



# A Social compromise for the Anthropocene?

## Elite reactions to the Escazú Agreement and the prospects for a Latin American transformative green state

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### Abstract

The world is urgently facing the need for a “green transformation”, involving not only a transition towards the use renewable energy and reduction of biodiversity loss, but a deep social change towards social justice and sustainability. Such action requires social compromises between elites and popular sectors that allow the building of strong institutions to implement changes. Latin America is faced with huge tasks to increase equality, justice and sustainability, but it also plays a pivotal role in the global green transformation. The region is further characterized by both strong elites, strong socio-environmental movements and deep environmental conflicts making social compromises difficult. This Working Paper discusses elite reactions to the most advanced regional agreement on environmental regulation and conflict resolution, the Escazú Agreement. In many countries, elites opposed it vehemently referring to national sovereignty, but particularly rejecting the institutional implications of the agreement involving a stronger compromise to allow popular participation. This was opposed by economic elites in democratic countries (Chile, Colombia, Costa Rica and Peru) as well as governmental elites in authoritarian countries (El Salvador and Venezuela). However, in various cases, elite opposition was overcome after popular mobilization and dialogue. The paper discusses what we can learn from elite reactions to the Escazú Agreement of importance for future social compromises as a basis for the emergence for transformative states in Latin America.

### Keywords

Green transformation, social compromise, the Escazú agreement, elites, green state.

## Resumen

El mundo enfrenta con urgencia la necesidad de una “transformación verde”, que implica no solo una transición hacia el uso de energías renovables y la reducción de la pérdida de biodiversidad, sino también un profundo cambio social hacia la justicia social y la sostenibilidad. Ello requiere de compromisos sociales entre élites y sectores populares que permitan construir instituciones fuertes para implementar cambios. América Latina afronta enormes desafíos para aumentar la igualdad, la justicia y la sostenibilidad, pero también puede jugar un papel fundamental en la transformación verde global. La región también se caracteriza por tener élites robustas, fuertes movimientos socioambientales y profundos conflictos ambientales, que dificultan los compromisos sociales. Este documento analiza las reacciones de las élites al acuerdo regional más avanzado sobre regulación ambiental y resolución de conflictos, el Acuerdo de Escazú. En muchos países, las élites se opusieron con vehemencia, arguyendo la injerencia sobre su soberanía nacional, pero rechazando particularmente las implicaciones institucionales del acuerdo que suponen un mayor compromiso para permitir la participación popular. A esto se opusieron las élites económicas de los países democráticos (Chile, Colombia, Costa Rica y Perú), así como las élites gubernamentales de los países autoritarios (El Salvador y Venezuela). Sin embargo, en varios casos, la oposición de las élites fue superada gracias a la movilización social y al diálogo. Este documento analiza los aprendizajes de las reacciones de las élites al Acuerdo de Escazú ante futuros compromisos sociales como base para el surgimiento de Estados transformadores en América Latina.

## Palabras clave

Transformación verde, compromiso social, Acuerdo de Escazú, élites, Estado verde.

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## 1. Introduction<sup>1</sup>

The world is urgently facing the need for a “green transformation”. This must not only include a rapid energy transformation towards renewables, but also a general drop in climate emissions and the protection of natural resources from rapidly dwindling biodiversity, irreparable resource depletion and pollution. This green transformation places governments in a difficult relationship vis a vis economic elites: On the one hand, the green transformation depends on large investments in renewable energy and in more sustainable production of goods and services, often controlled by the economic elites. On the other hand, it depends on regulation of various business sectors in order to reduce their environmental impact, or—in some cases— prohibit them. Governments furthermore depend on their relationships with economic elites for economic and political support necessary to be able to perform their roles as leaders in a green transformation. Yet, their generalized support and legitimacy depend equally on their achievement of other tasks, including reducing poverty and inequality.

Latin America stands in a particular position regarding the green transformation for at least three reasons. First, the region is home to 50% of global biodiversity and almost 60% of the world’s rainforest. However, it also holds the world’s largest oil reserves as well as some of the key natural resources needed for an energy transformation, including over 60% of global lithium reserves, around 40% of global copper reserves, in addition to large quantities of other rare metals such as cobalt. Thus, Latin America’s green transformation not only important to the region itself, but to the whole world.

Second, Latin America is the home to a large number of environmental and social movements that long have advocated for more sustainable development models and inspired global environmental movements, including the “de-growth” movement and calls to refocus development towards “good living”. These are indispensable to provide necessary pressure for a shift towards greener policies.

However, Latin America is also characterized by a third feature which is particularly strong elites and a long history of inequality of economic resources as well as access to politics and justice (Rodríguez, 2018). In many countries, these elites owe their positions as elites to a combination of control over natural resources and political institutions. Indeed, the particular exclusionary and clientilistic nature of many Latin American states can trace their roots back to their roles as supporters of export-oriented resource extraction (Coronil, 1997; Saylor, 2012; Acemoglu and Robinson, 2013). This has produced states that are uneven in terms of geographical reach, and that reproduce multiple inequalities (López, 2018). Among the consequences of that is the widespread violence against defenders of the environment. Indeed the four countries in the world with the highest per capita murders of environmental defenders are all in Latin America, and Latin America is the site of over 70% of global killings of environmental defenders (Galarraga Cortazar, Hernández Bonilla and Salinas Maldonado, 2022).

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Thus, a green transformation in Latin America depends on more than the implementation of environmental policies. It requires an institutional transformation towards a more inclusive state that rests less on resource extraction and is capable of cooperating with, as well as regulating economic elites. Just like the 20<sup>th</sup> century welfare states depended on the pressure from labor movements and associated civil society groups, as well as compromises with elites (Bull, 2007; Bull, 2019), the emergence of a form of “green state” depends on pressure from environmental movements (Eckersley, 2004), but also on broad compromises with elites. Thus, it is important to understand: *What may motivate elites to contribute to such compromises?*

Latin America is already replete with attempts to enter into social agreements. Regarding socio-environmental agreements, one stands out as particularly important and advanced: the Escazu Agreement<sup>2</sup>. This regional agreement was signed in 2018 by 24 Latin American and the Caribbean (LAC) countries and focuses on the access to information, right to participation and institutional strengthening in environmental matters. As such, it is an agreement that envisions an institutional shift strengthening environmental democracy aiming at a socio-environmental transformation rather than requiring specific environmental policies. Not surprisingly, the agreement met strong resistance. Two groups stood out among its opponents: business elites in democratic countries (particularly in Peru, Costa Rica, Chile and Colombia) and state elites in authoritarian countries (including Venezuela and El Salvador). Yet, in some countries, business elites were predominantly in favor or they did not launch organized campaigns against it. What can explain this? And what can we learn from the experience with the Escazu Agreement about elites’ willingness to enter into social compromises for a green transformation?

These are the issues that will be discussed in this document. Before entering into that, I will discuss what I mean by a green transformation and discuss some insights from elite-theory that may shed light on the different elites’ willingness to enter into broad social compromises for a green transformation. I will then give a brief introduction to the Escazu Agreement. The main body of the report consists of a discussion of different elites’ reaction to it and how that can be explained.

## 2. A “green transformation”: different interpretations

There is no consensus about what a “green transformation” actually implies. In the current global debate, the main distinction is drawn between a position arguing for a form of “sustainable development” or “green growth” and those that advocate “degrowth”. *Sustainable development* as proposed in the Brundtland report is defined in general terms as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs». While this opens for multiple interpretations, it advocated for continued technological upgrading, economic growth and modernization, while making production more sustainable (Brundtland, 1987). This gave rise to the ideas of *ecological modernization*: that there is no zero-sum trade-off between economic prosperity and environmental concerns. Indeed environmental protection is not a burden upon the economy, but rather a potential source of future growth (Hajer, 1995; Weale, 1992).

This position rests on a belief that it is possible to decouple the growth of the economy from the use of natural resources (Asafu-Adjaye *et al.*, 2015; Ekins, 1999). This idea may draw its roots to the Club of Rome report (Limits to Growth, 1972), that warned against the continued increase of natural resource use, arguing it would eventually lead to resource depletion and drop in living standards. However, it

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<sup>2</sup> The full name is: *The Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean*.

did not advocate for less growth, but rather for growth is directed towards less resource intensive activities and that population growth is limited to reduce pressure on natural resources (Collste *et al.*, 2021). The idea of sustainable development builds further on this, considering “development” still to be a goal, but urging for both better distribution and development of economic activities that do not deplete natural resources (WCED, 1987). Both reports (“Limits to growth” and “Our common future”) (Meadows *et al.*, 1972; Brundtland, 1987) take as a basic premise that “we are all in the same boat” considering the need to protect nature for future generations. The more recent ideas of *green growth* place particular emphasis on the need for a transformation to renewable energy sources, but it continues the belief in modern science and development as a tool for reaching a green transformation, rather than a hindrance against it (Stoknes, 2021).

The *de-growth agenda* takes issue particularly with the argument that it is possible to “decouple” economic growth from environmental impact (Parrique *et al.*, 2019). The argument is based on an attempt to account for all input in terms of energy and raw material in economic activity. Doing so, it is concluded that it is impossible to continue a growth pattern without depriving the natural environment, and we need to think about ways in which to enhance human welfare without continued growth (Haberl *et al.*, 2020). The starting point is an understanding that we are currently in the “Anthropocene”, a period of the earth in which all nature is profoundly impacted by human activity (Crutzen, 2002), and it is argued that only by reducing our focus on growth can we face up to the climate crisis, the biodiversity crisis and the social crisis at the same time. This has led to a broad program with do’s as well as don’t: To reduce (and eventually stop) the extraction of hydrocarbons, reduce extraction of both non-renewable natural resources (metals and minerals) and resource intensive commodity production (e.g. the production of beef, or palm oil) and other activities that deplete natural resources, but also to introduce a circular economy and new regulations to reduce consumption and rethinking the entire organization of particularly modern societies, including ensuring new forms of housing, transport and monetary policies to support the transformations (Hickel, 2020).

Latin American proposals for *environmental justice* and a socio-ecological transformation have many points in common with the degrowth agenda. In the Latin American context it can draw its roots to the Latin American response to the Limits to Growth report (the report of the Bariloche group) that sought inspiration in dependency theory and linked the evolving ecological crisis to a global system of resource extraction and exploitation as well as theories of environmental justice (Martínez-Alier *et al.*, 2010, Estenssoro and Déves, 2013). It agrees with the de-growth movement (and indeed has inspired it) in the need for a search for alternative ways to human welfare than economic growth, but is more skeptical towards the use of modern science and development of market solutions to ensure a green transformation (Alimonda, 2011, Porto-Goncalvez and Leff, 2015). While the de-growth movement rejects the possibilities of “decoupling” economic growth from its environmental impact, the proposals for environmental justice move further in the way seeking to decouple national and local development from global markets than ‘degrowth’. In sum, a socio-ecological transformation, is depicted as follows by Denzin, Cáliz and Martner:

Entendemos la transformación social-ecológica (TSE) como un proceso de cambio sistémico de la configuración de la relación sociedad-naturaleza y de la estructura de posiciones sociales que —en las condiciones dadas de cada sociedad— genere círculos virtuosos entre la suficiencia de la provisión de bienes básicos, una mayor igualdad el paradigma de la transformación social-ecológica distributiva y el mejoramiento de la capacidad de reposición de los ecosistemas (Denzin, Cáliz, and Martner, 2020: 43).

According to these authors, a socio-ecological transformation is at the same time economic, political, social and cultural, and it must refocus the society towards equality, democracy, care-ethics and

sustainability as core values. This reflects both a global agenda for a transformed society, captured in the “de-growth agenda” (Hickel, 2020), and particular agendas emerging from various sources and social mobilizations in Latin America, including the ideas of “buen vivir” and post-development (Radcliffe, 2012; Gudynas, 2011; Escobar, 1992).

There are major differences between these positions on various issues on the agenda for a “green transformation”. They all agree that a *transformation towards more use of renewable energy* is necessary. Latin America’s emissions are well below the global average if we do not count its exports<sup>3</sup>. Yet, Latin America has also signed up to global obligations. The transformation to renewables is emphasized in all versions of a green shift, but with different emphasis. While the “green-growthers” focus on the need to attract sufficient investments in renewable energy to contribute to reduction of climate emissions, “de-growthers” and those advocating for environmental justice emphasize reduction of energy consumption and to stop or reduce the production of hydrocarbons.

The issue of *pollution control* is one of the oldest issues on the environmental agenda. It includes issues such as care for urban air quality, as well as control of pollution of waters and soil due to activities such as mining, hydrocarbon extraction and export agriculture. There is agreement on most of these points across the three forms of environmentalism. However, there is disagreement regarding the benefits of some technologies for productivity enhancement (for example genetic modification) that may be rejected by the degrowthers and supported by greengrowthers referring to the need to increase production of for example food.

Second, *reduction of consumption and the circular economy* are emphasized across the board, but with different emphasis. Since the “green-growthers” are not very concerned with the reduction of growth as such, their emphasis would be on reduction of consumption of products of high-emission, high pollution sectors. De-growthers, on the other hand, place major emphasis on the reduction of consumption, though, a.o. the regulation of industries to produce more solid and reparable goods and introduce mandatory recycling. The supporters of environmental justice would be equally concerned with supporting small-scale production in for example agriculture.

Third, there is different emphasis on the *protection of biodiversity and reducing nature loss*. According to the Inter-governmental Science Policy Platform for Biodiversity and Ecosystems Services (IPBES), Latin America has only 8% of the world’s population, but contains 40% of the world’s ecosystem capacity for producing natural consumer-goods, including food (IPBES, 2018). It also has a higher “biocapacity” than the average world’s population. The region also holds only 12% of the world’s land surface, but 50% of tropical rainforest, and between a third and half of different species (including birds, mammals, reptiles and amphibian) (Denzin, Cáliz, and Martner, 2020). How to manage this is a potential source of conflict between the three positions. With its continued focus on development, the “sustainable growth” position would for example focus on increasing efficiency of, and reducing pollution from industrial agriculture, while in the “degrowth” and environmental justice camp, would be a stronger focus of land conservation and local and indigenous forms of governance of local resources and agricultural production.

Equally, the issue of *reduction of the extraction of non-renewable resources* is controversial. First, because hydrocarbon production is such an important source of income for many Latin American countries,

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<sup>3</sup> The region holds 8% of the global population, but is responsible for only 4.65% of global emissions, not counting emissions due to exports, although considerably more if they are included. The region’s export account for 18% of Latin America’s climate emissions, and Latin America exports 45% of the oil and 58% of the coal produced in the region.

and one that has not only enriched elites, but also been used to distribute to the poor. However, it is also due to the fact that the renewable transformation depends on the extraction of Latin America's non-renewable resources. Latin America's lithium, copper and cobalt is necessary for the production of batteries and infrastructure for the production of renewable energy across the world. Yet, the extraction of those also pollute, use water resources and land. Green growth strategies would not place much emphasis on this compared to the benefits of ensuring a renewable transition, while degrowthers as well as advocates for environmental justice are critical of resource extraction also if the purpose is to contribute to the renewable transition or poverty reduction (Svampa, 2013).

Yet, perhaps the most controversial part of the agenda relates to how to combine environmental changes with a transformation of society towards *less inequality and poverty*. These goals are not controversial. Yet, it is controversial whether one considers these goals to require profound changes in the development model. Green growthers would tend to focus solutions to inequality focusing on closing the "productivity gap" between high and low income groups, as well as education and distribution through taxes, as is for example exemplified in ECLAC's agenda for equality (ECLAC, 2014), while most others would argue for deep reforms of not only dominating development models but capitalism as such. Indeed, the question of whether to abandon or reform capitalism has split environmentalists across the world (Scoones, Leach and Newell, 2015).

This links to a final point of controversy: *institutions and environmental governance*. While all positions above would emphasize the rule of law and regulations of the use of environmental resources, there are different positions regarding the degree to which environmental governance can be based on self-regulation mechanisms as well as the importance of ample local participation, including from indigenous groups. Few would reject for example, the right to free and prior consent by indigenous communities as established in ILO convention 169. Yet, some of the advocates of "green growth" would place more trust in businesses ability to impose standards and practices on themselves. Moreover, there is a debate about whether it is possible to achieve a thorough transformation through existing, often limited, democracies. The environmental justice movement would go farthest in demanding new forms of participation and governance beyond regular democratic procedures. This would require a social compromise beyond agreement on specific environmental measures, but one that also requires profound institutional change.

### **3. Elites and the Obstacles to a Green Transformation in Unequal and Uneven states**

As discussed in the introduction, Latin America has both particular advantages and disadvantages in its quest for a green transformation. Among the advantages are a long history of environmental thinking embedded in broad social movements that have developed agendas for the incorporation of a number of social claims into the ideas of a green transformation. However, Latin America is also characterized by states that are uneven in terms of territorial reach, and that reproduce severely segmented forms of citizenship, political participation, and unequal economic distribution (López, 2018; O'Donnell, 1993; Luna, 2016). This kind of state formation has given rise to entrenched elites, and it has reproduced inequalities in spite of historical transformations, inclusion of new social groups into political life as well as democratization (Levitsky, 2018, Brinks, Levitsky and Murillo, 2020). Indeed, this elite dominance has both historically and more recently made it important to study the interests, organization and political participation of elites to understand the functioning of Latin American political institutions (Lipset and Solari, 1967; North and Clark, 2018). Thus, it is of major importance also to study elites to understand the possible emergence of a green transformation.

Yet, first we need to define elites. Elites may be associated with the resources they control (Etzioni-Halevy, 1997), the influence they have (Montecinos, 1996; Valdez, 2015), or the positions they occupy (Bourdieu, 1984; Rovira, 2011; Mills, 1956). For the purpose of this document, we will use a so called “resource based approach” defining elites as: “Groups of individuals that, due to their control over economic, political, social, organizational or symbolic (expertise/knowledge) resources, stand in a privileged position to influence in a formal or informal way decisions and practices with key environmental implications” (Bull, 2015). The focus will be principally on elites that control economic resources (economic elites), but it will also take into account the extent to which they also control other resources, such as political and symbolic. Of particular relevance here is whether we define elites as a function of the capitalist economy, as in Marxist approaches, or think of elites as groups with persistent control over a broader set of resources. In the first case, “elite” is used interchangeably with “dominant classes”, including business, landholding and political elites, considered to operate in close alliances (Nercesian, 2020; North and Clark, 2018; Cueva and Douglas, 2019). Sometimes these are analyzed as allies in a global capitalist economy, associated with regional and global configurations of ownership of capital (Sveinsdóttir, Aguilar-Støen and Bull, 2021; Segovia 2006, 2021, Porrás, 2021). However, elites that dominate the economy may also emerge due to the control over political resources. This occur both in state controlled economies (currently, for example in Venezuela; Bull, Rosales, and Sutherland 2021) and it occurred in the transformation from a state controlled to a market oriented economy, when politically influential groups acquired control over privatized assets (Bull, 2005; Teichman, 1996; Teubal, 2004).

Latin American history is replete with examples of economic elites that have opposed reforms with major environmental implications. They have done so for three main reasons: the reform costs money and they are opposed to heavier tax-burdens to finance them; the reforms would require the limitation or end to, or the increased costs of, their economic operations; or such reforms would imply the transfer of power to other groups in society. Examples of the above include opposition against regulation of mining in Guatemala, the support for small scale farmers in El Salvador, limitations to oil production in Ecuador, and reduction of deforestation in Brazil (Bull and Aguilar-Støen, 2015).

Historically, their resistance against changes have partly been explained by the dependence of the development model and their sources of income on global capitalism. The control over assets in Latin America has historically been split between transnational companies, local elites and the state, in which particularly the former two have shaped the structures of the economies (Schneider, 2013). Some of the sectors with the strongest environmental impact, such oil production and mining, have to a larger extent been controlled by states and transnational companies than other sectors. Yet even when that is the case, local economic elites have high stakes in the industries as they occupy a variety of roles ranging from being suppliers and landowners to managers and facilitators for transnational industries (Sveinsdóttir, Aguilar-Støen, and Bull, 2021; Crabtree and Durand, 2017).

An oft-heard argument is thus that stronger regulation or the closure of particularly environmentally destructive sectors, would lead to a drop in highly needed foreign direct investment. This argument would be less valid if, as argued by many promoters of “green growth”, new investments could flow into renewable and sustainable sectors (Ekins, 1999). However, the problem with such a vision is that this would not go far in solving the profound problems generated in the unequal and uneven states: If the “green transformation” is reduced to investment in renewable energy and less resource intensive sectors (for example high tech), deep inequalities in income would be reproduced as would conflicts over land and water, if no other major reforms were institutionalized that could contribute to redistribution and justice. However, if a model more in tune with the one proposed by “degrowthers” or Environmental Justice were to be implemented and growth reduced, this could not only potentially lead to strong



opposition from elites, but indeed the weakening of support for democratically elected governments, and it could possibly threaten the legitimacy of the state. Without the ability to redistribute to poor voters as well as to provide privileges to elites, states could lose widespread legitimacy and thus be further restrained in its capacity to generate change. This is predicted in both Marxist and Weberian state theory: according to the Marxists, when states no longer serve the interest of capital owning elites, they will lose their support; according to the Weberians, when states no longer are able to provide basic security, and become the organization with a legitimate monopoly on violence, they cease to be a state.

It is this dilemma caused by the states “growth predicament” that authors seeking to outline a “green state” have tried to solve. One such proposal is Robyn Eckersley’s vision for an ecological democratic state whose regulatory ideals and democratic procedures are informed mainly by concerns for sustainability (Eckersley, 2004). She argues that the “growth predicament” is far from inevitable, but rather reflects particular historical, social and ideological circumstances (Eckersley, 2004). In those circumstances, state legitimacy “was acquired by the provision of military and domestic security and the regulation and enforcement of contracts. Nowadays that legitimacy is primarily acquired by appeal to democracy, typically representative democracy of the liberal democratic variety”. The Green state moves beyond this and can be conceived of as a “post-liberal state” with four core dimensions: it is a system of regulation, an administrative apparatus, a corpus of ideas and expert knowledge, and a site of contestation and decision-making (Duidt, Feindt and Meadcrowcroft, 2016: 7).

Such a state may in other words emerge as a protector of the population, not only from armed intervention from hostile forces, but more importantly from the most dire consequences of environmental degradation and climate change. The role of promoter of economic growth is exchanged for a role of promoter of overall welfare and a “good life”.

However, while there is increasing documentation of the existence of “environmental states” both in Europe, the US and the “global south” (Dryzek, 2003; Sommerer and Lim, 2016), there is much less agreement whether the existing environmental states actually have the potential of being transformative. The existing “environmental states” have mainly enabled new forms of “green growth” or “ecological modernization”. There is much less evidence as to the extent to which the state is able to engender a real socio-environmental transformation. The “environmental states” appear to have primarily succeeded in shielding their citizens from environmental harm (for example as in local pollution), but have had much less success in minimizing their negative impact on the earth system, and in particular on the breaching of crucial planetary boundaries of climate and biodiversity (Hausknot and Hammond, 2020). Thus, there appears to be a limit, or “glass ceiling” to what the modern state can do (Hausknot, 2020).

Moreover, the “green state literature” does not problematize the particular predicaments of states such as the Latin American ones, including deep divisions between elites and the broad population, low levels of integration of populations within a polity, and the frequent existence of elites that compete with the state for authority in vast swaths of the territory (O’Donnell, 1993). To the contrary, Eckersley explicitly presupposes that the state has resolved basic issues of territorial control when she argues that state legitimacy no longer hinges on the provision of basic domestic security, but rather on liberal democracy. In such states with weak territorial control and weak basic legitimacy, the dependence on economic growth for immediate redistribution as a means of maintaining support, is even stronger than elsewhere.

The answer by proponents of a green transformation based on “de-growth” or “environmental justice” is one of two. Some tend to favor anarchist solutions, weakening central state authority and relying on

different forms of local governance, including self-help structures and autonomous self-governance (Dunlap, 2020). However, most de-growth and environmental justice proposals actually presupposes the existence of institutions with the legitimacy and capacity to introduce new taxes, prohibitions, welfare policies and caps required for a transformation. Also most social movements and academics in Latin America that seek to de-colonialize and transform societies, place demands on states (Machado and Zibechi, 2017). Thus, a more common path is to base change on the establishment of a different idea of citizenship and establishment of plural structures of authority in a given territory that respect different cultures and forms of life, transforming the state, but not abandoning it (Radcliffe, 2012).

Such a path often draws on a Gramscian theory of the state. Gramscian state theory rejects the sharp distinction between the state and civil society. In a Gramscian version, states consist not only on materiality but also ideas. Different ideas are linked to different social classes, and the hegemony of the state is based on the acceptance of a specific set of ideas held by groups of civil society. An important implication of Gramscian state theory is that change is envisaged partly as a result of changing ideas (war of position), not only through physical action (d'Alisa and Kalis, 2019; Akbulut, 2019). One of the proposals is to reimagine the “sense of purpose for the state”, from being to foster growth as a means to promote national security and prestige (Thurbon *et al.*, 2021), to a vision more aligned with climate mitigation and adaptation, reduction of nature loss and welfare. One could imagine a state whose sense of purpose is to promote national prestige through environmental leadership, and domestic leadership through protecting the citizens from environmental hazards and providing a good life. Yet, this will require a national consensus on a path towards a deep state transformation.

This points to a well-documented broader democratic problem: That in deeply unequal societies, elites that benefit from the current model have disproportionate political influence both in bringing governments to power and in influencing policy making and policy implementation (North and Clark, 2018; Amsden, Di Caprio, and Robinson, 2012). In most countries, some of the elites that are set to loose most, are precisely those that have been the main supporters of the present state, as for example in the countries dependent on mining and oil (Hogenboom, 2015).

#### **4. Elite reactions to a socio-economic pact: the example of the Escazú Agreement**

In spite of all of this, the roads against including elites into a shift is not completely blocked. Elite change occurs slowly, but it may happen as a result of changes in the global environment, changes in interests and changes of ideas (Bull, 2020). Historically, Latin America has passed through several processes transformations supported by elites. The state formation process in Latin America may be understood as one in which elites ceded power to a central authority, due to their shift in interests (towards ones that required extended services only a state could provide, such as infrastructure and education) (Soifer, 2013; Kurtz, 2013; Centeno, 2002). Elites also accepted democratization and the inclusion of excluded groups, and indeed became promoters of democracy and supporters of a new “value consensus” in the mid-20<sup>th</sup> century (Higley and Gunther, 1992). Moreover, elites that had evolved through state protection, were “reoriented” towards neoliberal ideas in the 1980s and 1990s (Beard, 2001). Yet, as argued by López, in spite of all of these changes, elite control and inequalities remained (López, 2018). Could this happen also in agreements for a green transformation?

One interesting case to study to answer this question is the Escazú Agreement. The proposal for this agreement grew out of the declaration from the Rio Summit of 1992 that established that the way towards a more sustainable future would pass through democratic inclusion. This idea was reaffirmed

in the Rio + 20 conference in 2012. With the basis in point 10 of the Rio-declaration, and after long campaigning from civil society organizations, Chile took the initiative to start negotiations for a Latin American agreement on environmental governance (Nalegach and Astroza, 2021). After six years of negotiation, an agreement was signed in the Costa Rican town of Escazú. It is an agreement that essentially seeks to democratize and institutionalize environmental protection, focusing on the right to information, access to justice and the protection of environmental defenders. As such, although it does not have supranational powers, and emphasizes the importance of national sovereignty (Balbín, 2021), if implemented and respected by the signatory states, it would move the Latin American countries towards what I have depicted above as “democratic green states”. The agreement makes ample reference to the United Nations 2030 Agreement on Sustainable Development Goals, and places strong emphasis on combating inequality. It devotes particular attention to persons and groups in vulnerable situations, and places equality at the core of sustainable development (Escazú Agreement, page 1). In terms of the categories of green ideas cited above, it reflects mainly a combination of sustainable development (a phrase that is cited often) and environmental justice, with its strong focus on protection of environmental defenders and democratization of environmental policy making. The agreement was signed 24 of the 33 countries in LAC in March 2018. The Economic Commission for Latin America and the Caribbean (ECLAC) that had supported and promoted the idea of the agreement since inception, was selected as the secretariat.

However, the move towards ratification and the entering into force of the agreement was everything but smooth. In 8 countries ratification went quickly and smoothly (Bolivia, Ecuador, Uruguay, Nicaragua, Panama, Argentina and Mexico). However, the governments of Brasil, Guatemala and the Dominican Republic signed the agreement, but did not send it to congress for ratification. In Costa Rica and Colombia, the agreement was held up in congress, while Cuba, Chile, El Salvador, Honduras y Venezuela refrained from signing, and Peru’s congress rejected the agreement.

The explanations for this have focused on two factors: the COVID-19 pandemic that pushed the Escazú agreement down from the top of the public agenda (Bermúdez, 2020), and a political shift that had occurred in many countries, from the left to the right, explaining in part the shift in attitude (Nalegach and Astroza, 2021). Yet, this does not explain, for example, why Costa Rica all of a sudden rejected the agreement it had hosted the signing of, or why Venezuela basically ignored it while Bolivia embraced it. In the following I will explore the importance of elites in understanding the fate of the Escazú Agreement, and seek to understand the motivation of different elites.

#### ***4.1. Chile: intra-elite struggles and the end to opposition against the Escazú agreement***

The two most surprising rejections of the ratification of the Escazú Agreement came from Chile and Costa Rica, the two main promoters of the agreement. In Chile, the conservative government of Sebastian Piñera had taken power in early 2018, after four years of rule by Michelle Bachelet of the Socialist Party and the New Majority coalition. The official justification that Piñera gave was that the text included ambiguities and norms that would be superimposed on domestic legislation. Moreover, both the president and his Minister of Foreign Relations argued that signing could make the country more vulnerable to being subject to demands in unresolved border disputes with Bolivia and Peru (Mora, 2022).

However, there are indications that this was not the only reason. Former Minister of the Environment, Marcelo Mena, pointed to strong pressure from the main industrial organization, Sociedad de Fomento Fabril (SOFOFA) as the main reason for the rejection of the Escazú Agreement (Claro, 2020). Others pointed to the direct involvement of Sebastian Piñera, himself a part of the absolute economic elite in

Chile, in highly controversial resource extraction project (Jesuitas, 2021). The scandal of having approved mining concessions for Mina Dominga to one of his best friends in spite of two environmental commissions advising against, it had already broken. A year after it was also revealed that the friend had bought the concessions from the Piñera family on the condition that no further environmental regulations would be imposed (Skoknic and Arellano, 2021). There is little doubt that had the Escazú Agreement been in place and respected, this transaction would never have been possible.

However, only a year and a half after the signing of the accord, the social uprising of 2019 broke out. Months of peaceful protests, but also vandalism, looting and brutal police and military repression left a toll as of 28 December 2019, of 29 people dead, nearly 2,840 arrested, 2,500 injured. Of these 29 had been blinded by security forces' rubber bullets, revealing a strategy to aim directly at the protester's faces (INDH, 2019).

A prevalent reaction among the economic elite was to focus on the threat caused by social violence and demand that the state refocus its efforts to maintain social peace. Indeed, one of the country's main business leaders, Juan Sutil, of the National Agricultural Society (SNA, Sociedad Nacional de Agricultores), terminated funding for an agricultural program at CNN Chile in protest against CNNs reporting on security forces' repression and violence against demonstrators (CNN, 2022).

Studying the economic elites (Pelfini, Riveros and Aguilar, 2020) conclude that to the extent that reflection around the demonstrations happened among the elite, it was based on an old class ideology and there were few signs of a transformation of the relationship between elites and others or on the economic model:

In fact, the repertoire of reactions of the business elite shows that it tends to be non-transformative, and rather contributes to the production of fear and indifference towards the context and its demands. Therefore, we argue that although experiences of reflexivity can be observed among Chilean business elites based on a self-critical and introspective disposition, which arise as a result of the questioning of business leadership, this is a very basic type of reflexivity, which corresponds mostly to the old class ideology with which most Chilean business leaders seem to be impregnated (Pelfini, Riveros and Aguilar, 2020: 4753).

However, part of the business elite reacted with an attempt to engage in dialogue rather than outright rejection of the demands. SOFOFA maintained a more reconciliatory tone and sought to create social dialogue on how to recreate jobs to mitigate the economic impact. New initiatives were also taken to strengthen dialogue with workers after both the social uprising and the pandemic<sup>4</sup>. SOFOFA also organized the platform Juntos por un Chile Sostenible as an initiative associated with Global Compact that organized broad dialogues to develop joint proposals from the business sector on the environmental aspects of the constitution<sup>5</sup>. However, the focus was on the impact of the uprising on economic growth. It was estimated by the industrial association that the demonstrations had led to a loss of 100 000 jobs.

In spite of this, a broad agreement was reached on the 15<sup>th</sup> of November 2020, that outlined the process for creating a new constitution. SOFOFA was reluctant to accept the demand by the social movement for a new constitution that would establish the foundation for a more sustainable and equitable Chile.

<sup>4</sup> <https://www.df.cl/economia-y-politica/laboral-personas/sofofa-se-renueva-y-consejeros-ponen-en-la-mesa-las-experiencias-para-o>

<sup>5</sup> <https://pactoglobal.cl/juntos-por-un-chile-sostenible/>

When the first draft constitution was presented in May 2022, SOFOFA criticized it harshly, particularly the parts related to private property and the role of the state in the economy, arguing that both would jeopardize Chile's future growth possibilities<sup>6</sup>. The inspiration from both indigenous thinking, Latin American postcolonialism and an international de-growth movement were clearly evident in the draft constitution. That surfaced in chapters providing nature right, defining Chile as a multicultural and multi-ethnic country, facing up to climate change and making sexual diversity a constitutional right.

After Gabriel Boric of the left leaning Apruebo Dignidad coalition took over the presidency, and announced as one of his first changes that he would seek quick approval of the Escazu Agreement, SOFOFA did not reject it. Rather it sought to incorporate it into their own sustainability work through organizing a series of seminars and discussion. The main message that came out of these were that environmental standards and that participation in environmental policy making should be considered a sign of strength and a condition for sustainable development, and not as a threat:

For the executive director of the SEA [Environmental Evaluation Services], who participated as an expert in the negotiations of the Treaty and who will be responsible for implementing it in the SEA, she assured that “it is no longer possible to maintain that environmental protection or citizen participation in environmental matters are barriers or threats to investment or development, but rather that they are conditions for sustainable development” [...]. Durán also emphasized that “there is a lot of experience and good practices that demonstrate that robust projects, with broad community relations, transparent and with good processes of citizen participation ensured by the State, will ultimately be strengthened”<sup>7</sup>.

In other words, it was embraced as an instrument of modernization, rather than a hindrance against development. On May 30<sup>th</sup> 2022, Chile finally ratified the Escazú agreement, with the approval of at least a share of the elites.

#### **4.2. Colombia: pressure from below and above on entrenched elites**

The process that led Colombia to finally ratify the Escazu Agreement had some features in common with what occurred in Chile. Colombia also had a conservative government at the time of the signing of the agreement. It was led by Iván Duque, considered a close ally of the country's traditional and originally landholding elite, represented by former president Alvaro Uribe that historically has been the main opponents to Colombia's environmental movements. However, Duque signed the agreement in December 2019. There were two main reasons for this. The most immediate and important was the agreement between the government of Duque and the broad protest movement leading to the “Paro Nacional” that started in November 2019. The 2019 round of protests had a broad social agenda, including the full implementation of the 2016 Peace Accords, protection of environmental defenders and the signing of the Escazú Agreement. While dialogue with the government generally failed, one of the first concrete results was Duque's promise to sign the accord and send it to congress<sup>8</sup>. The second reason may be revealed in the message of urgency with which Duque sent the agreement to congress in May 2020: “... ya hay cosas en las que Colombia está muy adelante e inclusive puede ser un país que transfiera conocimientos a otros países que estén empezando el ciclo de ratificación”<sup>9</sup>. This may be

<sup>6</sup> <https://www.adnradio.cl/economia/2022/05/29/esto-es-un-mal-borrador-presidente-sofofa-critico-texto-preliminar-nueva-constitucion.html>

<sup>7</sup> <https://www.diariosustentable.com/2022/04/sofofa-realiza-webinar-con-directora-ejecutiva-del-sea-y-expertos-para-abordar-los-alcances-y-desafios-de-la-implementacion-del-acuerdo-de-escazu/>

<sup>8</sup> <https://www.mutante.org/contenidos/mal-ambiente-acuerdo-escazu-colombia>

<sup>9</sup> <https://www.mutante.org/contenidos/mal-ambiente-acuerdo-escazu-colombia>

interpreted on the background of the long process of negotiating the 2016 Peace Accords in which various highly advanced conflict resolution mechanisms had been developed, making Colombia a center for expertise on such issues. This process of working with the international community also promised to raise Colombia's reputation as a country of solid institutions and economic opportunities.

However, Congress treated the issue with everything but urgency. Rather it postponed the decision repeatedly on various grounds. Among those that pressured hardest for it not to be ratified were a number of business associations representing mainly the most conservative parts of the Colombian elite. In Colombia, elites have been more divided and fragmented than in Chile. First, the Colombian state has achieved less centralization, and elites tend to be more regional. Indeed, governance in Colombia has been compared to colonial "indirect rule" in which a central power governs through deal making with both legal elites and violent groups across the territory to control it (Robinson, 2012). Second, historically Colombian elites have been divided between a traditional elite emerging from old landowning groups, and an industrial and "liberal elite" emerging from various industries as well as liberal professions in the capital (Castillo and Castillo, 1967). Among the first interpretations of the agreement to calm the first round of protests in Colombia, was that this was a deal between the two principal elite fractions, not between the elite and the people (Hofstetter, 2021).

In spite of this agreement, various organizations associated with the conservative elite opposed its ratification fiercely. This included the Federación Nacional de Ganaderos (FEDEGAN), the Federación Nacional de Avicultores (FENAVI), the Asociación Nacional de Industriales (ANDI), the Consejo Nacional Gremial (ACG), the Asociación Colombiana de Petróleos, Fedearroz, and Asocoflores. The arguments were largely in line with the arguments used in Chile: that the agreement would infringe on national sovereignty; that it would hinder important development projects; and that it was essentially redundant since environmental institutions and laws were already in place. FENAVI argued that: "Nos preocupa ese artículo (el 7.2), porque sería casi que extender la consulta previa a cualquier proyecto. Desde abrir un pozo profundo a permisos para mover tierra, eso nos generaría presión, sobrecostos y la frontera agrícola que se quiere desarrollar va a ser afectada". The Consejo Gremial Nacional also argued that the agreement was essentially redundant given the already rather strict laws in Colombia (Zamora Quiroga, 2021).

However, the protests in Colombia did not end with the November 2019 agreement. After the strictest lockdown measures of the COVID-19 pandemic were lifted, protests again broke out in May 2021, initially due to the introduction of a new tax bill increasing the tax-burden on poorer parts of the population. The critique of the Colombian development model, the widespread violence against social leaders and environmental defenders, and demands for the implementation of the Peace Accords and ratification of the Escazú Agreement were soon put back on the agenda. The protests were met with brutal violence from security forces. After two months of protests, the IICH confirmed 80 deaths, 1055 arbitrary arrests, and hundreds of injured including a large number of eye-injuries, as had occurred in Chile, by June 2021.

However, the elites focused their attention mostly on the vandalism and attacks on police barracks that also occurred during the protests. This included multiple incidents of sabotage and road blocks that paralyzed many businesses operations for weeks. There was little attention to the actual demands. They were widely seen not as legitimate demands, but rather as a continuation of existing political agendas, drawing roots back to the armed struggle (Castronovo and Fajardo, 2022).

The COVID-19 and the protests also served as excuses for not moving forward with the ratification of the Escazú Agreement in Congress, and among the most reluctant players was the president's own party Centro Democrático. Thus, it was a surprise that Iván Duque made a supportive announcement during the COP-26 in Glasgow 2021, that he would seek to speed up the process of getting the Escazú

Agreement ratified.<sup>10</sup> Yet, here Duque spoke to international donors that had been involved in Colombia since the peace process and from whom Duque now sought new support.

In spite of this, nothing happened until after the widespread discontent with the development model, corruption and the old elites had resulted in the election of a new congress (March 2022) and the country's first left-wing president (June 2022), Gustavo Petro. He entered power on a platform promising a "Gobierno para la vida" and presented the most ambitious plans for a green transformation seen in any Latin American country. The inspiration from broad social movements as well as what I have termed EJ and DG above was clear. On June 26, the new congress ratified the Escazú Agreement.

#### **4.3. Blockade from the economic elites: Costa Rica and Peru**

If the initial rejection from the Chilean government of the Escazú Agreement was surprising, the failure to ratify the agreement in Costa Rica was even more so. President Carlos Alvarado of the left-wing Citizen Action party, signed the agreement in September 2018 and began the legislative process in February 2019. On February 13, 2020, it was approved in the first debate and was sent to constitutional consultation. In March of that year, the Constitutional Chamber found a procedural error, and the project was sent back to the first debate in congress. However, by then the country's private sector elite had mobilized and the main business federation the Unión Costarricense de Cámaras e Asociaciones del Sector Empresarial Privado (UCCAEP) put strong pressure on congress not to ratify it. In April 2021, just after the Escazú Agreement had entered into force, UCCAEP published an announcement giving six reasons to reject it<sup>11</sup>.

- The treaty "creates an inadequate mechanism for public participation" that could paralyze business projects.
- A company would have to present evidence that it is not causing environmental damage in the face of a hypothetical complaint, which would violate the presumption of innocence.
- The State agrees to give "precautionary measures" to an accuser who could cause the paralysis of a company's activity.
- "It exceeds the normative base and does not incorporate innovation to what is already established in Costa Rica".
- It does not consider the right to confidential information.
- It gives the definition of "competent authority" to particular organizations.

In many ways, these argument reflected those that the business elites in Chile and Colombia had presented. They were quickly refuted by legal experts in the field at the country's largest university, la Universidad de Costa Rica, who found UCCAEPs interpretation to be based on a misunderstanding of the content and legal status of the agreement<sup>12</sup>. Nevertheless, the traditional conservative party PUSC announced they would now reject the agreement. In spite of repeated insistence by the president, the agreement was stalled in congress<sup>13</sup>.

<sup>10</sup> <https://www.eltiempo.com/vida/medio-ambiente/minambiente-presento-el-acuerdo-de-escazu-al-congreso-629276>

<sup>11</sup> <https://uccaep.org/inicio/index.php/comunicados-prensa/60-comunicados-de-prensa/660-acuerdo-de-escazu-va-en-contra-de-la-seguridad-juridica-de-las-empresas-y-la-reactivacion-economica.html>

<sup>12</sup> <https://radios.ucr.ac.cr/2021/04/doblecheck/uccaep-usa-argumentos-falsos-para-oponerse-al-acuerdo-de-escazu/>

This was a major disappointment to many given Costa Rica's historical leadership in international environmental affairs. Indeed, one could argue that Costa Rica is among the few countries in the world that has an "environmental elite". This has emerged over years of policy and institution-making, that includes innovations such as payment for environmental services (PES), detailed plans for a quick decarbonization of the country, a 98% coverage of renewable energies, and various other achievements, plans and institutions. This is the result of long term work of NGOs, scientists and politicians that have come to form a new kind of elite (Tahkokallio and Nygren, 2008).

However, at the same time, Costa Rica has experienced a rapid increase in inequality, and enrichment of an economic elite located in the central areas of the country. This process continued and strengthened during the COVID-19 pandemic (Cárdenas, Robles Rivera, and Martínez-Vallejo, 2020). While protests against the establishment was expressed in broad based demonstrations in Chile and Colombia, the feeling of discontent has been mobilized by populist and religious right-wing leaders, with supporters both among the elite and among poor people along the more impoverished coasts. The first expression of that was the nearby victory of the evangelical pastor and gospel singer Fabricio Alvarado in the 2018 presidential elections. The second expression came in the 2022 election when political outsider and conservative economist Rodrigo Chávez was elected. After assuming office, he declared that the Escazú agreement was not on his government's agenda<sup>14</sup>.

The rejection by the Peruvian congress was perhaps not equally surprising. Peru is one of the most well-studied cases of "elite capture" of the state and has a long history of political corruption and a discredited political class (Crabtree and Durand, 2017). Peru is also one of the countries in Latin America with the highest number of environmental conflicts, partly due to its strong dependence on mining and other extractive sectors with widespread environmental consequences.

Peru took part in the negotiations for the Escazú agreement from the start, but did not play an active role until the government of Pedro Pablo Kuczynski entered power (July 2016). Peru signed the Agreement in on the 27th of September 2018. By then Kuczynski had been replaced by Martín Vizcarra due to the impeachment of the former as a result of revelation of him taking bribes from the Brazilian construction company Odebrecht. The agreement was sent to congress on August 5<sup>th</sup> of 2019, and rejected first time in October 2020. By then, pressure had started from several organizations representing the business elites. The Confederación Nacional de Instituciones Empresariales Privadas (Confiep), the Asociación de Exportadores (Adex), the Cámara de Comercio de Lima y and nine other business associations announced their opposition against the agreement<sup>15</sup>.

The arguments were again focused on state sovereignty and the risks of leaving powers to supranational bodies. This was reaffirmed by conservative lawmakers that rejected all forms of foreign interference (Romo and Sierra Praeli, 2020). Later, the responsible for the Unidad de Protección a Defensores de la Coordinadora Nacional de Derechos Humanos (CNDDHH) confirmed that Confiep played an important role in blocking the approval of the Escazú Agreement<sup>16</sup>. This happened in spite of research showing that 65% of the country's damaging environmental conflicts could have been prevented had systems for information and participation been better (Romo and Sierra Praeli, 2020). In the election

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<sup>13</sup><https://semanariouniversidad.com/pais/presidente-carlos-alvarado-dice-a-legisladores-que-lo-correcto-es-ratificar-el-acuerdo-de-escazu/>

<sup>14</sup><https://www.dw.com/es/presidente-electo-de-costa-rica-descarta-acuerdo-ambiental-de-escaz%C3%BA/a-61680313>

<sup>15</sup> <https://www.confiep.org.pe/noticias/comunicado-publico-sobre-el-acuerdo-de-escazu/>

<sup>16</sup><https://www.ideeleradio.pe/lo-mas-visto/cnndhh-hubo-un-papel-de-la-confiep-en-el-bloqueo-de-la-ratificacion-del-tratado-de-escazu/>



campaign of the 2021 elections, none of the finalizing candidates wanted to press for a ratification of the agreement. Still it was presented again to congress, but rejected again and sent to the archives in July 2022<sup>17</sup>. In August the same year a new minister of foreign affairs was announced by the volatile and weak Castillo government: Miguel Rodríguez Mackay was a well-known opponents of the Escazú Agreement, and reaffirmed that he considered the agreement an infringement on Perú's sovereignty<sup>18</sup>.

#### **4.4. Blockade from governmental elites: Venezuela and El Salvador**

Yet, it is not only private sector elites that have controlled political resources that have been vehement opponents against the Escazú Agreement. In Venezuela and El Salvador, such a process is happening for different reasons. In Venezuela, the shift of control over economic resources towards the state started under the government of Hugo Chávez with its centralization of the control of the oil sector in the hands of the presidency, and extensive expropriation processes of the mid 2010s (Vera, 2008; Sánchez Miralles, 2016). The politicized regulation and distribution of subsidized dollars sow the seeds of a new elite aligned with the state (Ellner, 2008; Bull and Sánchez, 2020), while the liberalization process during the presidency of Nicolás Maduro has redistributed control over key economic sectors and consolidated a new elite (Bull, Rosales, and Sutherland, 2021).

After the collapse of the oil sector, of around 2016, the Maduro government placed stronger emphasis on opening the country to mining. Through opening up the “Arco Minero” to foreign investment, Maduro sought to make up for the loss of oil income, by increasing the exploitation of the country's gold, bauxite, coal, and iron ore resources, among others. However, in the midst of the deep economic and political crisis, he managed to attract little in terms of legal investment (Rosales, 2019). Rather the area is controlled by different armed actors, whose activities have led to increased deforestation and mercury poisoning, among other environmental problems. Social conditions are dire and violence widespread (Ebus and Martinelli, 2022). This and other sectors were operated with almost zero transparency, and increasing attacks on human rights- and environmental defenders, as well as on indigenous groups (Prince Torres, 2021).

In the midst of this, the Venezuelan government has guarded radio-silence regarding the Escazú Agreement. The agreement has not been signed and not ratified, and not even discussed in the country, in spite of attempts at pressuring for its adoption from major human rights- and environmental NGOs<sup>19</sup>. One could have imagined a discussion of the Escazú Agreement to be another opportunity for Nicolás Maduro to denounce foreign interference in internal affairs, as has been a hallmark of his discourse. However, he chose essentially not to mention it at all.

This has also been the strategy utilized by the El Salvadorian government of Nayib Bukele. He came to power landslide elections in 2019, and set aside both the country's traditional elite, grouped in the business association ANEP and the ARENA party (in power between 1989 and 2009), and an alternative elite associated with the former guerilla party FMLN, and associated with a network of companies established on the initiative of Venezuela-supported ALBA (Lemus, 2014). To some extent he represented a new Arab-elite that had provoked a rupture in the traditional elite (Robles Rivera, 2018). Yet, he was mostly a smart media-campaigner and populist that sought, and achieved, complete control over the El Salvadoran state (Tobar, 2020).

<sup>17</sup> <https://dialogochino.net/es/clima-y-energia-es/43179-sin-senales-de-apoyo-a-escazu-de-parte-de-los-candidatos-presidenciales-de-peru/>; <https://www.elpais.cr/2022/07/11/parlamento-de-peru-rechaza-ratificacion-de-acuerdo-de-escazu/>

<sup>18</sup> <https://www.actualidadambiental.pe/nuevo-ministro-de-relaciones-exteriores-es-reconocido-opositor-al-acuerdo-de-escazu/>

<sup>19</sup> <https://www.examenonvenezuela.com/democracia-estado-de-derecho/en-colombia-peru-y-venezuela-es-inaplazable-la-ratificacion-y-adhesion-al-acuerdo-de-escazu>; <https://provea.org/opinion/para-cuando-el-acuerdo-de-escazu/>

On environmental issues, El Salvador counts on a number of social movements that have advocated for issues ranging from improved management of water resources, pesticide control, support for small farmers as opposed to large export-agro industry, and opposition against mega-projects including mining. While overall environmental governance has many deficits, the movements have achieved some victories, including the mining moratorium and later mining ban of 2017 (Bebbington, Fash and Rogan, 2019). However, overall, many initiatives have been blocked by the country's traditional elites, also when FMLN has been in power (Bull, Cuéllar and Kandel, 2015).

In 2020, Bukele announced he would not sign the Escazú Agreement citing the need to speed up building of houses instead of being concerned about an international agreement. However, he had by then already shown a dismal environmental record: He had flexibilized environmental concessions and reduced the budget for the ministerio de Medio Ambiente y Recursos Naturales (MARN). He and his brothers also used the governmental power to invest in various projects, including housing, ignoring environmental regulations<sup>20</sup>. All this happened in the midst of a rapid deterioration of the democratic conditions, and the establishment of an atmosphere of fear, leading environmental defenders to either be silent or to flee the country<sup>21</sup>.

However, due to Bukeles control with all state powers and overwhelming public support, also the traditional economic elite was silenced. Among the traditional elite the generalized consciousness regarding environmental and climate issues was relatively low. Yet, due to, a.o., pressing issues related to climate change and water scarcity, and historical experiences of what has been called “environmental suicide” of the cotton sector (Hecht *et al.*, 2006), there were also environmental advocates among the more traditional elites (Bull, 2017). Yet, while parts of the business elites could accept stricter environmental regulations, they were much more reluctant against ceding influence and power to environmental movements, that they considered undemocratic and aligned with corrupt local and national governments. Thus, while the traditional business elite had little say in the decision not to adopt the Escazú Agreement due to the total control of the Bukele-government, it is highly likely that at least part of the elite would have opposed it.

## **5. Elites and socio-environmental pacts: what can we learn from the Escazú process?**

In one of the classics of elite studies, Wilfredo Pareto famously argued that elites will always exist and hold privileged influence over key decisions in society. If we are to understand how to change societies, we must also understand how elites shift. Governing elites, he argued, are exchanged by slowly ascending families and groups from lower classes, in a slow process of *elite circulation* (Pareto, 1997). Indeed, it is this *elite circulation*, not only the construction of political subjects among the dispossessed classes that drive social change.

The Escazú Agreement perhaps the most important socio-environmental pact ever developed and agreed upon in Latin America. It is of particular importance not only because it is regional, but because it envisages the deepening and consolidation of democracy as a path towards social change. As such it seeks to distance Latin America from Asian models of authoritarian environmentalism (Han, 2017; Chen and Lees, 2016), while addressing Latin America's particular challenges of inequality and violence against environmental defenders. Thus, elite reactions against the Escazú Agreement can

<sup>20</sup> <https://gatoencerrado.news/2020/09/25/bukele-prioriza-proyectos-urbanisticos-antes-que-firmar-el-acuerdo-de-escazu/>

<sup>21</sup> Interviews, San Salvador, January 2022.

teach us a lot about the possibility of achieving elite support for broad social accords aiming at green transformations.

From the cases discussed above, we can draw several conclusions. First, elites are particularly reluctant to enter into agreements that may change the institutionality, in other words, that may require them to play by rules influenced by others than themselves. The fear increases when this influence is enhanced through international institutions. Thus, in spite of the fact that the Escazú Agreement does not envision supra-nationality in its traditional form, it was considered a way of ceding sovereignty by many elites. A part of the reason for this is simply a deep distrust in both actors and institutions. The elite fears that social movements will use the law in the same way that many elites historically have used the law: essentially as weapons to be utilized against your enemy when considered useful.

Second, while it is quite obvious that if massive pressure from below is channeled into political processes and create political change, that may be positive for the adoption of broad accords—such as has happened in Chile and Colombia recently— there are signs that this also may shift business attitudes. It is too early to conclude about the impact of the governmental shifts in Colombia on the business sectors' attitude towards the Escazú Agreement. However, in Chile, once adopted at least the more modernizing parts of the business elites have sought to learn about its implications and the changes required to comply. This is an important shift from the outright rejection, partly on false grounds.

Third, modernizing business elites may agree with such broad accords, but seek to emphasize the parts that lean more towards a “green growth” vision. There is very little business support for a “de-growth” vision, or even one of Environmental Justice. The focus of the business elite is on continued growth and development. When elites become more deeply involved in new renewable sectors, they can be an important promoter of a shift towards a sustainable development or green growth vision. This may place strains in the discussions after the adoption of the accords about what precise means that should be taken to achieve them. The new Colombian governments' promise to end oil exploration will be an important test to the internal agreement.

Fourth, external pressure may be important for the position of the elites. Particularly in the case of Colombia, the business elites' desire to attract new investments, through providing Colombia with a reputation as an organized country with solid rule of law, may have motivated president Iván Duque to partly resist pressure against supporting the Escazú Agreement. As we saw, such pressure can be balanced through inaction rather than outright rejection. However, it should not be discarded as a source of influence.

Fifth, as we have seen, when studying the relationship between elites and socio-environmental pacts, we should not limit ourselves to studying traditional economic elites. As shown in the cases of Venezuela and El Salvador, authoritarian leaders with ambitions of achieving control over economic resources and no desire for establishing democratic and transparent systems of governance, may be an equal or greater obstacle against the achievement of socio-environmental agreements with the potential of contributing to a green transformation.

There are many cases that have not been studied here: In Guatemala the main business organization CACIF quickly blocked any talk of the Escazú Agreement; In Honduras, the home country of Berta Cáseres whose bloody murder was honored by one minute of silence in the signing ceremony of the Escazú Agreement, only a handful of NGOs have sought to place it on the political agenda; the Bolsonaro government in Brazil has been equally efficient in ignoring the agreement. However, there

are also many countries wherein elites have not rejected the agreement: both Mexico and Ecuador have old and powerful business elites, that have not campaigned hard against the agreement. Bolivia and Argentina have also avoided backlashes in spite of shifting governments. Nicaragua is an authoritarian country where the Ortega government controls ever larger shares of the economy, and normally reject any form of international agreement or interference for respecting democracy and human rights. Here skeptical voices fear that the ease with which the agreement was adopted can be explained by a lack of intention to fulfill its obligations.

Nevertheless, the process of adopting the Escazú Agreement can tell us quite a lot about whether and how we can conceive of elite reactions to socio-environmental pacts that are of key importance for Latin America's survival in the Anthropocene.

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