, Asian, African, and European Development Banks) allow public participation in the meetings of their boards of directors. In marked contrast, 10 observers are allowed to attend meetings of the GEF’s governing council. Five are permitted to attend these meetings in person and five others to watch the proceedings on closed-circuit television.⁹¹

The inclusion of NGOs in the governing process reflects a wider current of thinking that holds that development cannot be sustainable unless it secures ‘effective citizen participation in decision making.’⁹² The concession to NGOs in the GEF restructuring reflects the acknowledgment by the developed world that they may not always know what’s best for the South. This lies at the core of what a contextual regime in Latin America would focus on - the concerns and needs of the local inhabitants and their investment in preserving their environment.

This is not to say that international legal agreements do not have their place in environmental policymaking. In my opinion, the common thread found in

unsuccessful environmental agreements in Latin America such as the debt-for-nature swaps, the ITTA and the GEF was the lack of consideration for local inhabitants. The success of environmental protection policies ultimately lie with the practices of local people. As Hamlin notes, although the debt-for-natures swaps did not necessarily achieve their goals, they did serve to strengthen environmental groups in the swapping countries by including them in the implementation of the agreements and by channeling funds through them.⁹³

In conclusion, I believe that local ENGOs have created a niche that other international actors cannot fill. Local ENGOs can identify groups to educate, assist them in learning more environment-friendly practices and inspire them to become invested in preservation programs. This paper suggests an international environmental contextual regime for Latin America. I argue that a critical component of that regime is that local ENGOs are given the opportunity to participate fully in the policymaking process. As I have demonstrated, ENGOs can play critical roles in increasing the transparency of environmental agreements with sunshine methods, and more importantly, galvanizing local inhabitants to invest in conservation measures. A contextual regime would not likely favor debt-for-nature swaps, which result in short-term economic gains in exchange for environmental degradation. A contextual regime would approach environmental problems from a more macro perspective, acknowledging the relationship between poverty and environmental degradation and the importance of educating local inhabitants.

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- ⁴³ *Ibid.*, 161.
- ⁴⁴ International Tropical Timber Agreement, Nov. 18, 1983, U.N. Doc. TD/TIMBER/11/Rev.1 (1984), reprinted in 1393 U.N.T.S. 67 (1985).
- ⁴⁵ Robert O. Keohane and Marc A. Levy, eds., *Institutions for Environmental Aid: Pitfalls and Promise* (Cambridge, MA: MIT Press, 1996): 21.
- ⁴⁶ Marcus Colchester, "The International Tropical Timber Organization: Kill or Cure for the Rainforest?" *Transnational Associations* 4 (1991): 226.
- ⁴⁷ *Ibid.*
- ⁴⁸ Colchester, 227.
- ⁴⁹ Elliot, 85.
- ⁵⁰ Brian F. Chase, "Tropical Forests and Trade Policy: the Legality of Unilateral Attempts to Promote Sustainable Development Under the GATT," *Third World Quarterly* 14 (1993): 758.
- ⁵¹ *Ibid.*
- ⁵² Colchester, 227.
- ⁵³ "Tropical Forestry Meeting Opens: Environmentalists Urge Stricter Curbs," *BNA International Environment Daily* (2 December 1992) available in LEXIS, Nexis Library, Current File.
- ⁵⁴ Colchester, 227.
- ⁵⁵ BNA International, 107.
- ⁵⁶ Colchester, 227 (emphasis in the original).
- ⁵⁷ Michael Ross, "Conditionality and Logging Reform in the Tropics," in Keohane and Levy (1996): 167-197.
- ⁵⁸ Fred Pearce, "Tropical Countries Veto Rainforest Protection Scheme," *New Scientist* 138 (April 3, 1983): 11.
- ⁵⁹ *Ibid.*
- ⁶⁰ Ruben Guevaira Monacada of Honduras, testimony before the International Tropical Timber Council, May 11, 1993.
- ⁶¹ International Tropical Timber Organization [on-line] <http://www.itto.org>
- ⁶² Ian A. Bowles, R.E. Rice, R.A. Mittermeier and G.B. da Fonseca, "Logging and Tropical Forest Conservation," *Science* 280 (June 19, 1998): 1899-1900.
- ⁶³ Edith Brown Weiss and Harold K. Jacobson, "Getting Countries to Comply with International Agreements," *Environment* 41 (July/Aug. 1999): 16-20.
- ⁶⁴ *Ibid.*, 6.

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- ⁶⁵ Anonymous, "Grant to Fund Training for Latin Foresters," *Wood Technology* 125 (March 1998): 15-16.
- ⁶⁶ *Ibid.*
- ⁶⁷ "Debt-for-Nature Swaps in Latin American Countries: the Enforcement Dilemma," *Connecticut Journal of International Law* 7 (Fall 1991): 158.
- ⁶⁸ Michael S. Giaimo, "Deforestation in Brazil: Domestic Political Imperative - Global Environmental Disaster," *Environmental Law* 18 (1988): 537-538.
- ⁶⁹ David Allen Reisman, "Debt-for-Nature Swaps in Brazil: Response to World Pressures to Protect the Amazon," *Journal of Natural Resources and Environmental Law* 7 (Fall 1991): 142.
- ⁷⁰ *Ibid.*, 177.
- ⁷¹ Sher, 218.
- ⁷² *Ibid.*
- ⁷³ Timothy B. Hamlin, "Debt-for-Nature Swaps: A New Strategy for Protecting Environmental Interests in Developing Nations," *Ecology Law Quarterly*
- ⁷⁴ Agreement Between the Government of Bolivia and Conservation International, July 13, 1987, Bolivia-Conservation International, 5th Clause.
- ⁷⁵ *Ibid.*, 6th clause.
- ⁷⁶ *Ibid.*, 1080.
- ⁷⁷ Andrew Hurrell, "Brazil and the International Politics of the Amazonian Deforestation," in Andrew Hurrell and Benedict Kingsbury, eds. *The International Politics of the Environment: Actors, Interests, and Institutions* (Oxford: Clarendon Press, 1992).
- ⁷⁸ Jakobeit, 143.
- ⁷⁹ Eileen Webb, "Debt for Nature Swaps: The Past, the Present and Some Possibilities for the Future," *Environmental and Planning Law Journal* 11 (June 1994): 222-224.
- ⁸⁰ Priya Alagiri, "Give Us Sovereignty Or Give Us Debt: Debtor Countries Perspective on Debt-for-Nature Swaps," *The American University Law Review* 41 (Winter 1992): 485-515.
- ⁸¹ Webb, 243.
- ⁸² Goodman and Redclift, 206.
- ⁸³ David Cleary, "The 'Greening' of the Amazon," in Goodman and Redclift, 133.
- ⁸⁴ Goodman and Redclift, 17.
- ⁸⁵ Cleary, 134.
- ⁸⁶ Hamlin, 1081.
- ⁸⁷ The GEF participants include most of the OECD states and a growing number of developing countries (initially 7, currently more than 140). The GEF funds three types of projects: investments, technical assistance, and applied research. The GEF also administers a small grants program for NGOs in developing countries; to date, this program has funded over 200 small NGO projects in 23 countries.
- ⁸⁸ Ian A. Bowles, "The Global Environment Facility: New Progress on Development Bank Governance," *Environment* 38 (April 1998): 39.
- ⁸⁹ Andrew Jordan, "Paying the Incremental Costs of Global Environmental Protection: the Evolving Role of GEF," *Environment* 36 (July-August 1994): 24.
- ⁹⁰ *Ibid.*
- ⁹¹ Pallava Bagla, "Science Moves Up the Ladder in Push for Sustainable Growth," *Science* 280 (April 17, 1998): 374.
- ⁹² Jordan, 23.
- ⁹³ Timothy B. Hamlin, "Debt-for-Nature Swaps: A New Strategy for Protecting Environmental Interests in Developing Nations," *Ecology Law Quarterly* 16 (1989): 1065-88.

CONCLUSION

The discipline of international relations has traditionally focused on the primacy of the nation-state. In the area of international agreements, states are considered the primary actors. The aim of this study has been to demonstrate that environmental policymaking in Latin America would benefit from according other actors, such as ENGOs, a more formal role in the process. The conclusion that it defends is that the key element to the success of environmental agreements is including and considering the interests of the local inhabitants. Therefore, according ENGOs a more formal role in international environmental policymaking may contribute to the long-term success of these agreements.

The regime literature seeks to understand order in the international system. Sustained international cooperation is the bedrock for tackling many environmental problems. In Chapter 3, I applied the power-based, interest-based, and knowledge-based regime frameworks to environmental issues and reached the conclusion that the ideal regime for Latin America would be a contextual regime. The informal and nonbinding nature of contextual regimes could provide a setting in which binding normativity could eventually emerge. I believe this study suggests a way to make the existing environmental regimes in Latin America more effective. For example, many critics of regimes treat compliance as an insurmountable obstacle to regime formation and success. As I have shown in Chapter 5, ENGOs could address this

issue by monitoring the program, issuing reports, and using media attention to draw attention to violations.

Chapter 4 built on this conclusion by arguing that a regime which includes more formalized and increased ENGO participation can alleviate some common obstacles to environmental policymaking. First, the impediments to NGO participation were reviewed. For example, the tension between the legal concept of sovereignty and NGO involvement will not easily be overcome. The integration of NGOs into the system as full voting partners challenges the tradition of one nation - one vote, which respects national sovereignty. This study recognizes that such a radical change is unlikely and instead, I argue for a increased but not equal role for NGOs. For example, the programs of Predes and PLAN demonstrated that NGOs can help certain disadvantaged groups overcome the barriers to technical change and fulfill a need that is not being met by government agencies. I believe that the inclusion of NGOs does not come at the expense of state centrality; instead, it is to the advantage of states for NGOs to participate.

In Chapter 2, I looked at the paradox of Latin America - the earth's greatest diversity is found in countries least able to protect it. I found that state management and government regulation have failed to adequately protect Latin America's natural resources. One of the obstacles to environmental policymaking in Latin America is a political system plagued by patronage and corruption. However, the government weakness and instability that ensued, did create an opportunity for NGOs to play a

larger role in policymaking. As I discussed in Chapter 4, NGOs often filled an institutional “niche” when weak government institutions failed.

I also looked at the concept of sustainable development and how its goals often conflict with the generally accepted goals of the trade and development community. Chapter 2 argued that the traditional state-centric pattern for addressing environmental problems is not always the most effective approach. Instead, I believe a polycentric approach, one that includes both governmental and nongovernmental actors and involving interactions at the international, national and subnational levels could provide a better framework for a policy of sustainable development.

Finally, I found that two major obstacles to environmental policymaking in Latin America were the North/South conflict and poverty. The South fears that attention to environmental issues will divert human and economic resources from the very proximate crisis of poverty. The poverty issue pervades all aspects of policymaking in Latin America. I found that the poor are often blamed for environmental degradation but I believe that is an incomplete characterization of the problem. Oftentimes, crucial short-term needs force land-less families to put rain forests to the torch and mountain slopes to the plow. Environmental decline, in turn perpetuates poverty, as degraded ecosystems yield less and less to their poor inhabitants. I believe that local ENGOs can play a critical role in solving this conundrum. For example, they can educate local inhabitants about ecological

farming practices and assist in technology transfers. Until the obstacle of poverty is addressed, long-term sustainable policies will not be effectively implemented.

In the 1980s, it became clear the heavy external debt burden of Latin America contributed to the economic and exploitative pressures placed upon their natural resource base. Although not a solution to either the debt or conservation crises of Latin America, the debt-for-nature swap emerged as an attempt to address these two interrelated issues. As Dr. Thomas Lovejoy of the Smithsonian Institution noted as early as 1984, “Stimulating conservation while ameliorating debt would encourage progress on both fronts.”¹

In Chapter 5, the lessons of the debt-for-nature swaps in Bolivia, Ecuador and Costa Rica illustrated the need for a conservation approach that addresses today’s needs while anticipating tomorrow’s demands. As CI noted in their 1991 update, conservation that lasts for only one generation is conservation that has failed the future.²

In addition to a long-term approach to conservation, the most important lesson learned from these swaps is that the investments needed for enduring conservation must be local in character. The people of the host countries are critical to the success of any conservation program. Those who have the greatest stake in the use of the country’s natural resources must provide the leadership and direction to protect those resources. CI notes that one of the key lessons from the debt-for-nature swaps they initiated is the importance of developing the swaps *in concert with* and *in*

*response to their local counterparts' needs.*³ In other words, debt-for-nature swaps cannot be foisted upon unwilling participants.

Although I do not believe that debt-for-nature swaps are the best solution for Latin American countries, they did inspire governments to focus on their environmental priorities and swaps have “helped governments to recognize the social, economic and political benefits of promoting conservation.”⁴ In fact, the local inhabitants who have benefited from the swaps have been galvanized to voice their desire for the commitment of government resources to a conservation agenda.⁵

The key to garnering the support of local inhabitants is to include them in the policymaking process. This paper has demonstrated that the inclusion of local ENGOs in the process is the critical link to local inhabitants. Local ENGOs can educate the people of the host country of the impact of conservation programs on their lives and galvanize them to participate and become invested in the projects.

I will close with a few thoughts on how the conclusion of this study can be strengthened and extended through further research. First, I believe that the proliferation of NGOs, which as been likened to a “quiet revolution”, is a crucial trend that should continue to be tracked. The challenge for creating a more formal role for NGOs lies in a solution which allows increased participation, but does not compromise the ‘outsider’ status which is one of the great strengths of NGOs. NGOs have the capacity to greatly contribute to the environmental policymaking process and implementation of programs.

A greater role for NGOs demands a move away from the state-centric model of international relations and does conflict with sovereignty issues. At the same time as NGOs and the communities they represent emerge as serious international players, “their impact is inadequately reflected in international law or in the formal structure of international institutions.”⁶ As Spiro argues, it may be time to reexamine this “policy of exclusion,” and bring NGOs more deeply into the fold of international institutions - in the United Nations, regional organizations, treaty-making bodies, and the organs of world trade.⁷ Admittedly, this is a somewhat daunting prospect. I believe that compromise can be reached and that states will not wither away if NGOs are afforded a larger role. In fact, governments, and multilateral institutions would be well served in drawing upon the expertise and resources of NGOs, their grassroots connections, sense of purpose and commitment, and freedom from bureaucratic constraints.⁸ NGOs will have to contend with inevitable limits on their influence and access and governments which have resisted the advance of NGOs will have to permit an unprecedented level of scrutiny and participation. As Simmons observes, “this messy process of give-and-take promises to transform the way that international affairs are conducted.”⁹

¹ Thomas Lovejoy, “Aid Debt Nations’ Ecology,” *NY Times* (October 4, 1984): A31.

² Conservation International, “The Debt-for-Nature Exchange: A Tool for International Conservation,” (1989): 1-45.

³ *Ibid.*, 19.

⁴ Ian A. Bowles, Dana Clarck, David Downes, Marianne Guerin-McManus, "Encouraging Private Sector Support for Biodiversity Conservation: the Use of Economic Incentives and Legal Tools," *Conservation International* 1 (1996): 24.

⁵ *Ibid.*

⁶ Peter J. Spiro, "New Global Communities: Nongovernmental Organizations in International Decision-Making Institutions," *The Washington Quarterly* 18 (Winter 1995): 46.

⁷ *Ibid.*

⁸ P.J. Simmons, "Learning to Live with NGOs," *Foreign Policy* (Fall 1998): 95.

⁹ *Ibid.*

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