Panel: Environmental Politics and Cooperation: A Perspective of the South Countries I
Chair: Matilde de Souza

The representation of the environmental interests in two distinct institutional contexts

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The purpose of this article is to analyze the formation of the environmental agenda and its consolidation, pursuant to the institutional approach which identifies the determinations of rules and procedures, which shape the political system, on policy choices. The institutional environment focused here is the Legislative of Brazil and Argentina, which have different designs, in the period of the 90s of the twentieth century to the first decade of this century (1990-2010). The approach includes the appropriation of social demands for environmental policies based on political party leaders and the processing of thereof in the structures of representation in the political system. Throughout the period analyzed, variations will be observed in the stage of the legislative arena and it will be investigated the possible consequences thereof on the defense of environmental interests. The greater or lesser presence of policies carried forward, over the period, by executive or legislative, will be related to the political system configuration of each particular social context under analysis.

Key-words: Environmental legislation; Legislative institutions; Brazil; Argentina

I. Introduction

The 1990s marks the consolidation of the environmental issues as a matter of continuing interest in the various institutionalized levels of the States. As the object of public policies of governments or regulatory policies designed by legislators, the “environmental issue” is no longer restricted to a concern of the wealthy and educated people of rich countries (Alier, 2011; MacCormick, 1992; Vogel, 1993). Analyzing results of researches conducted by the Global Environmental Survey (GOES), Ester et al. (2004) note that, in spite of variations in the underlying beliefs and perceptions about environmental concerns of citizens in different countries, the public investigated in the researches demonstrates sensitivity to the seriousness of environmental problems putting them on the top of their concerns: ‘What people from developing and develop countries do share, though, is a widespread conviction that government should take the lead in protecting the environment through regulatory measures and a stringent surveillance policy.’ (idem, p. 15). In this sense, it is worth investigating how these demands are processed using the
comparison to better understand the involvement of political representation thereof.

The legislative sphere can be richly analyzed because it is where the conflicts of preferences of citizens, regarding the priorities, and the means to meet them by the policy systems, are processed. Observing the legislative output, related to the environment, it is possible to assess the performance of the deputies in an arena where consensus is obtained from the clash of opinions. It is conditioned by the institutional structure in which the conflict takes place and depends largely on the interest and proper conduct of the problem by existing political forces. In order to understand the legislative output we have to consider the logic that motivates the actions of legislators and recognize the characteristics of the substantive issues which are placed before the representatives of citizens, waiting for legislation. It is necessary to relate the nature of the environmental issues with the logic of legislative action, as it conditions the involvement of politicians in its defense.

This work consists in analyzing the legislative policy output related to the environment in the period from 1990 to 2010 in Chamber of Deputies in Brazil and Argentina, considering the ordinary bills which were processed during the period. It involves some difficulty, as the policy proposals are hardly directed to a single matter and environmental impact issues may be present in a diversity of policies whose main content is not identified as an environmental issue. Laws aimed at industrial activities or at the organization of urban life, for example, can have a strong relationship and a serious impact on the environment without being defined strictly as environmental policies. Therefore, the methodological guide for the selection of data used in this analysis was the institutional records that classify the abstracts of bills with the word environment, firstly, and secondly, the referential was the procedure in the Chamber of Deputies of Brazil and Argentina.

I selected only those bills that were processed by the environmental committees of this institutional authority of the legislative on the two focused countries – it was verified in the selection of the data the existence of proposals which had in the abstract the term environment, but which were not sent for analysis in the committee with jurisdiction over this matter. There are also proposals that were
processed in the environmental committee even being related to material culture, for example. Despite the selected proposals do not constitute the universe of production of environmental laws by the deputies; it is pertinent to consider that it is a good sample of what they consider to belong to the jurisdiction of the committee that institutionally has the prerogative to examine the proposals of environmental laws.

The analysis of two different contexts of lawmaking seeks to elucidate processes and strategies in dealing with bills which have become environmental laws. Will it be significant the differences in the process of law production in Brazil and Argentina? How do the institutional characteristics of each country reflect on the production of environmental laws of these two countries? I will link the procedure of processing of some laws produced by Brazilian representatives with laws adopted by the Argentine Congress, highlighting the procedures in the House of Representative of citizens – the Chamber of Deputies -, in order to verify common and divergent features in the production of legislation in these two countries.

I will begin by presenting the context in which the environmental issue becomes the matter that rises to the institutional structures of the States, requiring regulation of human activities with the natural environment. Then, I present the differences and similarities between the political systems of Brazil and Argentina, based on the institutionalist literature of the legislative studies field, which will guide the proposed analysis. In the fourth section I will show how the interests of the deputies are expressed by the production of environmental laws in institutionalized structures representing the interests of the citizens. Finally, I make some concluding remarks about the importance and need for further studies focusing and deepening the analysis on conflict of interests that guide the environmental issue.

I. Structuring the Relationship with the Environment

In Brazil, the Constitution promulgated in 1988 could not leave out of its lines the environment at a time of global importance of this issue. In the article 225 were consolidated consistent basic normative lines of consolidation of the
efforts to prevent and restore the environment, placing in both State and society the responsibility of the role of ensuring the collectivity right ii.

A remote source of environmental legal care, expressed as population health care which, justified by the misuse of property foreseen in the Civil Code, allowed the punishment of developments which disturbed peace, safety, and health. From the 1930s to the 1980s, a specific legislation came off the Civil Code which, in a fragmentary way, promoted the defense of natural resources based on individual property rights and domain. As a public good, the nature had, in the popular action, established in the Federal Constitution of 1967, a mechanism which allowed citizens to defend equity of public entity, particularly since 1977 when the Law 6.513 broadened its scope by defining public property as "property and rights of economical, aesthetical, historical or touristic value". However, according to Araújo (1992), the jurisprudence have not reached a consensus about the ability of these legal provisions be a consistent basis in the defense of the environment, which still had not even been defined, as well as it had not been defined the concept of diffuse right.

Only in 1981 the concept of environment was defined by the Law 7.804, which created the National Environmental Policy – and established the National Environmental System – (SISNAMA). With the Law 7.347 from 1985, it was obtained legal practice consistency, because protection of diffuse rights was duly supported with the institution of the public civil suit. The Constitution from 1988 consolidated a process of construction of legislation on the environment which, in developed countries, assumed particular features still in the 1970s. The article 225 determined that:

“Everyone has the right to an ecologically balanced environment, good of common use and essential to quality of life, imposing to the public authority and the community the duty to defend and preserve it for present and future generations”.

It stipulated previously created instruments – the public civil suit and the popular action - as mechanisms of protection of this right, which impress constraints of environmental concerns in many of its other institutes. Since then new regulations were made to rationalize the National Environmental Policy Act establishing the responsibility of the federal government, in coordinating with the other levels of government, the states and municipalities, definitely
articulating a system. The Constitution establishes the status of fundamental value to the environment. It is the culmination of a legal process where what was initially just nature, had its content expanded by the concept of environment. It certainly reflects a movement that is not specific from Brazil, because in the 1970s and 1980s developed countries built legal rules and institutions consonant with the environmental concerns raised at the Stockholm Conference in 1972iii.

We can say, then, that although in legal terms the Brazilian environmental legislation have followed approximate path of these countries, in practical terms, it is only with the impact of international pressure in recent years of the 1980s, notably from 1987 on, that environmental control practices and means of effective charges were forcibly imposed.

One way not to simplify the perception that the environmental issue is of interest to everyone is discussing its integration into the political system. The rise of this global concern was reflected, in Brazil, in the spheres of executive and legislative in the last years of the 1980s. From this period on, the need for environmental protection should also be looked at in the daily exercise of representation of citizens by the Brazilian deputies.

In Argentinaiv, the gradual incorporation of the environment to the legal body has gone through three stages. The first coincides with the development of modern civil, criminal and commercial codes, which had no claim to produce an environmental regulation and were constituted in standards with consequences on the environment, related to the protection of personal and financial interests affected by activities that impact negatively on their surroundings.

The second stage begins in the early years of the twentieth century when an environmentally relevant sectoral legislation begins to be produced to protect and safeguard individual components of the environment and the negative environmental effects of certain human activities. Several standards have been sanctioned, such as water codes, country code, forest regulations, hunting and fishing codes. They would be conservation standards guided by the prospect of rational use of natural resources. They feature a transition towards an environmental regulation in which the relationship between man and environment changes connotation, going towards the perspective of interaction. There is no cross-sectional view of the environment yet.
The beginning of the third stage coincides with the United Nations Conference on Environment held in Stockholm in 1972. Thereafter specific environmental regulations are designed guided by a perspective of the environment as a system. In this integrative perspective, the development has to be environmentally sustainable. Various innovations to regulate impacts resulting from human action, as laws protecting the atmosphere, water, and human health, are then incorporated to the current legislation.

It is in this context that the recent legislative actions will be focused, in order to compare the priorities and the participation of the representatives of citizens in terms of legislative output. In the last decade of the twentieth century, environmental concerns were already globalized and different countries outline their strategies for achieving environmental sustainability. In Argentina the Constitución de la Nación Argentina, from 1994, provides in its article 41 that: “All people have the right to a healthy environment, which is balanced, fit for human development and for productive activities that meet present needs without compromising those of future generations, having the duty to preserve the environment. The environmental damage will generate, primarily, the obligation of reparation, established according to the law.”

However, each institutional context has specific determinations about the action of the legislators who assume positions conditioned both by social demands of the context in which they are inserted, and the possibilities for action that the political system provides.

III. The political system of Brazil and Argentina in comparative perspective

The presidential regimes of Latin America receive increasing attention of policy studies, which is based on the context of democratic continuity since the last decade of the twentieth century. The established democratic regimes have similarities and differences that comparative studies seek to evidence, sustaining the impact of the rules on political choices. All institutional choices in the region opted for presidentialism, which implies the existence of power division, characteristic of these systems. Brazil and Argentina are federal republics with bicameral system and proportional representation. The presidents of both countries are elected by direct vote for a term of four years
and have important constitutional powers, such as total and partial veto and decree power in some specific areas. In Argentina the legislative is made up of 257 deputies and 72 senators. In Brazil, there are 513 deputies and 81 senators. The voting system, however, is different, with open lists in Brazil and close list in Argentina.

In Argentina the parties are relatively disciplined having as the main parties the Justicialist Party (PJ), Radical Civic Union (UCR), and the Front for a Country in Solidarity (FREPASO). However, there are also a great number of provincial parties. The voting system of lists in Argentina, along with the prospects for political career, leads to a relatively disciplined party system (Jones, 2001; Diniz, 2005).

Moreover, the party open list system in Brazil leads to a strong intra-party competition, which feeds the personalism and also the debate about the conduct of parties in the Chamber of Deputies. Empirical studies show that despite the existing personalism in electoral competition, within the legislative parties there is a sufficient degree of discipline to ensure governance (Figueiredo, 1999; Nicolau, 2000; Santos, 2013).

Brazil and Argentina have a bicameral legislature, whose activities are based on a system of committees composed according to the proportion of seats won by parties, where most of the legislative work is conducted. In Brazil, special powers vested in the Executive, as the request for urgency to its proposals and the issuance of interim measures, which sustain the coalitional presidentialism, centralize legislative decisions and provide strong agenda power to the Executive in the adoption of legislative proposals. It has an impact in the analysis of committees, which are run over by special procedure deadlines and for decisions controlled by party leaders who mostly support the demands of the governmentv. Nevertheless, it does not eliminate the importance of committees of merit that ordinarily develop important activities in order to improve the proposed legislation.

In Argentina, despite similarities in various dimensions of institutionalized political model, the decision making process is decentralized and the legislative agenda is not strongly controlled by the executive presenting a balance between the legislative output of Executive and Legislative (Diniz, 2005).
The ordinary routine of legislative work, in both countries, starts with the routing of the proposed legislation to committees for consideration on the merits. Due to the proposals generally relate to various subjects, each proposal is generally referred to several committees. The matter of environment, for example, which transversal nature includes the discussion of other issues related to it, is often analyzed by various committees. An opinion is issued by the commission - in Argentina called dictamen, which, whether it is for approval, the proposal is forwarded to be voted on in plenary. In Brazil, the opinion is prepared by a rapporteur appointed by the Chairman of the committee, whereas in Argentina, it is the President himself with the support of the other members who produces the dictamen. When there is disagreement on the matter, it is also produced a dictamen minority represented on the committee. Occasional discrepancies in the proposal analyzed are expressed as dissent, which in Brazilian laws, are expressed with requests to prominence during the plenary vote.

The literature on the legislative process in Brazil highlights that the Executive proposes most legislation for economic and administrative nature, whereas the Legislative proposes more in matters of social type. It also occurs in Argentina, as shown by Diniz (2005). One should also consider the importance of committees as a locus of interest representation and production of public policy, where lawmakers produce information on the proposals and fit the text of the proposal as the perception they have on the policy content (Lemos, 2001; Ricci, 2003; Ricci & Lemos, 2004; Amorim Neto and Santos, 2002; Santos & Almeida, 2005; Plaza & Noronha, 2012). These changes, in the course of proceedings will be reaffirmed or denied by the other members of the House, both in plenary and in Reviewing House (Senate). The various institutional bodies of the Legislative can act both as instances of veto and as channels for improving the legislation produced (Tsebelis, 1995; Epstein and O'Halloran, 1999; Haggard and McCubbins, 2001).

The adoption of laws is the basis of arrangements made through strategies such as changes in the law, the use of rules of procedure which facilitate quick decision, and even distribution of benefits located in the area of diffuse interest. According to the complexity of substantive issues reached by the bills, the conduct of the projects will have higher or lower levels of conflict and involve
greater or lesser number of policy tools to make it viable (Arnold, 1990; Krehbiel, 1991).

IV. The Legislative production of environmental laws in Brazil and Argentina

In Brazil, the institutional practice of legal production depreciates the ordinary process giving greater power to pass legislation to the Executive. It does not mean, however, that the deputies do not have key role in the outcome of the legislative process, proposing and approving legislation to benefit citizens. The role of parliamentarians in defending their political interests occurs constrained by rules governing the organization of legislative work. It is from the institutional requirements for the conduct of a project that lawmakers can build strategies that will lead to its approval or rejection.

Analyzing the distribution of environmental bills presented in Brazil from 1990 to 1998, I realized that the salience of environmental issues reflected in the behavior of parliamentarians who were compelled to take a position regarding it. The year 1991 appears as a highlight of a high number of legislative proposals submitted in the context of the realization of the United Nations Conference on Environment and Development (UNCED or Rio Summit).

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Source: www.camara.gov.br

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<th>2003</th>
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<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
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</thead>
<tbody>
<tr>
<td>Bills</td>
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<td>22</td>
<td>11</td>
<td>20</td>
<td>16</td>
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<td>16</td>
<td>20</td>
<td>40</td>
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<td>19</td>
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</tbody>
</table>

Source: www.senado.gov.br
The election years (1990, 1994 and 1998, 2002, 2006, 2010) are years when the members are less interested in legal production, because they are busy with their applications for the near term, decreasing their legislative activities. However, it is noteworthy the year 1994 with a very small number, perhaps it expresses a time of rebalancing the interest in environmental issues, as it is subsequent to intense movement that surrounded the Rio Summit when it grew the interest in the environmental issue, often used as merely symbolic mechanism stance (Mayhew, 1974). Nevertheless, overall, the last decade of the last century shows a more intense activity than the first decade of this century, towards legislation proposals.

In the context of the late 1980s we have the beginnings of the democratic institutional structure, which coincides with the globalization of environmental concern. Until 1992, the year of UNCED in Rio de Janeiro, there was an increasing of the presentation of bills, with the installation of democratic routine in 1988. From 1993 to 1998 the flow of bills is diminished; however, it is kept the demand in the form of bills proposed in the House.

The bills, which have reached the completion and became law, appear more like consensual issues that broke the institutional barriers to its adoption than as substantively conflicting. Those which have been approved through symbolic vote or conclusive power of committee, when the bill does not need to go to plenary.

Some projects have gone through two or three different legislative periods, suggesting resistance of deputies to the lack of institutional response. The requests for urgent procedure appeared as a strong feature in expediting the legislative work and were signed by the ruling and the opposition party leaders. Rules which indeed give primacy to the executive projects explain the difficulties in completing the analysis of the environmental bills in the period of time that includes only one term. In fact, urgency requests signed by various political spectrum parties and final decisions obtained by unanimity, may lead us to believe that the difficulties are mainly institutional and matter 'environment' implies consensus among deputies. However, the conflict indicator is the nominal vote, which in our examples, was ordered in specific points of legislation. The table below shows that the context analyzed is the construction of a diversified legal framework by the Brazilian legislative.
<table>
<thead>
<tr>
<th>LAW/YEAR</th>
<th>BILL</th>
<th>ABSTRACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.055/1995</td>
<td>3981/1993</td>
<td>Regulates the extraction, processing, use, sale and transportation of asbestos and products containing it, as well as natural and synthetic fibers, from any source, used for the same purpose and sets forth other provisions.</td>
</tr>
<tr>
<td>10.227/2001</td>
<td>4751/1994</td>
<td>Creates the National Park Saint - Hilaire/Lange, in the State of Paraná and sets forth other provisions.</td>
</tr>
<tr>
<td>10.466/2002</td>
<td>1477/1999</td>
<td>Addresses the Large Border Mercosur Program.</td>
</tr>
<tr>
<td>10.650/2003</td>
<td>4649/1998</td>
<td>Addresses the public access to data and information in the organs and entities members of Sisnama.</td>
</tr>
<tr>
<td>11.486/2007</td>
<td>5821/2005</td>
<td>Alter the original boundaries of the National Park of Jericoacoara – CE.</td>
</tr>
<tr>
<td>11.891/2008</td>
<td>2462/2000</td>
<td>Addresses the creation of the Environmental Protection Area of Sierra of Meruoca, in the State of Ceará, and sets forth other provisions.</td>
</tr>
</tbody>
</table>

Source: www.camara.gov.br
In Brazil a proposal of deputies which is not approved in the House, by the end of the legislature, is filed. Depending on the re-election of the applicant or on his interest, or interest of other representatives, who may request the reopening of the proposal to continue the processing. Comparing the year the law was passed and the year that the proposal was tabled, we see that the processing time of the ordinary rite is long.

The Act 8.723 from 1993, which establishes pollutant emission standards by vehicles, is one of the first laws passed in the 1990s, from the bill introduced by the deputy Fabio Feldman in 1988. The origin of the proposal occurred in a debate sponsored by the National Ecological Action Front in the Assembly, where it was discussed the problem of pollution from vehicles in the Brazilian metropolis. One of the objectives of the meeting which brought together experts and entities related to the subject was to draw up a bill, so the Bill 813/88 had the support of the Green Parliamentary Front, composed of members of the National Constituent Assembly.

The bill introduced in the Chamber of Deputies proposed reducing the emission levels of pollutants by motor vehicles, as part of the National Environmental Policy (Act 6938 from 1981). Synthetic, the bill was composed of only five items and only in May, 1989, it was distributed to the analysis of four committees, including the environmental one.

The projects proposed by deputies, generally have slower processing than the ones proposed by the Executive, which has a majority in support of its demands. What explains the relatively rapid processing of this proposal is the importance of the context of environmental issues at the beginning of the decade and the consolidation of environmentalism in Brazil which came to institutional spheres (Alonso et al., 2007).

However, not always an executive bill has fast processing. Some important issues, but not considered urgent, usually proceed through committees and require interference of party leaders to finalize the vote. It is the case of the Act 9433/1997, which established the National Water Resources Policy, proposed by the Executive. The Bill 2249/91 was presented to the Bureau of the Chamber in late 1991 with 23 articles, but it was changed during the processing in the commissions. It was referred to two merit committees - Consumer Protection,
Environment and Minorities Commission (CDCMAM) and the Mining and Energy Commission (CME) which, together with admissibility committees, had terminative power.

During the year of 1992 the CDCMAM promoted consultations to organizations and various technical seminars in order to develop a substitute to the project. The commission promoted public hearing in September, 1993, to discuss the preliminary opinion of the rapporteur. The CME approved on merit with substitute, then, during the plenary vote, some opposition deputies tried to reject the version of that committee and assert the text presented by CDCMAM. However, the highlighted devices to separate votes were all rejected.

We see that often the adopted Acts go through two or three terms. Those which have quick processing are those considered priority and which have regiment agreement among party leaders to come to a vote in plenary. In the event that the processing can complete the bill processing also depends on the consensus within the committee for it to be adopted more or less quickly. Environmental bills, seemingly simple, when their content is analyzed, they express conflicts of interest inherent therein. Such as the Act 9497 from 1997 establishes limits on Guararapes Park (PE). Proposed in 1991, the bill 1069/91 aimed at solving the problems created by uncontrolled land occupation of the Guararapes National Historical Park, which was established in 1975 and, over time, started to be occupied irregularly. Concise, the original bill were to reduce the area of the Park to exclude areas which already had human occupation at the time of implantation and, wherever there would be occupation in historic areas, it proposed the removal of this population. It was approved unanimously at CDCMAM which had Conclusive Power, but ended the legislature without the approval of CCRJ.

It was reinstated in the following legislature, reviewed and approved in CCJR and sent to the Senate. It was processed quickly and sanctioned in 1997.

The Environmental Crimes Act (Act 9.605/98) began to process in 1991 through the bill 1164/91 from the Executive. The Environment Secretary, who signed the bill justification, declared the need of this law to make performance of the duties of IBAMA more effective, which is the body responsible for monitoring and imposition of penalties for actions that cause damage to the environment. The merit of the case was examined by CDCMAM and CCJR where the project...
received significant contributions. In January, 1995, the project was approved in committees, which had conclusive power and began to process in the Senate. In mid-1997 the Senate passed a substitute with important substantive changes, returning to the Chamber to procedure in runoff election in the commissions. Party leaders submitted application as a matter of urgency, but soon turned back by removing the requirement of the Agenda. Then, the Commission for Agricultural and Rural Policy (CAPR) and the Committee on Foreign Relations and National Defense (CREDN) requested the Bureau the right to analyze the Senate substitute. In January, 1998 - during an extraordinary session of Congress - the urgency was approved and the opinions of committees were delivered in plenary. The runoff vote in the Chamber mobilized deputies who did not easily accept some changes decided by party leaders. The attempt to make a composition of substitutive of both Houses exposed disagreements about the treatment of environmental issues which positioned the parties under the state of ruling parties versus opposition parties. In quite a tumultuous vote, the House majority could approve the Act 9605, sanctioned in 1998. In Brazil, the processing time is often related to greater power to pass laws by the Executive in comparison with the Legislative, due to the use of the institutional mechanism for urgent procedure. With the support of at least one third of members or leaders which represent this number, the majority which supports the Executive, has the power to shorten the processing of a bill. However, despite three of the bills analyzed have been approved under this scheme (Bill 813/88, Bill 2249/91 and Bill 1164/91xii), the approval of the urgent procedure occurred only after considerable processing period.

<table>
<thead>
<tr>
<th>Bills</th>
<th>Origin</th>
<th>Legislative Procedure</th>
<th>Processing Time xiii</th>
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<tbody>
<tr>
<td>Bill 813/88</td>
<td>Chamber of Deputies</td>
<td>Ordinary/Urgent</td>
<td>4 years and 3 months</td>
</tr>
<tr>
<td>Bill 2249/91</td>
<td>Executive</td>
<td>Ordinary*/Urgent</td>
<td>4 years and 10 months</td>
</tr>
<tr>
<td>Bill 1069/91</td>
<td>Chamber of Deputies</td>
<td>Ordinary*</td>
<td>5 years and 9 months</td>
</tr>
<tr>
<td>Bill 1164/91</td>
<td>Executive</td>
<td>Ordinary*/Urgent</td>
<td>6 years and 7 months</td>
</tr>
</tbody>
</table>

Source: www.camara.gov.br
The analyzes of legislative output in Brazil show that the bills of social nature predominate among the projects submitted by deputies while the Executive is proposing more laws for economic and administrative nature (Figueiredo and Limongi 1999). Considering that environmental laws are laws of social nature - even though two projects were submitted by the Executive (Bill 1164/91 and Bill 2249/91) - it is understandable that they have had a long procedure, since they are not part of the priority agenda sustained for the majority of the House. The regime of urgency, when mobilized, was a resource used by deputies for these projects, which have crossed the second term, to be completed. When there was no interest in prolonging the discussions on the matter - as in the case of prohibition of the operation and use of asbestos (Bill 3981/93) - most deputies decided quickly without the need to use an extraordinary operative alternative.

No data was found on the number of projects with environmental laws lodged at the Chamber of Deputies of Argentina. However, according to the laws produced is possible to affirm that the Legislative output was considerable, emphasis on the year 1996, which had 8 Bills sanctioned.

Table 3: Environmental Laws sanctioned (1990-1998)

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<td>8</td>
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</table>

Source: www.congreso.gov.ar

Comparing the number of laws sanctioned by the Chamber in the period of 1990-1998 and the number of Laws of 1999-2010 in the table below, we realize that the legislative output fell in the first decade of this century.
Table 4: Environmental Bills and Laws sanctioned (1999-2010)

<table>
<thead>
<tr>
<th>YEAR</th>
<th>BILLS</th>
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</table>

Source: www.congreso.gov.ar

From the twenty-four laws sanctioned in the period of 1990-1998, six were proposed by different parties and three proposed by the Executive. The majority was processed in four different committees and had procedure without major conflict. They are bills which led to laws to the creation of parks, regulation of sprays that destroy the ozone layer, holidays related to environmental protection, and others. The commissions changed the proposal originally presented and approved by the House and sent to the senate, which, in some cases, also proposed changes. Some Laws had located scope, such as those directed to areas affected by volcanoes. Others stand out for being characteristics of the construction of a legal framework contemporary to the environmental globalization, such as the Laws of species protection, water protection, and the ones of tribute or call for environmental awareness. Most of the sanctioned laws stayed pendent in both Houses for two years, with some exceptions: a minority was approved in the same year and others took over than three years. However, in these cases, the bill was usually presented at the end of the year and started processing in the following year. Some proposals presented more complex procedure, demonstrating the greater complexity of the matter or conflict inherent in the question addressed. In the chart below, I selected some important laws passed during the period.
<table>
<thead>
<tr>
<th>LAW</th>
<th>YEAR OF ORIGIN</th>
<th>ABSTRACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>24040 from 1991</td>
<td>1990</td>
<td>Regulations for the use and marketing of chemicals called CFC.</td>
</tr>
<tr>
<td>24063 from 1991</td>
<td>1991</td>
<td>Creation of the National Park Pre-Delta Bajo, Province of Entre Rios.</td>
</tr>
<tr>
<td>24288 from 1993</td>
<td>1992</td>
<td>Declares the National Natural Monument apart from the Uruguay River known as Saltos Del Mocona in the province of Misiones.</td>
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<tr>
<td>24224 from 1993</td>
<td>1992</td>
<td>Mining Reordering: declares of national interest the Geologic Cartel of the National Territory.</td>
</tr>
<tr>
<td>24605 from 1995</td>
<td>1994</td>
<td>Declares the National Day of Environmental Awareness.</td>
</tr>
<tr>
<td>24688 from 1996</td>
<td>1996</td>
<td>Declares of national interest the conservation of Andean Patagonian forests.</td>
</tr>
<tr>
<td>24854 from 1996</td>
<td>1996</td>
<td>Creates the national Day of the waste collector.</td>
</tr>
<tr>
<td>25068 from 1998</td>
<td>1996</td>
<td>Created the prize of the Congress to environmental preservation.</td>
</tr>
<tr>
<td>24857 from 1997</td>
<td>1996</td>
<td>Fiscal stability Law for 33 years to forestry and exploitation of forests.</td>
</tr>
<tr>
<td>24868 from 1997</td>
<td>1996</td>
<td>Protection regime against noises that disturb the ecosystem of the National Park of Iguazu.</td>
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<tr>
<td>25052 from 1998</td>
<td>1996</td>
<td>Hunting prohibition of certain orca specimens.</td>
</tr>
<tr>
<td>25577 from 2002</td>
<td>2001</td>
<td>Prohibition regime of cetaceans hunting nationwide.</td>
</tr>
<tr>
<td>25688 from 2002</td>
<td>2001</td>
<td>Arrangements for environmental water management.</td>
</tr>
<tr>
<td>25831 from 2003</td>
<td>2001</td>
<td>Defense law of the freedom of environmental information in the public administration.</td>
</tr>
<tr>
<td>25916 from 2004</td>
<td>2001</td>
<td>Arrangements for environmental protection in the management of household waste.</td>
</tr>
<tr>
<td>25945 from 2004</td>
<td>2004</td>
<td>Creation of the Park and National Reserve Monte León.</td>
</tr>
<tr>
<td>26184 from 2006</td>
<td>2003</td>
<td>Prohibition nationwide of manufacture and importation of batteries.</td>
</tr>
<tr>
<td>26331 from 2007</td>
<td>2006</td>
<td>Minimum environmental requirements for the protection of native forests.</td>
</tr>
<tr>
<td>26499 from 2009</td>
<td>2008</td>
<td>Approval of agreement letter between the administration of national parks and Wildlife Foundation from 2006.</td>
</tr>
</tbody>
</table>

Source: www.congreso.gov.ar

In 1995 a bill that gave rise to the Law 25018, which deals with radioactive waste, began to be processed in the middle of 1996 and was sent to the Senate this year; as it was amended in the Chamber, it was processed again in 1998, when it was sanctioned. We see that this case demanded greater involvement of deputies, as it was approved by nominal vote in the first phase of
proceedings in the Chamber of Deputies and was altered in both Houses. The time it took to be finally sanctioned is also indicative of the complexity of the issue. Two other proposals, which also faced nominal vote in the year of 1996, one about nuclear activity (Law 24804) which had dissent from the majority and the minority in parliament and another proposed by the Executive (Law 24857), which determined fiscal stability for 33 years to forestry and conservation of forests; this one was approved with modifications in both Houses. However, the Chamber insisted on its first sanction by nominal vote. In 1997 another proposal of the Executive which provided financial incentives for cultivated forests (Law 25080), also underwent changes in the Chamber and had two dissents.

The bills processed into laws in the period of 1999-2010 had much simpler procedure. They are protectionist and waste management laws, water management laws, prohibiting hunting and the manufacture and import of certain types of batteries, among others laws. During this period, the Law 26331, proposed in 2006 and sanctioned in 2007, which concerns "minimum environmental requirements for the protection of native forests", demonstrates a more intense involvement of deputies. Several representatives called for inclusion of their names in support of thereof, the request for passing directly from the committees to the plenary to be vote (consideration of tablas) was first denied and then approved and, finally, some articles of the law had to be rated by nominal vote, which indicates a lack of consensus on some determinations of the Law as in Brazil, when the deputies cannot agree on a law or part of them, the voting process is nominal so that it is possible to identify the position of each one on the issue.

In two decades of lawmaking, there are 37 jurisdiction laws of the environment committee, which proceeding was mostly rapid and without conflict. However, it should be emphasized that from 1999 on, a smaller number of laws were passed and their content was also interpreted by deputies as less controversial, which leads us to question whether this would result from a consensus among the deputies about the importance of the proposed issues for the environmental area or if more complex issues of environmental impact are not proceeded by the environmental commission.
Various themes intersect with the environmental matter, such as agricultural, industrial, commercial and energy interests, for example. Probably many bills with environmental impact are not addressed in this analysis because it has defined as a methodological way the selection of materials which were processed in the environment committee.

V. Final Considerations

The importance of environmental matters became widespread in the developed world and in developing countries. In Brazil the globalization of environmental issues is reflected in the legislative arena through expressive presentation of bills in the Chamber of Deputies, most initiatives came from the deputies (Silva, 1999). There is great use of environmental issues as a mere statement of position by deputies and/or as requested credit to legislative mandates. However, whether previously the protection of the environment seemed closely linked to nature conservation, in the 1990s onwards it is possible to observe the creation of laws on environmental crimes, on air pollution, on use of products harmful to health, on environmental education and other issues related to environmental protection. Most laws created in the late 1980s were processed on an urgent regime, reflecting in the Legislative the importance attached to this issue from that period.

This analysis focused on the institutional aspects explaining the legislative results, concluding that rules such as the regime of urgency, which, in fact, give primacy to the executive bills, explain the difficulties in completing the analysis of the environmental bills more quickly. However, restricted to the institutional background, the analysis only enables to realize the importance of environmental issues in the course of representation, not being able to analyze in depth the conflicts of interest among deputies during the evaluation of a bill. The bills which come to completion and become law emerge rather consensual issues that broke the institutional barriers to its adoption than substantively conflicting. These conflicts are only perceived to detailed analysis of production regulation (Silva, 2007).
In Argentina it is also observed an intense involvement of deputies with the production of environmental laws from the 1990s. Besides the creation of protected areas such as parks, and of species protection, we see most comprehensive laws from the point of view of sustainability, such as the General environmental law (Law 25675 from 2002) and the Law of environmental information in the public administration (Law 25831, 2003). The environmental matter is fundamentally an issue in the agenda of deputies, as in Brazil. However, the Executive also proposed important legislation, such as the Law of financial incentive to cultivated forests (Law 25080 of 1998). The time taken from the start of the procedure until the final sentence is much shorter than in Brazil, most within two years.

It is noteworthy that in both Brazil and Argentina the deputies participate altering the original proposals of environmental legislation and do not show too often disagreements about the content of the Laws. However, it does not mean that there are no conflicts of interest inherent to bills, or differences of points of view on the matter. It is observed in the case in which appears dissent in the Laws analyzed in Argentina, highlights of specific points that did not reach consensus and nominal vote, both in Brazil and Argentina, which exposes the individual placement of legislators on the subject matter.
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Notes

1 The GOES adopts a comparative approach to investigate the implications of cultural differences and values on perceptions, attitudes and environmental behaviors in Western and non-Western societies, including and relating to the perception of the decision makers in these countries.

2 The Constitution marks a new chapter in the legal guarantee of initiatives around the issue that we treat, because it dispels the misrepresentations and controversial of laws imposed before and, it also expresses the recent identification between nature and environment (Fuks, 1996).

3 According to Bursztyn (1993), the USA also went through a process identifiable into three stages of development. During the 1970s and 1980s, the USA went through their second phase of establishment of environmental statutes, elaborating general laws of assessment and standards for the protection of specific resources, which in the 1990s had to be adapted to the need of a global consciousness which requires the adaptation of legal frameworks to international commitments.


5 As observed by Shugart e Haggard (2001), in order to be effective, the proactive power requires that there is alignment between the preferences of the two powers.

6 In Brazil, the proposed bills must pass by committees of merit and also admissibility - the Committee on Constitution, Justice and Citizenship (CCJC), to assess the institutional appropriateness, and the Committee on Finance and Taxation (CFT) to assess the adequacy budget, if the matter involves expenditure of financial resources.

7 It was selected only the legislative proposals that were processed in the Chamber of Deputies.

8 In matters prescribed by the statute as low conflict, the bill approved in the committee is forwarded to the Bureau of the House, whether there is no requirement for it to go to plenary during five sessions, it is considered approved.
Suggestions were requested to state and local agencies, to universities, to professional associations related to water resources, to approximately 1,700 NGOs, and other entities.

The Park was stage to battles between the Dutch and the Luso-Brazilians in the seventeenth century in the area where the hills Guararapes are located, where there are heritage buildings and “an extensive area consisting of hills, barriers, streams, exuberant countryside and fields of undergrowth”. Technical opinion from IBPC, In: DCN, 19/11/1996, p. 30058.

In the year of 1994, there is no registration of legislative action related to the Bill which had been approved in the CDCMAM. Probably because it was an election year, the project ended the legislature of 1991-94 inconclusively, which only occurred in the following legislature.

The bill 1164/91 only took a matter of passed urgency when proceeding through runoff vote for the analysis of changes proposed by the Senate.

I consider until the final conclusion in the Chamber of Deputies, not counting the period from then until the passage into law.