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Eduardo Silva



Center for Inter-American Policy & Research

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Eduardo Silva
Tulane University

Abstract

We think of social movements as forces for change, which frequently passes through policy and institutional reform. Yet just how they affect change all too often is not addressed. This paper tackles the question in the context of the Chilean environmental movement's effect on environmental governance and energy policy reforms to explore the utility of work in political sociology for explaining social movements' policy impacts. It argues that Chilean environmental movement organizations had direct, indirect, and mediated effects on different phases of the policy process. It argues further that a political economy approach to environmental policymaking best explains the politics by which they had such effects.

Introduction

Social movements are presumed to be agents of change yet just how they affect change is not easy to determine. To advance our thinking on the problem I focus on the role of the Chilean environmental movement and anti-mega project protest in gradual institutional and policy change in Chile. For institutional change, I analyze a shift from a decentralized inter-ministerial agency in the early 1990s to a Ministry of Environment in 2010 and subsequent related reforms. For policy change I focus on the energy sector, specifically the Law 20/25 of 2013 that mandates 25 percent of energy be produced by non-traditional renewable sources by the year 2020. For both institutional and policy change, I analyze how social movement engagement with the policy process combined with anti-mega project protest affected debates and outcomes. I embed that analysis in a political economy framework that makes explicit the political and economic conditions that inform social movement action and ties to the policy process.

Tracing the Institutional and Policy Impacts of Contentious Politics

Building on Giugni (2007) social movements and protest can have direct, indirect, and mediated effects on policy and institutional change. Direct effects occur when politicians adopt movement organization policy proposals virtually unchanged. Indirect effects occur when movements through protest and/or the generation of favorable public opinion place an issue on the policy agenda and political actors subsequently address them without movement involvement in the policy process. Mediated effects are those in which after an issue has been placed on the policy agenda movements and political actors collaborate in policy formulation and implementation.

Tracing that effect involves tracking policy networks and mechanisms that link movement organizations and activists to legislators and state managers. It also involves determining the role of protest and contentious action more broadly in getting politicians to recognize a movement's claims and bringing them into the policy process. The focus on policy process means that movements may have effects on some or all of its various stages: agenda setting, initiation, formulation, implementation, and feedback.

The paper shows, first, that the main direct effect of environmental social movement organizations and protest was the placement of issues on the policy agenda. The Chilean environmental movement has a long-standing, consistent set of demands/policy propositions that it has advanced ever since Chile's re-democratization in 1990. These demands/propositions often became the environmental agenda of Chilean center-left presidential candidates. However, once in office center-left governments did little to advance it preferring different policy directions and institutional arrangements.

Consequently, the paper's second point is that in the first three governments of the Concertación the policy effects of social movement organizations on policy formulation and implementation, if any, were generally indirect with respect to both institutions of environmental governance and non-traditional renewable energy policy. After social movement organizations placed the issues on the policy agenda, governments acted on them without their input. However, mounting protest and public opinion against mega-projects kept up pressure for institutional and policy reform at critical moments.

Third, institutional and policy reforms closer to movement policy proposals occurred in Michelle Bachelet's first government and more followed in Sebastián Piñera's center-right government. Protests against environmental disasters and socio-environmental conflicts played a major role that shift. They turned public opinion in favor a government action on environmental issues. Politicians from the Concertación took notice. They could no longer do as they pleased in this issue area. These constraints opened the door to mediated effects in the shift from an institutional governance regime based on a weak decentralized agency under the presidency's political control to a Ministry of the Environment, where cabinet rank gave environmental issues more political weight. Mediated effects were stronger in non-traditional renewable energy policy where there was a shift in the share of those sources to the energy grid significantly beyond what had been previously legislated.

In sum, I argue that gradual institutional and policy change in the Chilean environmental issue area involved, among other factors, a shift from primarily direct social movement impacts in agenda setting and indirect impacts in policy formulation to the emergence of mediated impacts. For Giugni (2007) each type of effect entailed a specific relationship of social movement organizations and activists to the policy process. That relationship explains the closeness or distance of policy to the movement's policy positions. In the Chilean case, direct impacts were largely confined to agenda setting, which resulted in close correspondence of movement postures and governing political platforms. However, subsequent policy formulation was of the indirect type and the resulting policies habitually deviated substantially from that agenda. Mediated effects later afforded closer correspondence.

Explaining Social Movement Policy Effect

For Giugni, and others, the mechanism that links movements to the policy process, plus protest, explain the type of effect of social movements on policy, whether direct, indirect, and mediated.¹ What explains the prevalence of one type of effect over the other and, perhaps more interestingly, shifts from one type to another? This draws attention to the larger political, economic, and social context in which social movement organizations and activists seek to advance their policy goals. Employing a political economy framework, I argue that a change in

¹ For a comprehensive literature review see Amenta et al. 2010.

the balance of power among domestic and international economic social, political, and institutional actors accounts for shifts in types of movement effects.

To construct that balance of power I draw on a comparative political economy approach that examines economic, social, and political structures along with ideational factors to identify actors, their interests, and power resources. Economic and political structures and ideas define most of the state-institutional, party political, and social actors involved in the policy process and their policy stances. Those structures also define the distribution of power in a society. Political economic structure and the distribution of power it supports define what social movements interested in institutional and policy change are up against and what their possibilities are (Gourevitch 1986).

What does Chile's political economy tell us about the distribution of power and its relationship to the environmental issue area? As is well known, Chile's military government (1973-1990) established a free-market economy open to international trade and finance. It relies principally on mineral and agricultural commodity exports as the engine for economic growth. The state's functions were sharply reduced. Most public enterprises and services were privatized. Planning and socialization were proscribed and regulatory functions slashed to a minimum. In short, the state and politics should keep their hands off the economy so as not to distort the functioning of the price system as the most efficient allocator of resources and engine of economic growth. These principles remain in effect to this day (Edwards and Cox Edwards 1991).

Counter-intuitively, the military government did not privatize the state copper enterprise. Copper was the principal source of Chile's export revenue, and the state copper corporation the largest company. Instead the military wrote into law that ten percent of copper export revenues would underwrite the military budget. The dictatorship did, however, open the sector up to international and domestic private investment.

Chile's economic model rendered business elites politically very powerful. They possess a great deal of structural power in that they are by far the principal source of employment and economic growth. They exercise that power by frequently threatening investment strikes when government proposes to regulate them or tax them or otherwise take actions that impinge on business' capacity to operate relatively unconstrained. That includes, stricter environmental regulation and state support for green technology, more labor friendly policy, improving social insurance or constraining private sector provision of education and health care. Moreover, business elites are highly organized in economic sector-specific associations and an encompassing peak association. They are proficient in public opinion formation, lobbying, and policy analysis (Silva 1992-1993).

Chile's economic model, based on mineral and agricultural commodities, grounded in neo-classical market economic principles, and supported by economically and politically powerful and organized business elites persists until this day. In democracy, business elite's power has additional roots in the political pact between the democratic opposition that led the transition from authoritarianism (beginning in 1983) and the supporters of the economic and social model implanted by the military dictatorship. That pact set strong limitations on reform initiatives after re-democratization in 1991 that persist until today (Boeninger 1997; Siavelis 2010; Tecklin et al. 2011).

During Chile's transition to democracy (1986-1990) the democratic opposition formed a broad-based center-left party coalition that eventually became the Concert of Parties for Democracy (CPD or Concertación). After re-democratization it ruled uninterrupted for 20 years

(March 1991 to March 2011). Since then a conservative coalition has ruled twice with a CPD interregnum. The CPD's major parties were the Christian Democratic Party (PDC) in the center and the Socialist Party (PS) and its off-spin Party for Democracy (PPD) on the left, and the Social Democratic Radical Party (PRSD) on the moderate left. The democratic opposition steadfastly supported using government to moderate the many social and economic injustices produced by Chile's *laissez faire* system.

During re-democratization, however, the military government was in firm control of political liberalization as spelled out in its own constitution of 1980. Its primary interest, aside from protection of military personnel from human rights prosecution, was the maintenance of the free-market economic and social model with a weak state in terms of socio-economic regulatory capacity. The military government and business elites deeply mistrusted the democratic opposition, believing they intended to return Chile to the bad old days of import substitution or, worse, socialist "chaos."

Given the military government's strength the opposition coalition assured the military regime that they would not alter Chile's free-market foundation. If they became government they promised to only seek market affirming or market compatible means to increase the provision of public goods. Thus, although the democratic opposition won the plebiscite against continuation of the dictatorship in 1989, as well as the first fully democratic elections in 1990, with this pact it had set the conditions for policy continuity with moderate change. More importantly, the CPD honored this commitment in the interest of democratic stability. Thus, at times CPD administrations censored themselves by thwarting more ambitious reform initiatives within their ranks. This included, early efforts to establish a ministry of the environment and to champion more labor friendly industrial relations.

After re-democratization supporters of the free-market socio-economic model implanted during the dictatorship also counted with strong party political representation. This came in the form of two conservative political parties that formed an electorally strong conservative coalition that changes name for every presidential election. The larger of the two is a libertarian party of the dictatorship: the Independent Democratic Union (UDI) along with National Renovation (RN), the remnants of the historic right. For a variety of reasons, including institutional "tethers" to democracy featured in the dictatorship's 1980 constitution, the conservative coalition forms a powerful opposition bloc in the national legislature that fiercely protects the free-market economic regime established during the dictatorship, and the business interests that dominated it. They consistently water down or veto the CPD's mild reform bills (Siavelis 2010).

In sum, from the moment the opposition bloc coalesced in the 1980s, and especially once it decided to contest the 1988 plebiscite on General Augusto Pinochet's presidency, the CPD and its governments focused on mild reforms to the market society model of the dictatorship. Many of these reforms concentrated on expanding state provision of public goods, especially in social and labor policy, and regulating issues where unfettered economic activity manifestly caused socially detrimental externalities. The environmental issue area fell into the last category. The strength of the conservative opposition and self-censorship forced CPD governments to compromise, thus many policy initiatives, which were usually mild to begin with, were even more watered down than originally conceived.

These general conditions and relationships, which remained more or less constant between 1991 and 2017, meant that institutional and policy change in democratic Chile was, per force, gradual. This was especially true in the environmental issue area given its low priority in relation to other issue areas. Most change was of a layered nature, meaning that new institutions

or policies were added to others already in place. However, unlike theories of endogenous institutional and policy change (Mahoney and Thelen 2009), the impetus in the environmental issue area did not come from state officials seizing on propitious circumstances to implement change. Instead exogenous mechanisms were at work.

One of those mechanisms involved the connection civil society organizations had established with the CPD during democratization. It allowed social movement organizations with expertise in new issue areas like the environment to have a *direct effect* in shaping CPD policy agendas. This was especially so during presidential elections where they contributed to writing governing platforms.

Implementation of that agenda was another story. Pro-market business forces, their conservative party political allies in the legislature, and consensus seeking, confrontation adverse CPD government officials and party leaders ensured that subsequent policy formulation bore little resemblance to the proposals of the environmental movements and activists. Thus, the environmental movement's *indirect effect* in the policy process, especially in the first three CPD governments.

Nevertheless, there have been shifts to and *mediated effects* since 2010. If the general contours of the balance of power remained constant, what changed at the margins? First, international political-economic factors shifted. External pressure for improvement in environmental governance institutions was significant. Environmental movements and sympathetic CPD legislators leveraged this. Second, the internal balance of power in the CPD was changing as were the parties themselves. Third, with respect to energy policy, an expanding cycle of mobilization in 2011 that included environmental movement protests against mega-projects, students, labor, and regional movements pressured politicians to craft policy reform with movement activists.

The paper now turns to an analysis of Chile's environmental movement effect on changes on two enduring issues. One is the environmental institutional governance regime. I examine the creation of the National Commission for the Environment, a weak decentralized regime. I follow up by tracing the subsequent shift to a Ministry of the environment and a more centralized regime. I close with an analysis of social movement impact on energy policy, specifically targets for nontraditional renewable energy.

From the National Commission for the Environment to Environmental Ministry

The Chilean environmental movement consists of a network of activists and organizations that raise collective challenges to the environmental governance regime in sustained interaction with elites, opponents, and authorities. Their repertoire of contention includes protest and engagement with the policy process. The main national environmental movement organizations relevant for this paper are: CODEFF (Comité pro Defensa de la Flora y Fauna), Instituto de Ecología Política (IEP), Chile Sustentable, Fundación Terram, Corporación Chile Ambiente, and the Consejo de Defensa de la Patagonia. CODEFF focuses on nature conservation. In the 1990s it was active in protest campaigns against mega-hydroelectric dams, but since then it works more through policy networks on forest policy and nature conservation more generally. The IEP is, as the name suggests, a leading organization for policy analysis and activism in political economy; as of the 2000s it focuses more on consultant work. Chile Sustentable has emerged in the 2000s as a leading policy advocacy and activist organization,

currently it specializes in energy issues. Fundación Terram and Chile Ambiente specialize in policy analysis and consultancy work (Mattila 2005).

All of these organizations regularly support protest campaigns. The Patagonia Defense Council is an example of most of these organizations working together on one multi-year national campaign to stop a complex of hydroelectric dams in Chilean Patagonia. Several of those organizations have developed expertise in water rights and energy policy. These organizations tend to be supportive of each other, preferring to keep a common front for the public given that they face such an uphill battle in the environmental issue area (Mattila 2005). All of these organizations advocated for a strong environmental ministry.

The CPD championed socio-economic and cultural issues ignored by the military dictatorship, including the environment. Thus, as a constituency of the CPD, and because of their technical expertise, the leadership and activists of the environmental movement organizations participate in the CPD's policy networks; and, thus, are able to *directly* influence policy agendas by detailed drafting of their policy platforms. They also work with international organizations, such as the United Nations and the OECD.

However, Chilean environmental organizations also engage in contentious action to pressure authorities, including public relations campaigns and classic demonstrations in conjunction with lobbying. These methods are generally used to critique straying by politicians from the agreed upon environmental policy agenda and to publicize alternatives hoping to be included in the policy process to ensure closer correspondence between their proposals and policy outcomes – in other words they aspire to achieve *mediated policy effects*. With respect to the use and effect of protest, it is notable that anti-mega project campaigns in Chile have played a significant role.

The analysis that follows traces the policy process in the development of environmental governance institutions in Chile since the transition to democracy in 1990. The establishment of a strong environmental ministry was a key institutional demand of environmental movement organizations from the very beginning. Movement organizations were able to get that demand on the CPD's policy agenda. However, due the political pact struck during the transition to democracy the movement organization only had an *indirect* in the policy process during three consecutive CPD governments. Those governments formulated policy without their participation and created a much weaker environmental governance regime without an environmental ministry. I also show how mounting socio-environmental conflict, largely around anti-mega project protests, kept the movements agenda alive. I then show how changes in the CPD's internal balance of power coupled with a shift in international conditions altered the overall balance of power set in the democratization pact sufficiently to create a ministry of the environment.

Democratization, Political Pacts, and Social Movement Policy Impacts: From Direct, to Mediated, to Indirect Effects: 1989-1999

Beginning with the transition to democracy in 1990, environmental movement organizations such as CODEFF and Instituto de Ecología Política proposed the establishment of a strong institutional regime for the environmental issue area anchored in a Ministry for the Environment. In their view, cabinet rank would place the environment on a more equal footing with economic sectors it would regulate. They placed this proposal on the policy agenda of the CPD's very first presidential campaign in 1989 led by Patricio Aylwin, who went on to win the

election in December of the same year. They basically wrote the environmental platform for his campaign. Thus, the proposal for a strong environmental institutional regime was a *direct* effect of the environmental movement organizations' engagement, indeed collaboration, with the CPD (Silva 1996-1997).

Aylwin and the CPD won the 1990 presidential election and democracy returned to Chile. Initially, environmental movement organizations had *mediated effects* in the formulation of a framework environmental law; thus, there was an opportunity for closer correspondence between the movement's agenda and actual policy. The movements had close connections to the Socialist party the Party for Democracy (a Socialist party offshoot); and it was these parties whom the Christian Democratic presidency, because they were part of the CPD coalition, put in charge of environmental policymaking. Consequently, environmental activists collaborated with the PS/PPD and the National Properties Ministry – the lead agency – in drafting the environmental framework law. Initial drafts took a progressive thrust, including a proposal for a ministry of the environment (Silva 1996-1997).

However, conflicts between environmentalists in National Properties and the presidency ensued and the presidency sidelined the environmental movement from the policy process. Instead, it worked with a business oriented environmental think tank. With that, movement effects in policy formulation went from *mediated* to *indirect*. The movements had placed the issue on the policy agenda but then government made environmental policy without them (Silva 1996-1997).

Why did this happen? Here we see the balance of power between proponents of a strong vs. weak environmental governance regime at work. The presidency, whose main priority was to oversee a smooth transition to democracy from the military regime, worried that the progressive agenda of environmentalists in Bienes Nacionales clashed with promises made to the military and business elites that the basic socio-economic model implanted by the dictatorship would not be altered. The conflict centered on a proposal for a strong state institution with significant oversight and regulatory capacity over the private sector. As a result, the presidency took control of environmental policymaking away from the PS/PPD and National Properties. Under the presidency's close tutelage, policymakers created a National Commission for the Environment (CONAMA) that was directly under the presidency and charged it with drafting an environmental framework law. CONAMA did not involve environmental movement organizations to work with it (Silva 1996-1997).

The environmental framework law took a very different direction than that advocated by the environmental movement. The CONAMA became the principal environmental governance institution. It was decentralized, inter-ministerial, without cabinet rank, and had weak regulatory capacity. Environmental impact reports (EIRs) required for new large-scale development projects were one of its main regulatory instruments. The EIR process offered the only institutionalized opportunity for civil society commentary on development projects (Silva 1996-1997).

The second CPD government led by Eduardo Frei Ruiz-Tagle (1994-2000), also from the Christian Democratic Party, was notoriously business-friendly and came into office without an environmental agenda of its own. It was largely committed to completing the preceding administration's work. In its first month Frei's government finished the environmental framework law. However, *a deal struck with the conservative opposition* kept the law from going into effect until regulations to Environmental Impact Assessment System (SEIA) were written. That process unfolded without social movement organization input and was not completed until

1997. Regulations were market affirming and business friendly. The Frei administration then, without environmental social movement input, developed a plan dubbed Environmental Policy for Sustainable Development. Launched in January 1999, none of its key objectives were implemented (Pizarro and Vasconi 2004).

Socio-environmental conflicts and social movement impact on agenda setting for Ricardo Lagos' presidential campaign, 1994-2000

Although major socio-environmental conflicts began during Aylwin's administration, new conflicts flared up during Frei's government. Some were prolonged, highly visible national campaigns that combined protest with legal action to halt new mega-projects. Smaller, more localized, and therefore less visible conflicts also broke out or were carried forward from earlier years. Mobilization had an impact on both the public and politicians because until then demobilization characterized social movement-government relations. Indeed, other than in the environmental and indigenous peoples issue areas de-mobilization was still the rule. The underlying concern, especially for politicians, was that mobilization and protest might undermine democratic consolidation.

Three prolonged, and highly visible national campaigns laid-bare what environmental movement organizations considered to be the inadequacies of Chile's environmental governance regime (Delamaza et al. 2017). The first mega project involved a series of hydroelectric plants to be constructed on the upper Bío-Bío River in south-central Chile. The project officially began in the last year of the dictatorship (1989) when ENDESA, a Spanish transnational energy corporation, in association with Chilean partners, proposed two major centrals: Pangué and Ralco. The project then wound its way through the permitting process during the Aylwin and Frei administrations (Silva and Rodrigo 2010).

Environmentalists began their campaign to stop their permitting and construction in earnest during Aylwin's government on grounds that the Pangué mega-dam and reservoir and the Ralco central threatened a pristine ecosystem and the territory of the semi-nomadic Pehuenche Mapuche people. Activists from major national environmental organizations, including CODEFF and the Instituto de Ecología Política, formed a coalition – the Grupo de Acción del Alto Bío-Bío (GABB).² The GABB mounted protests, media campaigns, and engaged CONAMA to persuade it to reject the project's EIR. Their efforts failed. CONAMA approved the EIR, loans were approved, and the Pangué Dam was inaugurated in 1997 during the Frei administration (Baquedano 2004).

Frei himself unequivocally backed the project stating, “Nothing will stand in the way of the development of this country” (Pizarro and Vasconi 2004: 5). Indeed, the central government suppressed an unfavorable CONAMA technical report allowing the EIR's approval. GABB director Juan Pablo Orrego, after receiving distraught apologetic calls from CONAMA functionaries saying they had been forced to approve Ralco over the technical department's recommendations, stated “CONAMA gave way to pressure from the government” (Figueroa Fagandini 2011).

GABB then mounted a second national campaign to stop construction of the RALCO central. It organized highly publicized marches and demonstrations in the capital city (Santiago) and in the south central region that involved students, women's organizations, indigenous people's organizations and others. Media campaigns further publicized the conflict, which

² The GABB also forged transnational collaborative ties with International Rivers Network.

dragged into the presidency of Ricardo Lagos, when the project was finally approved (Silva and Rodrigo 2010).

The second mega-project conflict to plague the Frei administration began in 1994 and involved the permitting, construction and operation of a pulp and paper plant by Celulosa Arauco y Constitución (CELCO) near Valdivia in Southern Chile. CELCO was the flagship firm of a major Chilean conglomerate and the environmentalists' main concern was pollution from effluents and the siting of the catchment for those effluents. If effluents were spilled into the ocean they would affect fisheries upon which local artisanal fishermen depended for their livelihood. If effluents were directed to the Anwandter Wetlands, a protected area, they would threaten the local fauna, especially black-necked swans (Silva and Rodrigo 2010; Instituto Nacional de Derechos Humanos [INDH] 2012: 244).

As in the Panguel-RALCO case, environmental movement organizations and community activists mounted a spirited, locally and nationally visible campaign. Local fishermen in Mehuín prevented CELCO engineers from carrying out studies necessary for their effluent pipeline EIR, an act publicized by the national media. However, ignoring environmentalists, CONAMA approved a pipeline to dump effluents into the Anwandter Wetlands Refuge despite legal irregularities and incomplete EIRs. The Lagos government later bore the full consequences of the Aylwin administration's actions (Silva and Rodrigo 2010; INDH 2012: 244).

Pascua Lama was the third major national socio-environmental conflict that erupted in Frei's administration and dragged on to plague others. In 1996 a consortium led by the international Barrick Gold Mining Company proposed a mega project to extract gold, silver and copper at 4,000 meters altitude in Northern Chile (Atacama region) and Argentina (San Juan Province). The major investors in the project immediately lobbied the Chilean and Argentine governments for a bi-national treaty permitting the project, which was signed in 1997 with the protocol that complemented it following in 1999 (INDH 2012: 62-64). The mining project threatened two glaciers that were the watershed for downstream agricultural communities, among them Diaguita peoples. National and local environmental organizations, alongside local community civic groups and municipal officials publicized these highly negative socio-environmental impacts and lobbied CONAMA to reject the project as proposed. Their efforts fell on deaf ears. (Silva and Rodrigo 2010; INDH 2012: 62).³

Environmental movement organizations, such as Fundación Terram, argued that socio-environmental conflicts exposed CONAMA's weakness, its lack of authority and autonomy. It was subordinate to the presidency and run by the interests of line ministries. Environmentalists claimed that these characteristics turned EIR evaluations into a closed political, and therefore arbitrary, process that generally protected business interests over the social and environmental dimensions of sustainable development. They contended that the Environmental Framework Law, and the resulting environmental governance regime, revealed that CONAMA could not handle the contentious politics that broke out. Its lack of ministerial standing and control over line ministries and business interests cost two of the CONAMA presidents their posts during Frei's government. The socio-environmental conflicts revealed the political, rather than legal,

³ In addition to well-publicized national campaigns other conflicts of a more local character plagued the Frei government. Some emblematic ones were Planta de Celulosa Nueva Aldea (ex-Itata, 1999); Mina Carmen de Andacollo (1995). More localized ones included Fundación Hernán Videla Lira (1994), Proyecto Minero Refugio (1995). Proyecto Minero La Candelaria (1995). See INDH (2012) for details.

procedural, and technical, rationale for deciding compliance with environmental standards and laws, including protected areas and protected peoples (Pizarro and Vasconi 2004).

In 1999, expanding socio-environmental conflicts that were gaining public visibility and controversy probably affected Socialist CPD presidential candidate Ricardo Lagos' decision to feature environmental issues in his platform. His campaign worked closely with a working group of environmental movement organizations, activists and academics calling themselves "Comando Verde Por Lagos," that wrote the candidate's environmental platform in May 1999 (Comando Verde por Lagos 1999).

Once again a group of environmentalists had a *direct effect* on the Lagos presidency's environmental policy agenda. That agenda squarely addressed the central points of the environmentalists' critique of the environmental governance regime. Moreover, these were policy recommendations that the environmental movement had advocated since Aylwin's government. They included (1) establishing a strong state authority for the environment, (2) perfecting the environmental impact reporting system, (3) promote green materials management production, (4) design and implement land use planning protocols, (5) protect natural resources, (6) deepen citizen participation in the SEIA, (7) actively implement international environmental treaty obligations, (8) redesign Santiago's public transportation system to help decontaminate the metropolitan region.

The Lagos Administration, 2000-2006: Dashed Hopes, Mounting Conflicts, and Refining Agendas

For environmentalists Lagos' government was a disappointment. With the exception of metropolitan transport, it did not address any of the environmental platform's planks. Instead, it became the most market and business-friendly CPD government. Thus, ongoing socio-environmental conflicts were generally resolved in favor of business, which had little interest in environmental controls. Projects continued forward, EIRs approved, polluting plants operated without even end-of pipe pollution control technology, much less green technological innovation (INDH 2012).

Consequently, the three cases discussed above continued to be fulcrums for socio-environmental conflict, and more conflicts broke out as the Lagos government approved practically all of the EIRs for new projects. Environmental movement organizations kept up their contentious action. They protested, mounted media campaigns, and worked within the environmental governance system challenging EIR approvals and suing for legal injunctions through the courts.

The upshot of these events was threefold. First, intensifying socio-environmental conflict and high profile environmental disasters raised the public's perception of environmental problems and public pressure for government to do something. Second, social movement organizations honed their critique of Chile's environmental governance regime. Third, environmental movements refined corrective policy proposals, and both lobbied politicians and the think tanks that crafted their policy positions.

Environmental disasters involving water pollution raised the visibility of environmental issues. Two of them were in the metropolitan region of Santiago, the political center of Chile, and involved wastewater treatment plants. An old one from the 1970s highlighted the problem of lax regulation for plant upkeep and modernization as well as the perception of sluggish government response to the disaster. The overpowering noxious fumes that invaded populous

neighborhoods caused headaches and nausea that brought the problem home to residents (INDH 2012: 176-78). Additionally, a new wastewater plant inaugurated by President Lagos himself discharged improperly treated waste into a river that fed a protected wetlands reserve killing fish, fauna, and flora. Foul odors wafted over densely populated zones. The quality of the wetlands reserve as a recreational area diminished significantly. Residents noticed these ill effects and raised their voices (INDH 2012: 180-83).

The disaster with the biggest impact was the pollution of the Anwandter Wildlife Refuge in Valdivia by CELCO's controversial pulp and paper plant. Illegal discharges raised the level of pollution to such an extent that in 2004 thousands of treasured black-necked swans died or migrated, along with fish, flora and fauna (INDH 2012: 244-47). The scale of the disaster in a popular recreational area was shocking to the public. Prime time television coverage turned the event into a national scandal (OLCA 2004). The case highlighted irresponsible corporate behavior coupled with permissive, lax government regulation. Business could clearly not govern itself (González 2005). The tide of public opinion was turning in favor of reform of the environmental governance regime. For example, in 2005 a national opinion poll showed CONAMA's credibility below 20 percent (CERC 2005). Environmental organizations capitalized on these events to press their critique of the environmental governance regime (Fundación Terram 2005).

Environmental organizations like Fundación Terram, Chile Sustentable, and CODEFF honed their perennial policy platform for presidential campaigns. (1) A strong ministry of the environment with an autonomous oversight agency to ensure regulatory compliance. (2) Strengthen the Environmental Impact Assessment System's technical capabilities and insulate it from political manipulation. (3) Expand citizen participation in environmental governance. (4) Strengthen institutional capacity in nature conservation and biodiversity protection, beginning with the creation of an agency devoted to the issue. (5) Develop land-planning protocols. (6) Increase regulation and prevention of urban pollution, especially air quality. (7) Strengthen regulation to mitigate the socio-environmental externalities of natural resource extraction. (8) Develop non-traditional renewable energy sources (Pizarro and Vasconi 2004).

Michelle Bachelet's Environmental Governance Reform, 2005-2010

We have seen that the connections forged between social movements and political parties during the transition to democracy permitted environmental organizations and activists to directly influence the policy agenda of CPD governments. However, the unfavorable balance of power embedded in the political pact for democratization caused the first three CPD governments to turn their backs on that agenda. Thus, social movement effects on policy formulation were indirect as CPD governments made policy without them, established weak governance institutions, and supported business elites that favored a relaxed environmental regime.

However, mounting socio-environmental conflict, disasters, and growing pressure from public opinion permitted environmentalists to keep pressing for stronger environmental governance institutions. By 2005 that pressure was sufficiently strong to put environmental governance reform on the agenda of *all* of the candidates for president. Michelle Bachelet, of the PS, was the CPD's candidate and her presidency undertook an environmental governance reform that established a ministry of the environment, a long-standing demand of the environmental movement.

I argue that two relatively minor changes in the balance of power of the democratic transition influenced this outcome. One was a change in presidential candidate selection in the PS and the CPD. It permitted Bachelet, an outsider to the PS party machine, to become the CPD's presidential candidate. Thus, the weight within the CPD shifted further left with a more progressive reform-minded candidate. The second factor involved Chile's position in the international political economy. It had a chance to be admitted to the OECD, which was demanding that Chile reform its environmental governance regime to conform to OECD member standards.

As we shall see, these two factors brought environmental institutional reform closer to movement policy positions than in previous governments. However, reform was not as strong as it might as been. Some movement organizations were poised to generate *mediated effects* in the legislature but at the last minute more customary *indirect effects* prevailed. The conditions of Chile's transition pact and the balance of power it upheld allowed conservative pro-business opposition for unrestrained growth to sideline environmentalists and significantly water down institutional reform.

Environmental movements and Bachelet's policy agenda

There was a great deal of coincidence with respect to institutional between the policy proposals of insider environmental organizations, the parties of the CPD, and Bachelet's presidential campaign. They all proposed a ministry of the environment, superintendencies to administer natural resources, conservation and biodiversity, and to enforce environmental laws and regulation. With respect to environmental impact reporting there was coincidence in proposing increased citizen participation, especially by extending the time for citizen review and for making information flow more complete, timely, and transparent (Larraín and Schauenburg 2006).

To what extent did social movement organizations shape the agenda of Bachelet's governing program, especially since she had own advisory think tank, Expansiva? For one, social movement organizations, like Fundación Terram, gave presentations to Expansiva (Pizarro 2005). Secondly, Terram, Chile Sustentable, and Chile Ambiente, among others, advised the environmental committees of CDP political parties, especially the PS/PPD. They also sent detailed policy position papers and gave presentations to other CPD parties, such as the PDC (which drafted a document specifically intended as an input for Bachelet's governing program). The programmatic positions of these parties on change in environmental governance also coincided with the environmental movement's positions (Larraín and Schauenburg 2006).

The timing of specific proposals as a condition of environmental movement support and the presidential campaign's release of its environmental governing platform also suggest that environmental organizations influenced the CPD's environmental agenda. For example, during 2005 environmentalists prepared an "Agenda Ambiental de ONGs Ecologistas y Ambientalistas: Prioridades para el período 2006-2010." They distributed this document to all of the presidential candidates in September 2005. Michelle Bachelet released her program, Nueva Política Ambiental," on 15 October, with follow-up technical notes in November. Moreover, Bachelet actively courted and received the endorsement of environmental organizations by signing the 10-point Acuerdo de Chagual with them on 21 November 2005 (Larraín and Schauenburg 2006).

Another factor that helped to raise the relevance of environmental issues for policymakers was the fact that Chile under Lagos had applied for admission to the OECD. In

May 2005 the OECD officially released its document evaluating Chile's environmental regime (OECD-ECLAC 2005). It was damning. The OECD's report's findings were very much in line with the critiques and proposals that the environmental organizations had been making since the Frei government. Indeed, those organizations had input in the OECD's information gathering process. ECLAC (UN Economic Commission for Latin America and the Caribbean) was the OECD's local institutional counterpart and responsible for information gathering and analysis. The heads of ECLAC's environmental department shared the environmental organizations' positions; indeed they formed a policy network of sorts. Environmental organizations on occasion also gave formal presentations to the OECD fact-finding group (Fundación Terram 2004).

Thus, although the OECD report was a factor in shaping the environmental agenda of Bachelet's presidential campaign it was not decisive (Fundación Terram 2009 and 2008). Several considerations support this conclusion. These include the existence of a longstanding policy agenda that the environmental organizations had already repeatedly inserted in CPD past presidential campaigns, the timing of their current proposals' public release and their delivery to the presidential campaigns before release of the OECD report, and the fact that the same environmental organizations were in a policy network with the ECLAC environmental unit and also gave presentations to them. Nevertheless, Chile's desire to be admitted to the OECD strongly suggests that the report was instrumental in securing implementation of the campaign platform after Bachelet won the election. After all, these proposals had made into the CPD's policy agenda before but implementation was lackluster at best.

From agenda to institutional reform

The Bachelet administration introduced an environmental governance regime reform bill to the legislature in July 2008. The law passed in January 2010 just before the end of her presidency. It established a Ministry of the Environment, Superintendency for the Environment, and a System of Environmental Impact Assessment. It also mandated the establishment of Environmental tribunals. It left the creation of a Conservation and Biodiversity Superintendency for future legislation. The CONAMA – Council of Ministers – would continue to function in collaboration with the Ministry of Environment.

After an auspicious beginning environmental organizations in the end did not have much impact on policy formulation. That made the reforms an *indirect consequence* of the movement's actions. For, having placed the issues on the agenda, they were frozen out of the legislative process. Consequently, important features of the reform were not congruent with the environmental organizations' proposals (Fundación Terram 2009).

Policy formulation unfolded as follows. The Bachelet administration formulated the bill it submitted to the legislature in 2008 without open discussion or civil society participation. In other words it was a closed process. The executive then submitted the bill to the Deputies, the lower chamber of Congress. There, environmental organizations had good access to the process as advisors to deputies in the Environmental Commission (Biblioteca del Congreso Nacional de Chile [BCN] 2010). Many of their recommendations were written into the bill. Thus, during this stage it is fair to say that environmental organizations had a *mediated effect* on policy. The Senate environmental committee, however, negated this effort. It made many critical observations to the bill from Deputies (Fundación Terram 2009).

Fearing that the bill would get bogged down in committee, the Senate Committee for the Environment drew up a protocol to expedite discussion. This meant that discussion of points of conflict with conservative senators involved quick and dirty compromises that gutted the more aggressive positions environmentalists and their supporters in Deputies had made (Fundación Terram 2009). Hence, in the final analysis movements, once again, only had an *indirect effect* on the policy outcome.

This compressed account suggests several things regarding movement influence on policy. One, where movement policy proposals could leverage international political economic goals of the administration (accession to the OECD) those demands, such as ministry of environment, became presidential legislative bills. Second, Bachelet's administration proceeded like all others before it and locked the movements out of the policy process. Therefore, the resultant bill proposed an environmental ministry, but with weaker regulatory and oversight capacity. Third, for the first time since re-democratization, the legislature offered a venue for environmental movement participation in policy formulation. In the lower house many of its proposals for a stronger governance regime were reinstated. Fourth, the unfavorable balance of power intervened in the Senate, the decisive seat of legislative power, and movements were again frozen out and the final law mandated a weaker environmental governance regime.

Energy Policy: Crafting the 20/25 Law for Non-Traditional Renewable Energy

The energy sector is important for several reasons. First, mega-projects abound. Second, given Chile's distribution of resources thermal (coal) and hydropower are abundant sources of energy and protest against mega projects for their development has been significant. Third, the policy debate over alternative sources followed those over institutional reform and movement activists had learned some lessons.

Policy debates in this sector are more urgent than over institutional reform. First, energy is necessary for development. Second, Chile suffered an energy crisis in the 1990s. It had relied on imported sources no longer available and had to develop new ones domestically. Thus, many energy mega-projects were proposed in a short period of time. Third, a prolonged cycle of protest that began in 2011 involving students, environmentalists, regional decentralization, indigenous peoples, and public sector workers made politicians, especially in the legislature, more susceptible to environmental movement demands (Donoso and von Bülow 2017).

In terms of outcomes we see the usual mechanism of social movement impact on CPD agenda setting. Bachelet's government was open to movement proposals for a law mandating percentage targets of non-traditional renewable energy sources in the national grid. It then froze movements out of the policy formulation process. After the cycle of mobilization began in 2011 under a conservative government with mass demonstrations by environmentalists, students, indigenous peoples, and, later regional movements and public sector workers, a new source of movement participation opened up – the legislative arena. More progressive deputies and senators used the pressure of the cycle of mobilization to include movements in policy formulation. Thus, we see a shift from indirect to direct and mediated policy effects of social movements.

From agenda setting to indirect effects in policy formulation

Among the many issues that environmental movements had been advocating since the return of democracy was a shift to greater use of non-traditional renewable energy sources in Chile's energy grid. Chile had a market-based approach to energy dating back to the 1982 Energy Law promulgated by decree during the military government and relied on imported natural gas from Argentina and hydropower (Maillet and Rozas 2017). Two shortages shook the foundations of this arrangement. One was the drought of 1998-1999 and the other, more severe, the Argentine gas crisis of 2002 to 2004. In the aftermath of these events energy prices soared making Chile's power among the most expensive in the world (BBVA 2014). Thus, energy security became a policy issue.

Round One: Same old same old?

The debate over energy turned on expanding thermal energy (dirty coal), hydropower from regions not subject to drought (further south), importation of natural gas from other countries, nuclear, and non-traditional renewable sources. There was an upsurge of thermal energy production projects during Bachelet's administration. But her government, in an effort to keep commitments to the environmental movement, also pledged to expand non-traditional renewable sources. Environmental organizations wanted an increase to 20-30% of energy generation by 2025. However, in April 2007, the executive introduced a bill that only sought an increase to 10 percent by 2020. The "10/20" bill sailed through the legislature and became law in March 2008 (BCN 2008).

What impact did environmental organizations such as Chile Sustentable, Fundacion Terram, and Chile Ambiente have on the policy process that ended in the 10/20 Law? Using their well-established connections to CPD political parties, they put non-traditional renewable sources on the policy agenda of Bachelet's governing platform in 2005 (Larraín and Schauenburg 2006; Bachelet 2005). But the movement's proposal was a political hot potato given that Chile's energy companies opposed such initiatives. The unfavorable balance of power towards environmental issues caused Bachelet's government to table the matter.

However, a new political actor took up the agenda. In July 2006, in frustration with government's lack of interest, the legislature's House of Deputies introduced a bill on non-renewable energy sources. Environmental organizations in their capacity as advisors to key parliamentarians helped formulate the bill, which set a target of 30 percent non-traditional renewable energy by 2025 (BCN 2008). The lower chamber's increased activism responded to the influx of more progressive deputies as an expression of voter impatience with the pace of reforms to inequalities created by the socio-economic system implanted by the military regime. In any case it afforded environmental activists a space to pursue *mediated policy effects*.

Mindful of the political settlement that supported democracy in Chile and the balance of power that underlay it, the executive, stung into action by the "radical" energy bill, countered by sending its own less demanding bill in April 2007. Environmental movements had little if any direct impact on it. They testified in key legislative hearings, explaining that a more comprehensive law should aim for greater percentages, establish adequate funding as incentives to production in part funded by traditional energy companies through a surcharge on their energy, state support for the promotion of non-traditional renewable sources, and penalties with non-compliance to targets (BCN 2008). None of these recommendations made it into the law promulgated in March 2008. This, then, was a classic *indirect effect* of movement organization contentious politics.

Round Two: The movements strike back

During Bachelet's first government thermal energy from Chile's ample dirty coalfields became the administration's first choice to address the energy crisis. Numerous projects were introduced into the EIR system between 2006-2010. Many of them became sources of socio-environmental conflict. Indeed, compared to the 1990-2005 period, they were the major source of conflict (INDH 2012). The environmental movement was disturbed by this turn and criticized the government for it. Adding insult to injury, the administration also supported a mega hydroelectric project in Chilean Patagonia. Several rivers would be dammed and energy would be brought to the central grid via a yet-to-be-built several thousand km long high-tension transmission line. Bachelet's government initially backed the project, dubbed HidroAysén (Silva 2016).

HydroAysén became the center of the largest, national environmental protest campaign of the era in 2011, culminating in the rejection of the project in 2014 (Silva 2016). It was led by the Patagonia Defense Council (PDC), which included Chile Ambiente, Chile Sustentable, Instituto de Ecología Política, CODEFF, and Fundación Terram among others. Beginning in 2007-2008 the PDC conducted a smart media campaign that turned public opinion against HydroAysén and started the discussion on alternative renewable energy. For example, in 2008 the PDC commissioned a poll by a reputable firm in which 53 percent of respondents opposed the project, whereas before the media campaign took off in 2007 54 percent had favored the project. In April 2011, during the center right administration of Sebastián Piñera a new poll indicated 61 percent disapproval rating for HydroAysén (Consejo de Defensa de la Patagonia Chilena 2014).

Meanwhile, the protest campaign took off in May 2011 after Piñera's government approved HydroAysén's EIR. A massive demonstration (especially for an environmental issue) of 30,000 to 40,000 people rocked the government. Environmentalists were quickly joined by student protests against privatized education, public sector labor unions against flexibilization of labor, and a regional movement in Aysén for government assistance for a special region. The various movements then began coordinating mobilization in a *Mesa Social for a new Chile* in 2012. Hundreds of thousands of people were demonstrating across Chile in a cycle of mobilization not seen since the days of political polarization in the early 1970s (von Bülow and Donoso 2017).

As in the past, then, mounting socio-environmental conflict kept issues in the public eye generating public demand to do something. Doing something, in this case, aside from reforming the environmental governance regime, involved generating cleaner, cheaper energy. Social movement organizations' contentious politics, and protest specifically, certainly played a role in raising the policy profile of the issue.

But social movement organizations, such as Chile Sustentable, Fundación Terram, and Chile Ambiente also worked their networks with legislative representatives. They advised senators and deputies on the environmental committees who were looking for more aggressive policy than what the executive offered. In classic *mediated effect* style, movements and protest placed or kept alive issues on the policy agenda and the worked with politicians who shared their concerns (BCN 2014).

The result was that the Senate Committee for the Environment introduced a bill in September 2010 that contained many of the points whose absence the environmental movement critiqued in the executive's sponsored law of 2008. Environmental movement organizations

helped to formulate the initial bill, which called for 30 percent non-traditional renewable energy inputs by 2025. The process dragged on for three years and the law, mandating 20 percent by 2025, was passed in October 2013 (BCN 2014).

Conclusion

This paper argued that the Chilean environmental movement's contentious politics had three different types of effects on reforms to environmental governance institutions and non-traditional renewable energy policy. In both issue areas, movement contentious politics had *direct* effects in setting the environmental agenda of three CPD governments between 1990 and 2010. They generated the environmental policy planks of CPD presidential candidates, which then become governing programs.

CPD governments, however, reluctantly addressed environmental issues but departed significantly from that agenda or did not follow through at all. Nevertheless, steadily expanding socio-environmental conflict and protest campaigns kept the environmental issue in the public eye. Movement organizations shaped public pressure by consistently pointing to the institutional shortcomings at the root of the problem, and to show how they stemmed from business power relations with origins in the dictatorship. This made it impossible for governments to simply bury the problems or declare them solved with very mild reforms. In short, socio-environmental conflict kept environmental demands on the political agenda.

The evidence shows that in policy formulation the social movement organizations often had *indirect* or, at best, *mediated effects* on policy outcomes. Indirect effects occurred in all of the governments of the CPD and in both issue areas. They were most pronounced in the outcome of the institutional reform process. Mediated effects occurred most clearly in the second non-traditional renewable energy bill, the law 20/25. However, in the environmental institution reform process, environmental organizations had mediated effects during part of the process, notably in the Deputies Chamber version of the bill. However, as we saw, this effect was largely nullified by the final version came out the Senate.

This paper also argued that for the environmental issue area in Latin America a key question is the following. From a position of relative powerlessness, how can advocates, activists, and social movements place their issues on the policy agenda and advance governance structures for them? The Chilean case supports the following propositions in democratic contexts (1) their connection to political parties (part of coalition building), and through them access to actors in the executive and legislative branches of government; (2) pressure through protest, including as a component of a larger cycle of protest and building coalitions with the various participating social movements; and (3) shifts in a country's position in the international political economy that changes politician's calculations.

I have also argued that an analytical framework to understand the role of social movements in gradual institutional and policy change needs to take into account the overarching political settlement that underlays a democratic (or any other) regime and the balance of power among political, social, and economic actors that it implies. I have proposed using political economy approach that examines economic, social, and political structures along with ideational factors to identify actors, their interests, and power resources. Economic and political structures and ideas define most of the state-institutional, party political, and social actors involved in the policy process and their policy stances. Those structures also define the distribution of power in a society. Political economic structure and the distribution of power it supports define what social

movements interested in institutional and policy change are up against and what their possibilities are.

It follows that changes in those structural and cognitive factors will affect the distribution of power among economic, social, and political actors. In the Chilean case, the overall political settlement remained constant and so institutional and policy change per force had to be gradual. Linkages between social movements and political parties remained fairly constant. But changes in the composition of the center-left party coalition afforded greater prospects of advancing the environmental movements' objectives, although still not to their satisfaction given the overall characteristics of the political settlement and the balance of power that underlay it. Protest, especially cycles of protest, was significant, as were opportunities for change in Chile's position in the international political economy.

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