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Tracking Presidents and Policies: Environmental Politics from Lula to Dilma

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Abstract: Does the Brazilian presidential system shape environmental policy there? The comparative literature on environmental policy offers few reasons to think that it might. Most explanations of variations in the quantity and quality of environmental regulation stress levels of economic development or move outside of the nation- state to examine international processes of diffusion and convergence. Other studies look at large macrostructural differences like the contrast between democratic and authoritarian systems and/or the role of non-state actors. This article examines environmental policies and outcomes in three successive presidential administrations in Brazil to develop hypotheses about whether institutional factors should gain a larger place in comparative studies of environmental policies and outcomes.

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Introduction

What factors explain policy outcomes in different issue areas? This special issue focuses on Brazil and spotlights the possible role of presidentialism – both the generic institution and its Brazilian variants – in answering this question. The basic logic stresses that presidentialism gives a single individual a great deal of power and democratic legitimacy. Especially when presidential systems, like Brazil's, lack significant checks and balances from other branches of government, this should produce policy outcomes that closely follow the president's own public policy agenda and/or that of the coalition partners on whom the president relies. Translated into an expectation for environmental policy, the focus of this article, it suggests that environmental policies and outcomes may well shift quite a bit with incoming administrations. The shifts should be traceable to presidents' visions and their governing strategies.

These expectations are quite different from those of most studies of comparative

environmental policy. In those, the most common drivers of environmental policy are found outside of national political institutions and individuals. Scholars often identify levels of economic development as a critical line of delineation (Sommerer and Lim 2016: 93-94) or focus on the presence of democracy versus authoritarianism (Midlarsky 1998). Environmental policy is also often thought to follow its own dynamics of expansion through international diffusion and adoption processes (e.g., Duit 2016). While authors stress that backtracking is possible, the general image is of a complex policy area that normally accretes policies in a cumulative way over time that is less responsive to changes of administration than to technical developments and the pushing of non-state actors from scientists to activists (Fahey and Pralle 2016).

The next section of the article develops these expectations further, with particular reference to Brazil. After this, I examine the environmental policy area in three recent presidential administrations there: President Luis Inacio Lula da Silva's first (2003-2006) and second (2007-2010) terms and President Dilma Rousseff's first term (2011-2014). I show that each of these terms did have a markedly different character in terms of environmental policy and outcomes, although the differences among the Ministers of Environment were as important as those among the Presidents themselves. At the same time, it is not clear that the scale of the differences would register in many comparative studies of environmental politics, suggesting a disjuncture between the analytical aims of these two kinds of policy studies. I return to this point in the conclusion.

Presidents and Policy: A Review with Reference to Environmental Policy

As just noted, most comparative discussions of environmental policy do not envision a significant explanatory role for institutional dimensions like presidentialism.

In this policy area, many studies look beyond nation-states to emphasize global processes of diffusion and emulation (e.g., Duit 2016; Frank, Hironaka, and Schofer 2000; Sommerer and Lim 2016: 94). These studies often emphasize the role of leader institutions and international norms in spreading innovative regulatory frameworks. For example, the World Bank helped to disseminate practices like regular environmental impact assessment (EIA) of new economic projects (Wade 1997). The technical quality of environmental policy, which relies heavily on scientific disciplines and agreed regulatory approaches (Haas 1990), sets it apart from other issue areas, in this view.

When scholars examine the national level, there is a strong presumption (albeit with inconclusive evidence) that levels of economic development are important for explaining environmental policy and outcomes (Fahey and Praline 2016: S32; Purdon 2015; Sommerer and Lim 2016: 93-94; Stern 2004). The evidence is inconclusive in part because so little research has been done outside the advanced industrial democracies. In terms of institutions, scholars have tended to look at quite broad institutional choices, like the impact of democracy versus authoritarianism in explaining environmental outcomes (Midlarsky 1998). More specific institutional choices, like presidentialism versus parliamentarism, are not considered important. One recent review of the growth of environmental regulation, in fact, concluded that there was no overlap between “most other comparative classification schemes” and the level of national environmental commitment (Duit 2016: 87) and others agree (e.g., Houle, Lachapelle, and Purdon 2015; Scruggs 1999).

All of these approaches tend to see environmental policy as cumulative and linearly advancing – as values and models are diffused, as countries develop, when they

become democratic – in a way that is hard to square with the presidentialism literature’s image of policy arenas that are quickly responsive to the ambitions and coalition building strategies of individual presidents. Still, there is some possible basis for expecting the arrangements of presidentialism to matter, given the “political opportunity” approaches that have been widely used to explain the roles of non-state actors (e.g., Kitschelt 1986), since they are so important for the environmental issue area. In addition, almost all of the studies of institutions focus on the advanced industrialized democracies, and it is possible that such studies “reinforce assumptions about professionalized legislatures and bureaucracies that might not apply to less developed areas of the world” (Fahey and Praline 2016: S32), including Brazil.

In fact, most observers of Brazilian politics see a highly politicized bureaucracy and legislature there and an outsized role of the national president in shaping political outcomes. As the introduction to this special issue and its other papers show, the size of this role is in some ways derivative of the normal characteristics of presidential systems, since a directly elected head of state *and* government almost inevitably gains tremendous power and discretion. Heads of the bureaucracy serve at the pleasure of the president and so should be an especially direct transmission belt for presidential ambitions (Linz 1990), although secondary characteristics of presidential systems like the number of political parties and other veto players also affect policy outcomes (Haggard and McCubbins 2001; Mainwaring 1993).

These characteristics of presidentialism are exaggerated in what has been called the hyperpresidentialism of Brazil, where the other branches of government are comparatively weak and generally present few checks and balances (Mainwaring 1993).

Brazil's dozens of programmatically weak political parties have required Brazilian presidents to be deft coalition managers, but – if they are – they can then use those coalitions to deliver their desired outcomes in first passing laws and then implementing them (Amorim Neto 2002; Figueiredo and Limongi 1999; Pereira, Power, and Renno 2005). This would reinforce the expectation that policy should follow presidential visions in Brazil. A president strongly committed to environmental policy should be able to push new regulations and strengthen environmental institutions, while an uncommitted president might promote economic development at the expense of environmental protections and roll back environmental regulations and institutions.

Yet the coalitional basis of Brazilian presidentialism means that the environmental policy arena complicates governing for all presidents, even if they personally want to promote environmental protection. In Brazil's coalitional presidentialism, ministries are allocated to political parties in order to shore up their support for the political agenda of the president. Budgetary clientelism, or pork, is a complementary tool used for ongoing coalition management, as individuals are offered targeted benefits for their legislative support; a number of the parties that have made up most governing coalitions demand such pork for their support (Ames 2001; Mueller 2010: 112; Power 2010: 28-29; Raile, Pereira, and Power 2011: 324). Yet the Ministry of Environment frequently delays or, more rarely, blocks the targeted infrastructure projects that are a favorite tool for rewarding legislative support (Amorim Neto and Simonassi 2013; Hochstetler and Tranjan 2016). It may do so on its own or when prodded by environmental activists through protests or by working with actors like the Ministério Público, a powerful and independent public prosecutor.

Environmental actors have acquired this role through both institutional and more contingent historical pathways. The environmental issue area in Brazil is one where the national ministry has always closely interacted with organized civil society movements. Since the 1950s, much environmental expertise and engagement has rested in civil society groups, and individuals frequently move between state agencies and societal organizations in their career trajectories (Hochstetler and Keck 2007). The Ministry of Environment has been correspondingly comparatively open to civil society participation and input (Abers and Oliveira 2015; Losekann 2012). The 1981 National System of the Environment institutionalized this participation even under the military regime, placing civil society representatives on a new National Council on the Environment (*Conama – Conselho Nacional do Meio Ambiente*), making it one of Brazil's first participatory councils (Republic of Brazil 1991).

Relations within the environmental sector have not always been harmonious, particularly when activists have worked with the *Ministério Público* to challenge the Ministry's policies and actions in the courts. Dozens of such cases have introduced significant delays in environmental licenses that delay infrastructure and industrial projects in turn, although they are less frequent than Brazilian newspaper headlines would suggest (Hochstetler and Tranjan 2016). Environmental activists in Brazil have also historically teamed with international partners to challenge state decisions. The iconic boomerang strategy of transnational activist networks – where national activists seek international allies in international NGOs, the World Bank, and beyond to pressure their own governments – was in fact identified in part by observing the strategies of Brazilian environmentalists and rubber tappers for preserving the Amazon in the 1980s

(Keck 1995; Keck and Sikkink 1998: Chapter 4). Foreign governments and NGOs have also closely monitored and even paid for Brazilian environmental politics themselves, with deforestation in the Amazon drawing regular attention since the 1970s (Hochstetler and Keck 2007).

The net result is that the Ministry of the Environment has always combined responsiveness to presidential ambitions including coalition building strategies *with* responsiveness – willing and not – to civil society and its allies, as I will show. The direct impact that presidents can have on environmental outcomes is mediated by how their Ministers of Environment strike that balance. In the next section, I discuss the three Ministers of the Environment who served under the Workers Party (PT, *Partido dos Trabalhadores*) from 2003 to 2014. Following that, I trace the unfolding developments in the environmental licensing area since 2003, the place where the Ministry's responsibilities most directly counterpoise the imperatives of political pork and environmental protection.

The National Environmental Bureaucracy and its Ministers

Brazil was one of the few Latin American countries to create a national environmental bureaucracy in the 1970s, in full military government. Long time conservationist Paulo Nogueira Neto was tapped to be the first Special Secretary of the Environment, serving from 1973 to 1985. The institution he led had just three employees and almost no budget at its origin, but immediately faced off with the most powerful ministries, of economics and foreign affairs (Hochstetler and Keck 2007: 27-29). The national Secretariat also shared the policy space with both very strong (Rio de Janeiro and São Paulo) and notably weak (everywhere else) state agencies (Hochstetler and Keck

2007: 14-15), as well as newly contentious environmental movements who even challenged cherished military projects (Antuniassi, Magdalena, and Giansanti 1989).

All of these became hallmarks of the environmental policy area in Brazil. The number of personnel grew substantially – to 6230 employees by 1989 – but budgeted project spending was cut year after year (Hochstetler and Keck 2007: 36; 40-42). From 1995 to 2002, not a single new position was advertised, and by the end of the period, most personnel and projects were handled with short-term contracts (Abers and Oliveira 2015: 17). In a national budget that has many political and statutory rigidities, environmental spending is one of the few areas that can be cut to meet budget targets (Mueller 2010). Even though the agency was raised to ministerial status as early as 1985, the institutions were reshuffled so frequently that little institutionalization was possible (Hochstetler and Keck 2007: 38-39). The first Cardoso government added water resources to the portfolio to make it attractive to the PFL as a coalition partner, since water resources (90% of the ministry budget) held some scope for pork in the form of irrigation and other water projects (Abers and Oliveira 2015: 10).¹ Once those parts were removed and the agency became simply the Ministry of Environment (*Ministério do Meio Ambiente*) in 1999, it settled into a more stable period as a second-line ministry, a minor part of the partisan horse-trading of coalition formation.

As a result of these developments, nearly all of the Ministers of the Environment have had significant environmental profiles before moving into the position, with more mixed partisan backgrounds. The last three occupants of the position are good illustrations of these dimensions of the environmental issue area. While two of them were

¹¹ Interview with Jair Sarmento, then Director of CONAMA and Executive Secretary, Ministry of the Environment, Brasília, 4 August 1999.

members and elected politicians for the PT before they were appointed, they also have been associated with environmental parties and movements. The third is a technocrat who rose within the Ministry of Environment to head it.

Lula's first appointment to head the Ministry of Environment was Marina Silva. Silva (no relation to the president) has a compelling personal biography, having been raised in a rubber tapper family in the Amazonian state of Acre. She worked closely with historic figures in Amazonian environmental politics like Chico Mendes, whose murder in 1988 made international headlines (Hochstetler and Keck 2007: 1-2). She learned to read only as a teenager, but then built on her background of rural activism and personal charisma to become the first black woman and first rubber tapper elected to the Senate in 1994 (Nunes and Peña 2015: 506-507). She subsequently led the PT delegation and the larger opposition to the governing PSDB in the Senate during Fernando Henrique Cardoso's presidencies (Abers and Oliveira 2015: 1; Oliveira 2016). Environmental activists had lobbied to have her as minister, and followed her to the ministry. They held 38% of Silva's leadership positions in the ministry, while 22% of the positions went to members of the PT (Abers and Oliveira 2015: 10, 19). In short, Silva had strong environmental as well as partisan credentials to be the PT's first Minister of the Environment.

Silva is a proponent of the socioenvironmental claim that environmental aims can only be achieved with attention to social claims as well (Hochstetler and Keck 2007: 13; Viana, Silva, and Diniz 2001). She was a particularly active and successful minister, placing special emphasis on the institutional foundations of the ministry and addressing deforestation (Abers and Oliveira 2015). On the former, she worked to improve the

environmental bureaucracy, creating a specialized environmental career path for public servants for the first time and hiring 1474 of them in five years through public competitions (Abers and Oliveira 2015: 17). Silva also staunchly defended her technical staff against other ministries and the politicized environment of licensing.² On the latter, she oversaw a suite of policies that led to an unprecedented steep drop in deforestation in the Amazon after 2005 (see Figure 1). Like other successful environmental policies, this result derived from policies aimed at conservation in its own right along with non-governmental initiatives like transnational consumer boycotts of products grown on deforested land that motivated agriculturalists to join the effort to protect their markets (Arima et al. 2015; Boucher, Roquemore, and Fitzhugh 2013; Gibbs, et al. 2015; Schwartzman, Moutinho, and Hamburg 2012). Recognizing the weakness of the Ministry, Silva persuaded Lula to have the policies promulgated through the Civic House (*Casa Civil*), a key institution of the presidency for domestic politics – although an environmental activist, João Paulo Capobianco, designed the heart of the policy, before he joined the Ministry (Oliveira 2016).

As Minister of Environment, Silva was frequently caught between an environmental base that expected larger achievements from her and a broad coalition of political and economic actors who minimized the importance of environmental considerations (Hochstetler and Keck 2007: 178-180). The latter included many in the PT who wanted to deliver industrialization and economic growth to their constituencies and chafed against the delays and even barriers of environmental licensing and other regulations. These conflicts sharpened in Lula's second term, which saw a major, state-

² Interview with former technical staff member of the environmental licensing agency, IBAMA, Brasília, June 2009.

funded push to support new large infrastructure projects, agribusiness, and recent oil discoveries (Hochstetler and Montero 2013). Silva eventually resigned over these tensions in 2008, at the beginning of Lula's second term, taking some of her new environmentalist hires with her (Oliveira 2016). Although she was a founder of the PT in Acre, she left the party in 2009 to run against its candidate, Rousseff, in the 2010 presidential election on the Green Party (PV, *Partido Verde*) ticket. The PV had been part of the PT's governing coalition until that point. Silva won a surprising 20% of the vote in the first presidential election round in 2010, and roughly matched that result in 2014 on the Brazilian Socialist Party label after trying and failing to form a wholly new party (Abers and Oliveira 2015: 15-16; Nunes and Peña 2015: 507-509; Oliveira 2016).

Lula replaced Silva with Carlos Minc, whose trajectory as an urban environmental activist and leader was as long as Silva's rural one. Minc was one of a group of "amnesty environmentalists" who were exiled to Europe in the military years for their guerrilla opposition to the military. They returned with political amnesty in 1979 and helped to form the PT two years later, biding their time until they could form the PV at the end of the 1980s. Minc returned to the PT a few years later, claiming that the PV relied too much on a small group of leaders (Hochstetler and Keck 2007: 89-93). In subsequent years, he held a number of positions in Rio de Janeiro state and municipal politics, both as an elected representative and heading the environmental bureaucracy. Throughout this time, Minc retained an activist orientation, taking part in anti-nuclear mobilizations and writing a didactic text on how to form an environmental movement (Minc 1985). In an interview he granted while minister, he reminisced about how his approach to air pollution had shifted from shoving potatoes into the exhaust pipes of trucks to more

standard monitoring of emissions and finally campaigns to improve fuel.³ Thus Minc, like Silva, had both partisan and environmental roots, although his leadership group in the Ministry of Environment included notably fewer appointments for environmental activists, academics, and others outside the new career civil service tracks (Abers and Oliveira 2015: 20).

Minc faced the same second-term tensions as Silva had, exacerbated by the global financial crisis and Brazil's brief sinking into recession. Given the choice between steadily confronting ministries and coalitional allies seeking roads and electricity plants or lowering his environmental aims, he often eventually capitulated – albeit following heated altercations with the Ministries of Transport, Energy, and Agrarian Reform.⁴ Environmentalists were glad to see him leave in 2010 to run for the state legislature in Rio de Janeiro, and published several documents about the environmental losses in his administration (Abers and Oliveira 2015: 13). Deforestation continued to fall during Minc's term in office, however, one of several important developments that resulted in Brazil's first national legislation on climate change and international commitments to reduce climate emissions at the end of 2009 (Hochstetler and Viola 2012). His policies in these areas largely continued those of Marina Silva.

Minc had named Izabella Teixeira, a technical employee in Ibama since the 1980s, to be his Secretary General. She was then elevated to be the Interim Minister of Environment when Minc left, and has been Minister of Environment in Rouseff's administrations. Teixeira has held numerous positions with the ministry and is respected

³ <http://www.cntdespoluir.org.br/Lists/Contedos/DispForm.aspx?ID=1547>, accessed 6 June, 2009.

⁴ See, for example, *Folha de São Paulo* 10 July 2009; *Globo* 28 December 2009.

for her technical and administrative skills. She holds a PhD in Energy Planning and wrote her dissertation on the use of Strategic Environmental Assessment in the oil and gas sector (Teixeira 2008). Teixeira had only weak ties to both PT and civil society actors, and the latter viewed her as closely aligned with the Rousseff government (Abers and Oliveira 2015: 15). Almost two thirds of her appointments to leadership positions were career public servants, deepening Minc's turn from the partisan and civil society leaders Silva favored (Abers and Oliveira 2015: 22). Unlike her predecessors, Teixeira has more readily followed her president's policies, and the amount of overt conflict between the Ministry of Environment and other ministries has dropped. Civil society, in contrast, feels excluded. Protesters shouted over her presentation at the Rio+20 conference and she shouted back at them, in a moment that showed the divide.⁵ With the Brazilian economy foundering and Rousseff losing political control over her own coalition, the environmental area has suffered losses. As Figure 1 shows, deforestation levels are no longer dropping. Revision of the Forest Code in 2011 and 2012 that reduced deforestation controls is one element of the relevant changes in policies. These revisions happened over Rousseff's repeated vetoes, and news reports at the time attributed the legislative losses to the PMDB's unhappiness with how few seats it held in Rousseff's cabinet (*Estado de São Paulo* 11 June 2011). A non-governmental organization used government data to calculate that the budget for the Amazon protection program dropped by 72% in Rousseff's first term.⁶

As this survey of recent Ministers of Environment shows, partisan coalition-

⁵ <http://blogs.oglobo.globo.com/miriam-leitao/post/ministra-izabella-teixeira-em-um-barraco-ambiental-451836.html>

⁶ <http://desmatamento.infoamazonia.org/analise/>.

building has rarely been part of the selection and operation of the Ministry of Environment. The Ministry itself is poor in resources and ministers have been chosen for their expertise in the area. The two PT ministers butted heads many times with other ministers in the cabinet, including those from the PT. In the next section, I show how those tensions came to the forefront in the environmental licensing process, core to the regulatory approvals needed by many economic projects.

Environmental Licensing: Pork vs. Protection

Doling out pork is one of the classic strategies of coalition management, and has been critical in Brazil's multi-party coalitional presidentialism in particular (Raile, Power, and Pereira 2011). Potential and past collaborators with presidents are rewarded with projects for which they can claim credit with local constituencies – a paved road, a new port, a hydroelectric power plant, and so on. The projects provide construction and sometimes operations jobs, may enable other economic activity, and thus are tangible evidence that a politician is delivering goods for a community. One reason that ministries handling transportation or water are so highly valued is because they are the ministries that can delivered coalition goods of this kind. The projects may also carry various kinds of physical, environmental, or other risks, however, and can be disruptive to social and economic activities as well as natural habitats (Altschuler and Luberoff 2003; McAdam and Boudet 2012). Public consultation may result in demands for compensation for actual or perceived harms. In Brazil, the environmental licensing process – an attribution of the federal Ministry of Environment or state level agencies, depending on the scale of the project – finds the balance between the potential social and environmental harms and benefits of the process and has become a serious veto point since it was first created in

1986 (Landim and Sánchez 2012).

Environmental licensing and the environmental impact assessment (EIA) that forms its foundation are meant to be preventive of environmental harm. Economic projects that might affect the environment are to undergo early scrutiny that will identify possible impacts, mitigate those impacts or seek alternatives where they are available, and make plans to compensate for any unavoidable harms. While EIA may lead to projects being set aside altogether, it more commonly leads to modifications of them and easily delays their start as the scrutiny takes place (Hochstetler and Tranjan 2016; Morgan 2012) – potentially frustrating efforts to use the projects as pork. The fact that EIA happens early in project development makes its impact on pork more critical than other environmental regulations and activities that affect projects already in operation.

Since a systematic EIA requirement was introduced by the United States in 1969, it has become the most common environmental regulation worldwide. More than 170 countries have some variant of it (Morgan 2012: 6). Brazil's requirement came comparatively early for a developing country, in 1986. An agency of the Ministry of Environment, IBAMA, executes EIAs for projects that are very complex, expected to have large impacts, are placed in indigenous or conservation areas, or cross state boundaries.⁷ While environmental licensing is often contentious around the world, several characteristics of Brazilian licensing make it especially contentious (Hochstetler 2011: 356-357). Its process requires three environmental licenses – for planning, for construction, and for operation – opening a larger number of veto points. As already noted, both environmental movements and the Ministério Público have targeted

⁷ Law 7,804/1989, further detailed by Complementary Law 140/2011.

environmental licensing as a time when they can stall or stop projects. Finally, the original 1986 regulation and all revisions since require attention to social as well as environmental impacts, broadening the societal interest in participating in consultations and in using the process to demand compensation for affected communities.⁸ While the process has taken some time to master and is still carried out very unevenly in the Brazilian states, it has become a serious part of the initial permitting of economic projects there (Landim and Sánchez 2012). For example, the World Bank has calculated that payments for the socioenvironmental impacts of hydropower projects in Brazil now average 12% of total project costs (World Bank 2008: 10).

When Lula came into office in 2003, his administration was particularly concerned that 35 hydroelectric plants could not get EIAs completed in any form in a time of widespread electricity shortages.⁹ Lula's response was to create a "Situation Room" (*Sala de Situação*) where first technical staff and then the ministers of infrastructure ministries sat down with the Ministry of Environment, Ibama, and the Ministério Público to try to work out strategies to create development that was both economically and environmentally sustainable. Dilma Rousseff, then Lula's Minister of Mines and Energy, was a key participant. As president, she later used the Situation Room set-up routinely to work through the *gargalos* or bottlenecks to the PAC (Program for

⁸ While there has been surprising little study of this process, it evidently introduces additional pork dimensions – but generally following local rather than presidential calculations.

⁹ Discurso do Presidente da República, Luiz Inácio Lula da Silva, na cerimônia de lançamento do programa de Incentivo às Fontes Alternativas de Energia Elétrica (Proinfa) e do assinatura de Acordo de Cooperação Técnica entre os Ministérios de Minas e Energia e Meio Ambiente, no Palácio do Planalto, 30 March 2004, Brasília. Online at www.itamaraty.gov.br/portugues/politica_externa/discursos, accessed 8 April 2004, in possession of author.

Growth Acceleration, *Programa de Aceleração do Crescimento*) infrastructure projects she had inherited from Lula and further developed. Some of those same long-stalled hydroelectric plants, like Belo Monte and Santo Antonio, were given their own permanent Situation Rooms.¹⁰

Lula did not disparage the environmental licensing process in his first years in office, nor did he speak of pork in describing the Situation Rooms. In describing the Situation Room for infrastructure, he went out of his way to explain that environmental licensing came from the national legislature and was not something Marina Silva had dreamed up, comparing her to a “mother of a soccer referee” (*mae de juiz de futebol*).¹¹ He noted the ability of “any citizen, of any municipality, to go to the Ministério Público and block the project as it waits for years and years in the queue”, saying this called for doing environmental licensing well. But he left no doubt that his final aim was to enable a strong Ibama to “approve projects in the national interest, in the interests of businessmen, and, above all, in the sovereign interest of our country.” This framing worked well with Marina Silva’s initiatives to regularize and improve the skills of those who worked for the Ministry of Environment, including Ibama. When she became Minister, only three or four of Ibama’s analysts were permanent employees, but she hired some 90 permanent analysts,¹² a number which had risen to 400-450 by 2014. All have passed through a formal *concurso*, or competition, to gain employment.¹³

Even a more professional licensing corps did not approve licenses at the rate

¹⁰ Interview with Celso Knijnik, Diretor do Programa de Energia do PAC, Secretaria do PAC, Ministério de Planejamento, Brasília 23 September 2014.

¹¹ Discurso do Presidente da República...

¹² Interview with former technical staff member of IBAMA, Brasília, June 2009.

¹³ Interview with Alessandra Toledo, Former Coordinator de Energia Elétrica, Nuclear e Dutos – Coend, Ibama, Brasília, 28 September 2014.

political actors wanted, and the issue festered through the rest of Lula's time in office. In 2005, Ibama issued new guidelines (Instrução Normativa 065/2005) that set a tighter timetable for the various steps of licensing hydropower and introduced a new online application process. These were extended to all of Ibama's licensing projects in 2008 (Instrução Normativa 184/2008). In a related development, all licensing documents since 2005 are available online, from the original terms of reference to questions posed by Ibama and the company responses. The most complex processes have hundreds of documents posted, which can run to thousands of pages.¹⁴ This is an extraordinary resource for those actors who might want to challenge the projects, but it was justified as increasing the efficiency of the process since objections can come earlier in the process rather than halting advanced projects.¹⁵

Struggles over the licensing of projects continued, with energy sector executives, Lula, and Marina Silva trading especially sharp words around the licensing of hydropower.¹⁶ These formed a central part of the PAC, the Lula administration's industrial policy program to try to kindle faster growth in his second term. Lula wanted special licensing treatment for PAC projects, which Silva resisted (*Folha de São Paulo* 26 April 2007). CONAMA has historically set regulations like the licensing rules, making direct presidential influence difficult since CONAMA was numerically dominated by representatives of the states, civil society, and others not controlled by the presidency. Licenses for the Rio Madera plants (Santo Antônio and Jirau) were issued in July 2007 with many conditions and were one of the major blows that led to Silva's

¹⁴ <http://www.ibama.gov.br/licenciamento/index.php>.

¹⁵ Interview with former technical staff member of IBAMA, Brasília, June 2009.

¹⁶ For example, *Valor Econômico* 17 January 2007; *Estado de São Paulo* 20 and 21 April 2007.

resignation the following year (Nunes and Peña 2015).

Taking office to replace Silva, Carlos Minc said he would make licensing processes both more rigorous and less bureaucratic (*Jornal do Brasil* 16 May 2008). Shortly after, he issued new rules that cut the average time frame from two years to 13 months. Inside Ibama, Minc was perceived as a return to a normal, pre-Marina politics, where Ibama's analysts were pressured to approve projects from inside as well as outside the Ministry.¹⁷ Yet Minc also tangled with the road and energy ministries, supporting licensing decisions against some of their projects, before acquiescing in the first approval for the Belo Monte hydroelectric dam, probably the most contentious infrastructure project ever in Brazil (Bratman 2014; Hochstetler 2011). Ibama's General Coordinator of Electricity Infrastructure, Leozildo Tabajara da Silva Benjamin, told newspapers that he was pressured to resign because he resisted approving the project (*Estado de São Paulo* 4 December 2009). It also was approved with many conditions.

Minc's replacement, Izabella Teixeira, also began to work immediately to reduce the licensing time frames. As Rousseff's new government set up the Situation Rooms to ensure steady advancement of the PAC's projects, representatives of Ibama were frequently called to discuss environmental licensing bottlenecks. A participant found the meetings to be very high pressure, but observed that they were also a good opportunity to show the group what was actually holding up the license: the developer might not have submitted documents, or the indigenous agency FUNAI might not yet have made its report. Over time, PAC coordinators themselves started to be able to recognize the nature and variety of the problems that came from licensing instead of seeing a recalcitrant black

¹⁷ Interview with former technical staff member of IBAMA.

box.¹⁸ Ibama is the entry and exit points for an environmental license, but the process itself depends on technical reports that come from a variety of agencies. The final decisions are made by top political appointees in Ibama, and may go against technical recommendations. The PAC rules explicitly gave such superpowers to the head of Ibama for PAC projects (*Estado de São Paulo* 27 October 2010), and most infrastructure projects are now by default included as PAC projects.¹⁹

Teixeira spearheaded other institutional developments inside the Ministry that shifted powers and processes in ways often missed by outsiders. An interministerial declaration (*Portaria Interministerial* 419/2011) and a Complementary Law (*Lei Complementar* 140/2011) made clearer divisions among federal, state, and municipal environmental responsibilities. Since the Ministério Público's frequently targeted jurisdictions in its challenges, clarifying responsibilities blocked one line of objection. More critically, the same Complementary Law also stripped CONAMA of much of the power it had held since 1981 by giving its tasks to a National Tripartite Commission (*Comissão Tripartite Nacional*) that has parity membership of federal, state, and municipal agencies – without mentioning it openly.²⁰ The old CONAMA, dominated by state environmental agencies and with substantial civil society participation, now handles only issues that are broadly relevant to the states, for example, new procedures for licensing wind power plants since those are licensed almost exclusively at the state level. There is no civil society representation in the Tripartite Commission. This move makes it much easier for the federal government to set rules that favor its version of environmental

¹⁸ Interview Toledo.

¹⁹ Interview Knijnik.

²⁰ Interview with official in the Ministry of the Environment, Brasília, September, 2014.

licensing. In this way, some of the tools that have made the Ministry of Environment and its licensing agency more independent of, and even antagonistic to, the executive's pork-led coalition management strategies have become duller.

Conclusion

As scholars of presidentialism would expect, Brazilian environmental policy and outcomes did change quite a bit between the three presidential administrations from 2003 to 2014. An innovative and very successful policy to control deforestation was weakened, especially with the presidential transition between Lula and Rousseff, and the results show in a leveling off of the drop in deforestation that had lasted eight years. Even between Lula's two terms, his decision to reorient his government to favor large infrastructure and energy projects in his second term brought changes. Many of these changes associated with presidential visions took place through successive choices of Ministers of the Environment who had steadily weaker ties with environmental activists over the three administrations.

The importance of pork for coalitional presidentialism showed up in all three administrations, as all were marked by significant conflict over the environmental licensing process. Regulations were steadily revised to reduce the ability of the Ministry of Environment, environmental activists, and the Ministério Público to block these important facilitators of coalition building (and personal and partisan enrichment, as the *Lava Jato* corruption trials show). At the same time, the environmental policy area does show some independence from presidents and coalitional presidentialism due to the countervailing pressures and resources of non-state actors.

Global comparative studies would miss many of these changes. EIA might have

been weakened and accelerated, but it continued to exist as a regulation that was comparatively strong in international terms. The innovative deforestation policies did not go away and would still be counted in a comparative study; they just had less resources and (so far) still control deforestation in ways that Brazil historically could not. In many ways, this close view of Brazil and the more distant view of the comparative studies show the opposite virtues of qualitative and quantitative policy studies. The qualitative case study does show important historical variations, but they are still of less amplitude than the difference between, say, the forest policies of Brazil, Russia, and the Congo. Both of those views are important – and coalitional presidentialism appears to help account for the Brazilian modulations.

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