

# **Public-Private Interaction for Sustainable Development Learning in Brazil: A Case study on Reflexive Governance and Foreign Environmental Policy-Making<sup>1</sup>**

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## **Abstract**

*Starting with what is called the "Lula era" (2003-2010), Brazil has adopted a proactive diplomacy stance in multilateral cooperation arrangements facing political, economic, social and environmental challenges of globalization. This "wordlization" perspective became intertwined with an increased integration of Brazilian businesses to the global value chains and their participation to transnational business networks about corporate social and environmental responsibility. Between the Rio Conference (1992) and Rio+20 (2012) Summit, this strategy of becoming a global player was associated with a growing interest from Brazilian public and private actors for understanding, defining and developing sustainable development instruments. Their sustainability oriented learning schemes went from being vertical, learning from abroad, to collective, co-constructing domestic and foreign environmental policy choices for reducing uncertainties about the compliance and implementation processes of Rio conventions. The reflexive governance for sustainable development explains this lateral framework of policy-making and interrelations between public-private and domestic-foreign spheres.*

**Keywords:** Brazil, sustainable development, reflexive governance, public-private interaction, learning, environmental policy-making, foreign environmental policy

## **1. Introduction**

On general terms, foreign policy orientations of Brazil have changed dramatically during the "LulaEra" (2003-2010). The main characteristic of this transformation has been an ambition to change the status quo in several aspects of international politics, as the country has been accepted as an emerging power. Environmental effectiveness is a part of the new diplomatic activism of Brazil, however limited by structural limits. The priority given to *development list* ideology, the centrality of economic development in policy choices and institutional frameworks over the protection of environment, is a constant difficulty. Traditional schemes of interest groups motivated by bargaining and collusion with politicians is another controversy. For instance, the influence of *ruralist* bench (*bancada ruralista*) in the Chamber of Deputies (in an interest alliance with big agribusiness companies) for the alteration of the forest code in 2012 or other "legislation retreats" (Novaes and Souza, 2013) of last years hindered the viability of an effective environmental policy. Beside this ambiguity and political conflicts between interest groups, budget (Fernandez Silva et al., 2012) and institutional capacity constraints or high social and environmental costs of controversial mega projects like the Belo Monte dam jeopardize the credibility of Brazil as a "sustainability champion" on economic, social and ecological terms.

External factors, such as the lack of common global political objectives on sustainable development until the introduction of Sustainable Development Goals (SDGs) project at Rio+20 Conference (2012), relativized also the capacity to act of Brazil.

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Discussions on the governance of sustainable development turned around the complexity of managing increased information flow about compliance and implementation processes of Rio conventions from global, regional, national levels. Progressively, experiences converged towards a need to propose innovative instruments for a “green growth”, for instance within the scope of G20, especially as a solution to the Global Recession.

Brazil seemed to be willing to present its perspective, since 2007, when the country suggested the reevaluation of Rio outcomes of 1992 by a new global conference: Rio+20. That was former President Lula’s suggestion of “unifying political treatment to the environmental agenda” (Visentini and da Silva, 2010). Brazil considers the separation of negotiations on climate change, biodiversity and forest protection as the cause of current ineffectiveness of sustainable development governance and follows a global leadership strategy. This has been underlined in Brazil’s Pluri-Annual Plan of 2008: “Global challenges such as environmental degradation, climate change and energy security demand an active posture from Brazilian diplomacy... (Dauvergne and Farias, 2012). In the current plan of 2012-2015, it is emphasized that Brazil will be a country known for sustainable development and environmental sustainability in the future. (Ministério do Planejamento; 2011) Consequently, Brazil is becoming more active in the discussion of international sustainable development commitments and endorses initiatives both in institutional and normative terms through principles and guidelines: common but differentiated responsibilities; non-regression in terms of previous commitments; and “inclusive green economy”, the most practical one in front of current global challenges.

This is the reason why it seems important to understand how Brazil participates to global compliance and implementation efforts and moreover, wishes to stimulate institutional arrangements. This paper argues that one of the reasons of this “worldlization” (Villa and Viana, 2010) or opening to international policy-making process is the global expansion of Brazilian business sector and its integration in transnational networks of corporate social responsibility (CSR) and private standard-setting/certification besides the adoption of major multilateral environmental agreements (MAE) by Brazil. Through business organizations that have been created since the middle of 1990s, major companies have partially learned to use private sustainability standards and being accountable to their transnational partners as regards their environmental performance. Thus, complementarities and co-construction of interests between what was genuinely separated as public and private has enhanced compliance and implementation processes.

Nevertheless, it is important to underline that all sectors and entrepreneurs are not involved in these trade-offs. Genuinely, lobbies and related benches at the Chamber of Deputies constitute the visible part of Brazilian business sector and their relationship with public policy is not always a virtuous one. There is a continuous suspicion or “fears of Faustian bargains” (Ruggie, 2004) from other stakeholders when it comes to private sector’s involvement in environmental regulation.

This study does not pursue a normative criticism of business ethics, or the “regulatory capture” in Brazil, nor praises companies or overemphasizes the role of Brazil as a decisive power. It proposes an analysis of public-private interface in environmental policy-making through “reflexive governance for sustainable development” and how this echoes in foreign policy choices. This complex process may be seen as a learning process, and is rather defined through the importance given to internal conditions, practices and the making of an individual knowledge in spite of diverse perspectives and not as an aspiration for a unique and objective agenda of regulation (Voß and Bornemann, 2011). Therefore, what is analyzed is the function of business networks as policy-transfer channels between internal and international spheres, aiming at problem solving, in other words providing usable knowledge for efficient policy-making and not just at “emulation” defined as the symbolic imitation of what has been set by others. Relying on the transnational partnerships of businesses, their prior experimentation in “learning-by-doing” processes, the state uses the knowledge and expertise provided by them and pragmatically rationalizes its foreign environmental policy. Reciprocally, Brazilian new diplomatic activism changes their way of doing business. According to Holling (1978), “learning-by-doing” refers to the management of commons between governments and local actors, similarly to “adaptive management and “adaptive co-management” that emphasize the importance of acquiring and interpreting knowledge to deal with uncertainty. (Berkes, 2009). Here, the term is used in order to highlight a time constraint on Brazilian public and private actors: they are achieving compliance and exploring the content of principles and rules spontaneously.

The paper proceeds through three phases of continuous global and local interaction of private actors with public actors and transnational partners: vertical learning from the inter-state level and transnational environmentalist NGOs, horizontal learning with transnational business partners and “collective learning” with the state for the

remapping of foreign environmental policy choices as well as their own sustainability approaches. In this analysis framework, first, how Brazil has been integrated in international environmental regimes, and how private actors have been influenced with this compliance and policy transfer since 1990s are explored as a vertical learning process.

Instruments used by business networks and their advocacy groups in order to learn horizontally with their counterparts and implement sustainability with a focus on environmental performances become available in the second phase. The third stage is about the co-construction process of environmental policy in public-private interaction. The formulation of “reasoned proposals” and the making of values and beliefs (Voß and Bornemann, 2011) by business networks, which is described as “decision-finding” capacity in this study, have foreign policy linkages as regards the participation of Brazil in international environmental governance.

## **2. Learning Vertically from “Legitimate” Providers of the Public Good**

In fact, since the Stockholm Conference in 1972, Brazil formed with China a coalition of the Third World, rejecting the global character of emergent environmental problems, defending the differences between development levels and environmental responsibilities. Three principles were used until the recent active involvement of this country into global governance issues, including sustainable development: unrestricted national sovereignty on the use of natural resources, priority given to development –environmental protection should come after reaching high income per capita, costly responsibility burden of environmental degradation should be first assumed by the developed world (Viola, 2004). Due to this ideational heritage, a controversial compliance process followed successive environmental commitments endorsed by Brazil during 1990s. The meeting of the United Nations Conference on Environment and Development in Rio de Janeiro in 1992 had an impact on policy priorities and institutional structure but also business patterns in Brazil. The statecraft and economic actors with transnational ties have become gradually aware of the credibility and reputation issues associated with environmentally and socially sound practices. Therefore, based also on the Constitution of 1988 (Chapter VI/Article 225), the national legal framework evolved in parallel with the development of international ecoregimes. The linkage between development and environmental protection, acknowledged by the principle 4<sup>2</sup> of the Rio Declaration has been “useful” for Brazil (Barros-Plataiu, 2006): This transformed the sustainable development into a key mechanism for ending the traditional dichotomy between the ideology of development and environmental protection.

In addition to this voluntary strategy of integration into world politics, Brazil is standing at the intersection of biodiversity and climate change issues, as a country holding about one-third of the world's remaining rainforests, including a majority of the Amazon rainforest. It is also one of the megadiverse countries harboring around twenty percent of the world's plant and animal species (CBD 2015). For that reason, its commitment to the international environmental governance is a global necessity as well. On the other hand, the protection of the Amazonian forest has been an important stake for a non-binding solution and the USA made substantial promises in order to guarantee the adoption of Rio Forest Principles, which also put the conservation reputation of Brazil on line. In fact, to the dismay of some Brazilian politicians and businesses<sup>3</sup>, this international framework has started to mobilize transnational environmental NGOs for transferring conservation codes to the Brazilian private sector, starting with raising awareness about the Amazon.

### **2.1. Integration of Brazil in International Environmental Governance Process through the “Rio Spirit”**

In the acceptance of international environmental commitments, Brazil first used its traditional strategy of instrumentalization of international challenges for national necessities (*nacionalismo de fins*) (Lafer, 2007), i.e. using external conditions and opportunities for modernizing internal economic and political structures. Thus, public institutions and business representatives were reluctant if the compliance process with MEAs was not sorted out with funding transfer and investment opportunities or at least not defying ongoing ventures like in the case of agricultural biotechnology companies' activities. In such circumstances, it can be argued that vertical learning process from abroad was “bounded” with benefit and improved market access expectations only.

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<sup>2</sup>Principle 4: In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

<sup>3</sup>For example, the conception of “international covetousness” based on the belief that the international community is in a permanent conspiracy against Brazil's sovereignty over Amazon.

This was inefficient whenever compliance and implementation were raising transaction costs especially related to liability and redress issues. This kind of learning is considered as getting and analyzing only “relevant information”, connected with short-term interests and concerns (Meseguer, 2005).

Motivated by the claim of absolute sovereignty over natural resources<sup>4</sup> and the willingness to promote the development needs of the South, Brazil was mostly interested with the biodiversity perspective at Rio. Natural and genetic resources were vital as regard their potential use and they were also a reason of controversy due the conservation requirements from the external actors as regard the Amazon biome. Such critics come mostly from traditionalist agricultural producers who claim that such requirements are “international threats” from external actors, in order to control Brazil's natural resources (Fearnside, 2004). However, as the Convention on Biological Diversity (CBD) recognized the sovereign right of States to exploit their own natural resources according to their own environmental policies (Article 3), its signature (in 1992) and ratification (1994) did not cause much hesitations and suspicions. Subsequently, maritime and forest conservation laws/decrees have been adopted and monitoring institutions established. The National Biodiversity Strategy and Action Plan (according to the Article 6) setting biodiversity (knowledge, conservation, sustainable use, access to genetic resources and traditional knowledge, monitoring, assessment, education and public awareness, enhancement of the legal and institutional framework for biodiversity management) targets for 2010 was adopted in 2006. Moreover, within the scope of CBD, Brazil emphasized access to genetic resources and benefit-sharing (ABS) issues (Article 8.j) and signed the Nagoya Protocol in 2011, although the ratification procedure is not fulfilled. Law projects on the conservation and sustainable use of biodiversity and access to genetic resources and associated traditional knowledge are currently debated. It can be observed that, although Brazil has become earlier a party to the CBD, compliance is an ongoing process; important national frameworks and greater conservation commitments are being planned or developed recently.

In the continuity of the CBD, the adoption of Cartagena Protocol on Bio safety in 2004 has raised problems and disparities between state's environmental activism and business opportunities. Agribusiness companies interested in big promises of producing living modified organisms (LMOs) were against this self-restrictive decision. In fact, Brazil is one of the major producers and exporters to have adopted the Protocol and also the one who has the biggest biodiversity concerns. In the view of private economic actors, as national bio safety legislation is prior<sup>5</sup> to the coming into force of the Cartagena Protocol in 2003, the adoption of the Protocol was completely inadequate. For them, this integration brought additional responsibilities to the country, which its major competitors (USA and Argentina) do not have to comply with. For this reason, its compliance/non-compliance experience has been mainly about the interpretation of redress and liability issues. Brazil signed in 2012 the Nagoya-Kuala Lumpur Supplementary Protocol to the Cartagena Protocol recognizing the responsibility of private actors for identifying potential threats to the environment, though the ratification is still pending.

The climate change issue has been unsurprisingly linked to socio-economic growth concerns as well. According to the National Plan on Climate Change, “Brazil is responsible for harmonizing its actions in this field with socio-economic growth processes in the name of sustainable development.” (Government of Brazil, 2008). It signed and ratified the United Nations Framework Convention on Climate Change (UNFCCC) in 1994 among the countries of the Non-Annex I list and also adopted the Kyoto Protocol (signed in 1998, ratified in 2002). On economic terms, adaptation and mitigation instruments have been seen as an opportunity, for example it is claimed that the Clean Development Mechanism (CDM) was introduced in the Kyoto Protocol by Brazil and in time, the country became with China and India, one of the major beneficiaries of this instrument (Barros-Plataiu, 2010). For instance, large energy and infrastructure companies like Odebrecht, Camargo Corrêa, Votorantim participated to CDM projects (Fórum Clima, 2010). Moreover, as forests are carbon sinks, reduction of emissions deriving from deforestation supported by the United Nations REDD Programme became an incentive for Brazilian forestry sector and sustainable forest management investments in the compliance process. However, in spite of these positive outcomes, the National Policy and the National Plan on Climate Change has been adopted in 2009 and the integration and harmonization of public policies have only begun at that time.

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<sup>4</sup>Brazil has also joined Like-Minded Megadiverse Countries Group in order to defend sovereignty as the unique legal basis of sustainable use of natural resources.

<sup>5</sup>The first biosafety law has been adopted in 1995 and was replaced by a new one in 2005.

## 2.2. Transnational Non-Governmental Organizations' Awareness about Brazilian Biodiversity

It is often underlined that compliance with environmental requirements of sustainability were also integrated into Brazilian institutional and legislative framework by the impact of Marina Silva, ex-minister of environment (2003-2008). She was supported by environmental NGOs and considered as the environmental credibility source of Lula da Silva before the presidential elections in 2002 and then during first years of his mandate. Even if she was dismissed in 2008, due to reactions from *ruralists* about the biosafety issue, she has been able of inducing a "positive paradigm change" both in the framework of public policy of environment and democratization of politics, by integrating NGOs in the debate.

Whatever these controversies may be, the linkage between good reputation in sustainability implementation and global competitiveness has been interiorized by some of corporate actors in Brazil in parallel with state's compliance process. Global market conditions compelled them to consider sustainability as a crucial performance indicator and to communicate with environmentalist NGOs in order to learn about environmental trends, to adjust their business strategies. Although these efforts were initiated with reputation concerns and remained as such for some companies and segments of the economy, they have started to change the way they produce and use natural resources.

Based on similar changes worldwide, Lipschutz and Fogel distinguish, for corporate actors, three types of "incentives" to proceed for the public good: instrumental, functional and normative ones (Lipschutz and Fogel, 2002). Instrumental and functional incentives include simple compliance with what has been set at macro-level (international agreements and national legislation). While instrumental reasons are deployed in order to guarantee or increase their market shares, functional ones comprise a further step of responsibility like taking part in conservation programs. But at some point, corporate actors can be interested in inducing norms, for example becoming proactive in "decision-finding" by becoming mind-setters affecting all interested parties with public agents. In Brazil, while institutions like the CNA (*Confederação da Agricultura e Pecuária do Brasil*) emphasizing economic gains of productivist agriculture recognized sustainability as a business strategy for exclusively instrumental incentives, in some cases, the agribusiness sector began to integrate sustainability with functional incentives as well.

The fundamental reason was the international pressure and influence. First, the fact that consumers in markets targeted by Brazil were more sensitive to environmental concerns required the conservation of Amazon biome. Second, strategic partnerships with foreign companies, increasing the share of Brazilian companies in global agricultural trade, pushed agribusiness companies to change their discourse. In particular, good reputation was an incentive to start to communicate with environmentalist NGOs. Consequently, in the case of agribusiness representative associations like the ABIOVE (Brazilian Association of Vegetable Oil Industries) and the ABAG (Brazilian Agribusiness Association), the sustainability has become a visibly displayed goal. The sharing of knowledge about sustainability with the NGOs made the communication between them possible. For example, the ABIOVE participated in the meetings of the Round Table on Responsible Soy (RTRS) which is an transnational forum initiated by the World Wildlife Fund (WWF) in 2006 and focused also on soy production in the Amazon and in the *Cerrado*. Therefore, business representatives became aware of the deforestation and accepted voluntary commitments to avoid forest loss caused by increased soy planting and to integrate this into their supply chain.

Another successful common initiative of the ABIOVE is the ongoing application of the "soy moratorium" (extended to may 2016) launched jointly by the ANEC (Brazilian Grain Exporters Association) in addition to local and transnational environmental NGOs: *Instituto de Pesquisa Ambiental da Amazônia* (IPAM), the Conservation International, Greenpeace, The Nature Conservancy (TNC) and the WWF. In a more cross-sectoral range, the WWF-Brazil, functioning since 1996, has established partnerships with companies for the conservation and sustainable use of resources and created a Corporative Club in 2004.

Based on these observations, it can be asserted that vertical learning was meaning that Brazilian corporate actors were implicated in internal and international environmental governance for keeping their potential to ensure higher gains. This integration is mostly motivated by emulation as "simple conformity with international trends" (Meseguer, 2005) designed and represented by external actors. The latter can also be said as regards state's compliance process in the changing international economic agenda. Objectives such as "corporate governance" and "targeted poverty reduction" encouraged Brazilian public and private actors to implement sustainability and to take part between global players.

Therefore environmental performance and being accountable to stakeholders became a priority for globalized corporate actors, but the linkage between private interests and public good has been constructed after businesses learned to apply implementation tools of corporate sustainability by sharing experiences with transnational partners and networks of corporate social and environmental responsibility.

### **3. Learning Horizontally with Transnational Partners**

As Rio conventions are evolutive and the clarification of rules and procedures is usually a complicated process, corporate actors had to revise their business patterns in spite of these visibility challenges. When legislation-making process involves institutional and social conflicts between public agencies, ministries, interest groups, knowledge required may be obtained through interaction with transnational partnerships, by learning from their experiences and using their implementation tools. In this framework, networks of different nature have inspired Brazilian businesses for following an already proven efficient pattern.

In the first place, the influence of hybrid or transnational cooperation initiatives/partnerships can be observed in the behavioral change of Brazilian corporations and business associations. Such partnerships based on co-governing functions shared by state and non-state actors (Shäferhoff et al., 2009) emerged in response to negative human, social, environmental externalities of globalization. Two major voluntary commitment mechanisms -the United Nations Global Compact (UNGC-1999) and the United Nations Principles for Responsible Investment (UNPRI-2005)- provided a model of sustainability assessment by promoting best practices as “universally shared values”. There are currently 411 Brazilian firms in all sectors committed to UNGC principles.<sup>6</sup> Several business associations and other local associations are also participating to the network. The BM&FBOVESPA -the Stock Exchange of São Paulo- and *Fundação Brasileira para o Desenvolvimento Sustentável*– FBDS are among signatories of the UNPRI that monitors how the ESG principle (Environmental, social and corporate governance) should be integrated in investment strategies and helps businesses in learning ESG-related tools, metrics, and analyses.

In the second place, there is a substantial impact of new private standard-setting networks acting beyond what is called “regulatory capture” in the public choice school, or some kind of “collusion” between firms and governments (Mahoney et al., 2009). Through the schemes learned from them, Brazilian businesses have endorsed laterally activity and management standards and constructed local and transnational coordination groups -“bridging organizations” or “shadow networks” (Berkes, 2009; Voß and Bornemann, 2011). Most pertinent networks adopt the “multi-stakeholder approach” as regard the definition of sector standards. Corporations integrate sustainability by accepting to be accountable to their stakeholders worldwide and to the natural capital through which they operate. Such sustainability performance assessments including environmental criteria are achieved on a voluntary basis and the Global Reporting Initiative (GRI) offers a detailed orientation and experience exchange platform.<sup>7</sup> Furthermore, stock-exchange sustainability indexes are becoming a tool for “responsible investments” in the global market, this is the most obviously business interest specific mechanism.

#### **3.1. Creation of Local “Bridging Organizations” in Interaction with Transnational Networks**

In the Latin America, the UNGC has quickly inspired the establishment of the *Forum Empresa*, a CSR supervisory organizations’ network in 2001. For Latin American private sector coming out from financial crises, the adoption of CSR was “a legitimating framework for globalization” (Haslam, 2010).

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<sup>6</sup>As of April 2015. Three principles are related to environmental responsibility: “Taking a precautionary approach to environmental challenges” because as minimizing risks may lower insurance costs, preventive action is most cost-effective; “promoting greater environmental responsibility” to complete social responsibility by adopting cleaner and efficient production paths which would resume in competitive advantages in the global market, because other economic agents are interested in “doing business” with responsible companies; “development and diffusion of environmentally friendly technologies” reducing material inputs and waste outputs, not only concerning production process but also management techniques.”

<sup>7</sup>This multistakeholder network, a non-profit organization (1997), including public agencies, civil society organizations, business associations, academic institutions beside corporations, develops international guidelines for corporate governance. These latter constitute benchmarks for preparing non-financial reports about participating organizations’ economic, environment and social performance.

This was a crucial instrument for boosting the attractiveness and transparency of the market for foreign investments<sup>8</sup>, by sharing extra-costs of endorsing global voluntary business standards. For emerging countries, lack of standards was not perceived anymore as an advantage as regard to the decrease of transaction costs, in the contrary, “responsible business” was a source of competitive advantage. Consecutively, local associations, institutes, unions and other informal discussion forums have been created. Initiatives like Inter-American Conferences on CSR, Latin American Corporate Governance Network (2002), Latin American Corporate Governance Roundtables (Bedicks and Arruda, 2005) established a dialogue process between them. This regional diagnosis about globalization and competitiveness has been also a major driver for Brazilian private sector to comply with the UNGC.

In the implementation process, experimentation gained in interaction with global structures led Brazilian corporate world to establish local organizations that would develop environmental assessment instruments and would act as collaborative learning platforms. The Brazilian Institute of Corporate Governance (IBGC-*Instituto Brasileiro da Governança Corporativa*) founded in 1995 is the first bridging organization to be mentioned, being focused on disseminating corporate governance practices through the Code of Best Practices, a detailed list of principles that companies should adopt for transparency, accountability and sustainability in their management strategies. In fact, the model used by the IBGC for corporate environmental and social responsibility is framed by the UNPRI guidelines and inspired by the Triple-Bottom-Line (TBL) approach of management. The TBL originated by Elkington (1997), is a model that is not only based economic accomplishments of the company (vision of single bottom line), but also on the social and environmental aspects. Increasingly, the three elements need to be managed in an integrated manner. CSR leading to corporate sustainability is perceived as a constructive organizational restructuring approach that may provide feedback and innovative perspective for incremental environmental policy (Müller and Siebenhüner, 2007).

Business associations have also created research, awareness-rising, knowledge-exchange, implementation and advocacy institutes working on sustainability, corporate social responsibility and transactions with market and global governance mechanisms.<sup>9</sup> *Instituto Ethos de Empresas e Responsabilidade Social* (1998), ICONE (Institute for International Trade Negotiations) (2003) are pertinent examples. The ICONE’s Council is likewise exclusively constituted by agribusiness associations (ABAG, ABEF and UNICA) while the Ethos is representative of all economic sectors. These institutions are addressing the transnational communication of environmental norms by creating knowledge, clarifying the content of concepts, disseminating information, making policy and legislation proposals and facilitating dialogue between stakeholders, including small and medium sized companies and traditionalist rural producers. Periodical sustainability conferences, seminars, courses are contributing to the learning process.

### 3.2. "Learning-by-doing" as an Implementation Process

The functioning of these new business institutions is initially motivated by instrumental and functional incentives described before. Using the instruments co-constructed in "multi-stakeholdership dialogues", they share their experiences with their network counterparts. Multi-stakeholder dialogues (MSD) or “multi-stakeholdership” is an implementation tool recognized at the Johannesburg World Summit on Sustainable Development (2002). It is a process of “information sharing, dialogue, consensus building, decision-making, problem-solving, implementation and monitoring”. For state actors, this means that the decision-making process will become more representative, accountable and effective, which is called “stakeholder democracy” (Bäckstrand, 2006). Accordingly, Brazilian businesses create an implementation environment through private instruments filling policy-regulatory gaps in order to be considered as fair competitors by their global peers, accountable for same responsibilities, therefore sharing transaction costs. At that point, they start to experiment voluntary mechanisms that would become mandatory and to assess a better understanding of how they may make an impact on public policies.

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<sup>8</sup>Brazil is increasing its part in global inflow movements of foreign direct investments (FDI) since the beginning of 2000s. Its inward FDI stock in 2013 was 724 644 millions of dollars (UNCTAD, 2014) as one of the top host countries.

<sup>9</sup>These associations-networks are mainly based in São Paulo. Particularities of some cities in the creation of new values and norms have been stressed out by Saskia Sassen (1999, 2001), with the concept of “global cities” where “high-level management and control functions” of the economic activity are contained, where “decision-making by private actors ... can lead to changes in the national institutions and laws” if states are depending on their financial products (Hall and Biersteker, 2002).

As a result, in a “learning-by-doing” process, these business institutions are involved in private sustainability implementation practices like stock exchange index for sustainability or more persuasive ones through which corporations provide information to their stakeholders about their sustainability performance, endorse voluntary reporting schemes and assess sustainability indicators.

### **Reporting and Sustainability Indicators**

In the implementation of sustainability, non-financial reporting has become the most preferred instrument and actually Brazil is one of the countries showing greater commitment to CSR reporting using the GRI guidelines. IBGC and Instituto Ethos are inspired by this methodology that provides common criteria for comparable qualitative and quantitative data: First, data provided by organizations include information about international environmental commitments of public institutional environment and also how the internal compliance process is achieved, especially the participation level of stakeholders. Second, organizations describe their own participation to internal governance schemes as stakeholders and evaluate their performance. The important point is to measure at which level the organization is involved positively in national, regional, global governance, beyond binding responsibilities (GRI 2006). That part of GRI guidelines make corporate organizations more than passive implementation actors and encourage them to propose problem-solving instruments for efficient sustainability governance. The assessment of sustainability management by all organizations is framed by the most recent version of these guidelines is known as G4 Sustainability Reporting Guidelines (GRI 2013).

Instituto Ethos publishes periodically corporate social responsibility indicators (*Indicadores Ethos para Negócios Sustentáveis e Responsáveis*) based on sector and company self-diagnosis surveys since 2000 according to national norms (ABNT NBR), international standards (ISO 26000) and GRI G4. The Ethos indicators include sustainable business strategies (Indicator 1) and also the environmental area (Indicators 37-47) mainly related to the sustainability of forestry economy, responsibility toward future generations and environmental impact management throughout the product cycle. The innovative part of this mechanism is the self-assessment of “responsible political involvement”, which requires interpretation about the contribution level of company activities to legal compliance, willingness to change patterns of social responsibility and sustainable development as business strategy towards efficient governance. At the final stage, the company gains a proactive capacity in cohesion with stakeholders but also for getting involved in the development of public policies (Indicator 14). (Instituto Ethos, 2014)

The IBGC has introduced sustainability in its Code of Best Practice of Corporate Governance since 1999 and lastly reviewed in 2009. Thus, companies voluntarily chose to sign a contract for better governance practices and enlarge this minimum accountability requirement into other groups that may be affected by their business strategies. Mainly this relationship with stakeholders results in regular reporting, including self-assessment about social and environmental activities, using GRI guidelines methodology. In this framework, social and environmental commitments should be made while “identifying business deals and operations”. The particularity of this approach is the necessity of excluding a simply discursive adoption of sustainability. “Production chain” is used to create an authoritative, vertical integration of sustainability, implying suppliers and other business related partners in the process (IBGC, 2009).

### **Sustainability Index**

Stock exchange-market sustainability indexes are recent and rare at the global level.<sup>10</sup>São Paulo Stock Exchange (BM&FBOVESPA) uses the Corporate Sustainability Index (*Índice de Sustentabilidade Empresarial- ISE*) as an objective tool for comparing the performance of companies listed on the stock-exchange market, from a sustainability perspective. Corporate Sustainability Index Deliberative Council (CISED) is monitoring the development of the ISE in cooperation with national (For example IBGC, Instituto Ethos) and international actors (International Finance Corporation-IFC and United Nations Environment Programme-UNEP). The evaluation of corporate sustainability profile is made on the basis of a methodology developed by the Center for Sustainability Studies (GVces) of the Getulio Vargas Foundation’s Business Administration School of São Paulo (FGV-EAESP).

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<sup>10</sup>Limited examples are: London Stock Exchange’s FTSE4Good Index of Socially responsible companies, Dow Jones Sustainability Indicators (DJSI), Johannesburg Stock Exchange Social Responsibility Index (JSESRI)...

Indicators composing the final score are about environmental management and performance, legal compliance, especially concerning forest protection. Eligible companies are listed at differentiated levels<sup>11</sup> of corporate governance according to their score. Other index portfolios include specifically climate change issues: carbon efficient index- ICO2 and carbon credit auctions.

Related to sustainability, BM&FBOVESPA has launched another initiative called New Value (*Novo Valor*) as a management strategy inspired by the TBL model. We can interpret this undertaking as a first step in integrating norms with certain emphasis on accountability and consciousness although recognizing that interactions and complementarity between bottom lines are displayed in the instrumental perspective. The manifesto of New Valor (BM&FBOVESPA, 2010) underlines that being committed to sustainability is not perceived as a short-term profit formula, according to the terms of the manifesto it "is not about making money". It is emphasized that Novo Valor adds the weight of future that should be taken into account in current decisions and corporate activities, like risk mitigation for responsible investment. Actually, this initiative is about a new management model and the creation of a sustainable value chain and does not imply any participation to public policy making.

### **Certification**

Certification of products and management practices is an important accountability tool in forestry and agriculture. In Brazil, Rainforest Alliance's (represented in Brazil by Imaflora<sup>12</sup>) and Forest Stewardship Council's (FSC) norms are progressively used. The FSC has an important impact on sustainable forest management, as it was formed out of the failure of the Rio Forest Principles, originated by the idea according to which "demand for regulation cannot be met by an international agreement" (Pattberg, 2005). This is very suitable as a solution-oriented mechanism for filling domestic measures' gap by the means of certification as regulations about forest conservation and sustainable use present deficiencies or controversies. Moreover annual fairs like *Brasil Certificado* are gathering companies in order to assist and promote their certification processes, while a growing global market of certified products is requiring an ethical entrepreneurial profile from Brazilian commodity providers in sustainability-oriented value chains.

It is arguable whether these practices are aiming at replacing regulatory mechanisms. Nevertheless, they serve for creating a more transparent business environment and gaining visibility in global market by committing to common values and codes of conduct. In other words, they induce adjustment with international governance agenda towards learning, changing, evolving diagnosis and solution patterns.

### **4. Collective Learning for Transition towards Policy Innovation**

In parallel with the problems of international negotiations of climate change and biodiversity, bridging organizations committed progressively themselves to persuasive instruments that create an incremental change of perception and provide basis for informed decision to the public authority. Since 2009, such endeavors of corporate actors have simultaneously an impact on the foreign environmental policy of Brazil. Nevertheless, it is evident that private and public authorities have separate or specific "decision-finding" and "decision-making abilities". Business networks leave the institutional side to the state. This is the "polity" dimension according to Voß and Bornemann, which they described as comprising "institutions, norms and procedural settings" (Voß and Bornemann, 2011). On the other hand, bridging organizations get legitimately involved in "policy" dimensions perceived as the definition of problems and the "decision-finding". Therefore, businesses set a "transition agenda" including possible orientations of policy-making and innovation paths both for new production patterns in agriculture, forestry and energy provision and structural changes in Brazil. Especially, platforms or forums respond to the creation of a transition agenda: what should be long-term orientations of sustainability within Brazil and how these can be reflected onto international politics-negotiations between influential parties?

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<sup>11</sup>Level 1, Level 2 and Novo Mercado (New Market) – Installed in December 2000 by the São Paulo Stock Exchange, the Differentiated Levels of Corporate Governance are special listing segments for guiding interested investors and increasing the value of companies. Companies listed in these segments offer shareholders better corporate governance practices, ... and gain more credibility on the stock market.

<sup>12</sup>Institute for Agricultural and Forest Management and Certification "is a non-profit Brazilian organization established in 1995 to encourage both conservation and sustainable use of natural resources and promote social benefits in the forest and agricultural sectors." (IMAFLOA 2015)

#### 4.1. Linking the Internal and External Spheres of Environmental Governance through Decision-Finding Platforms ...

In two areas of international environmental governance, and in connection with sustainable development, Instituto Ethos is serving as an umbrella structure for gathering business representatives, specialists of corporate governance, academics, government representatives in forums of respective experiences and knowledge exchange.<sup>13</sup> This particular debate process is leading to policy proposals.

In the climate change framework, an important undertaking on "decision-finding" by Instituto Ethos has been the Climate Forum (*Fórum Clima-Ação empresarial sobre mudanças climáticas*), which established a working group that supervises the commitments made by signatory companies of the "Open Letter to Brazil on Climate Changes" (2009). This project can be considered as a successful co-evolutionary change of private and public interests, since, at the same time, the National Plan on Climate Change was sanctioned. The Climate Forum aimed at defining stages of a necessary transition to a low carbon economy as an innovative process in technological terms, therefore in the advantage of new business opportunities. A dialogue process between the government and the businesses (eighteen companies from different sectors) completed corporate commitments. Thus, beyond the national objective of accomplishing an inventory of GHG emissions, the project was seizing to increase the international credibility of Brazil in the global environmental agenda. From the point of view of businesses, Brazil has to assume a leadership position in the definition of clearer GHG emission reduction measures and in the providing of a clearer content for CDM and REDD.

For the Forum, proposals addressed to the federal government have been useful during COP 15 at Copenhagen (2009) and afterwards. Internal commitments, voluntarily endorsed by companies have strengthened Brazil's credibility while promising, also voluntarily, to reduce its GHG emissions between 36,1% to 38,9% by 2020 (Fórum Clima, 2010), conformingly to its strategy of leadership in environmental multilateralism. Until now, the Climate Forum published three reports on the assessment of activities, underlining how business sector sustains government in climate change policy and gathering information about different Brazilian states' regulations with the Climate Change Public Policy Observatory, cofounded in 2012 with the University of São Paulo. In 2012, the group presented a harmonization plan of public policies and started to cooperate with the Ministry of Environment for the implementation of National Plan on Climate Change and the forthcoming National Action Plan for Adaptation (to be launched in 2015) (Fórum Clima, 2014). On the other hand, the Forum played an outward role by contributing to the evolution of international negotiations at the Rio Climate Challenge meeting of Rio+20 Summit. This is completed by inward knowledge dissemination, for instance, the 2013 Forum Seminar met for discussing the decisions of COP 19 and 2015 agreement challenges (Fórum Clima, 2012, 2013).

The second initiative providing a transition agenda is the *Movimento Empresarial pela Biodiversidade* (MEBB). This project has also been launched in the guidance of Instituto Ethos<sup>14</sup>, in phase with the UN 2010 Year of Biodiversity, and stressing out the responsibilities and opportunities of being a megadiverse country. Without a doubt, the impact created by the experience of Forum Clima as a decisive influence on the preparation of law on climate changes of 2009 (Lei de Mudanças do Clima, No: 12.114), compelled companies to proceed with the same "decision-finding" process concerning biodiversity. In fact, accepting the importance of biodiversity for the continuity of life on earth, the MEBB relies on the economic features of biodiversity and aims at integrating the conservation of ecosystems into the day-to-day of investments, to the "business value chain". (MEBB 2010, 2013) In that framework Instituto Ethos presented a letter (23/09/2010) to the Ministry of Environment (MMA

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<sup>13</sup>Multiple entrepreneurial forums and programs have been achieved or are still ongoing as regards the integration of natural resource conservation and climate change mitigation/adaptation in the business strategy. Often, companies take place in several of them and highlight this participation in their annual sustainability reports. To mention some of them: Better Sugarcane Initiative on greenhouse gases (GHG) balance and labor conditions, *Empresas pelo Clima* (EPC) on low carbon economy, the Brazilian GHG Protocol Program coordinated by the World Resources Institute and WBCSD and in partnership with [Brazil's Ministry of Environment](#), the [Brazilian Business Council for Sustainable Development](#), the [Fundação Getúlio Vargas](#), *Pacto de Ação em Defesa do Clima* gathering the government, companies and civil society, *Fórum Amazônia Sustentável*, the initiative *Conexões Sustentáveis: São Paulo – Amazônia*, aiming at mobilizing the value chain in livestock, forestry and soy production for protecting Amazonian Forest and indigenous people.

<sup>14</sup>The governance of the initiative is held by a group of organizations: The Union for Ethical Bioproducts (UEBT), Instituto Ethos, Instituto do Homem e Meio Ambiente da Amazônia (IMAZON), Conservancy International, WWF and *Associação Brasileira de Comunicação Empresarial* (ABERJE)

2010) for the conservation and sustainable use of biodiversity (*Carta Empresarial Pela Conservação e Uso Sustentável da Biodiversidade*) signed by several companies and civil society representatives and approved by the Ministry.

The MEBB has a dual relationship with the government by recognizing the "leading" and "autonomous" role of the government in national and international debates about regulations on access and benefit-sharing and also payments of ecosystem services: first a linkage between the making of public policy with implementation experiences of corporate actors, second providing solution-oriented options to the government. According to the first position, biodiversity should become a public policy topic. In cooperation with participating civil society representatives, corporations "share responsibilities" with the state by adopting the principles of the CBD and integrating them in their business strategies. The government should establish "legal and regulatory limits" for the conservation and sustainable use of biodiversity. Accountability requirement is not only for private sector but also for public agents.

Through the second position, they declare their commitment for contributing to the definition of the national strategic plan for biodiversity (*Plano Estratégico (2011-2020) para a CDB*) and make propositions to the Brazilian government both in national and international spheres. At the international level, especially as a stake at the COP 10 Conference in Nagoya (2010), it has been stressed out that "Brazil had to consolidate and evolve its position of global leadership referring to the conservation and sustainable use of natural resources" (MEBB 2010), to ask an increased value for ecosystem services and to promote convergence of climate change and biodiversity agendas. This challenge has been endorsed by the federal government at the COP 10, encouraged also by the promotion of its National System of Conservation Units and increased protection areas as a best practice in the Third Global Biodiversity Outlook report: "A few countries have made a disproportionate contribution towards the growth of the global protected area network: of the 700,000 square kilometres designated as protected areas since 2003, nearly three-quarters lie in Brazil, largely the result of the Amazon Region Protected Areas (ARPA) programme. ARPA involves a partnership between Brazilian federal and state authorities, the Worldwide Fund for Nature (WWF), the German Government and the Global Environment Facility (GEF)." (Secretariat of the Convention on Biological Diversity, 2010). Improvements in the reduction of biodiversity loss and a better deforestation control in Brazil have been also highlighted in the Fourth Global Biodiversity Outlook. Moreover, the report notes active participation from businesses and stakeholders to raising awareness about "the values of biodiversity" (Secretariat of the Convention on Biological Diversity, 2014).

Since 2011, the MEBB and the Ministry of Environment are organizing "Dialogues on Biodiversity", a public-private debate platform in order to achieve the National Biodiversity Strategy plan for the conservation and sustainable use of the biodiversity. This interface served for aligning Brazil's 2020 biodiversity targets with the Aichi Biodiversity Targets<sup>15</sup> and they were adopted in 2013 (CBD 2015). In the same vein, the MEBB is working for the ratification of the Nagoya Protocol by Brazil and the preparation of a legal framework on access to genetic resources and traditional knowledge with another business advocacy initiative the group, the Coalition for Biodiversity (MEBB 2015).

#### 4.2. ... Towards Policy Innovation

The linkage between environmental governance and sustainable development may be assessed through the concept of "inclusive green economy". For this reason, constructing the foundations of a green economy was presented as the driver of a specific and Rio+20 oriented initiative, called the *Plataforma por uma Economia Inclusiva, Verde e Responsável* (2011) (Platform for an Inclusive, Green and Responsible Economy). This was another undertaking of Instituto Ethos in partnership with major companies having different areas of activity like cosmetics, paper and cellulose, aluminum (Instituto Ethos, 2011).

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<sup>15</sup>Aichi Biodiversity Targets (for the 2011-2020 period) cover a widerange of goals in five major categories: address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society; reduce the direct pressures on biodiversity and promote sustainable use; to improve the status of biodiversity by safeguarding ecosystems; species and genetic diversity, enhance the benefits to all from biodiversity and ecosystem services; enhance implementation through participatory planning; knowledge management and capacity building.

Participating companies and people from the academic world tried to assess collectively a set of knowledge and ideas to raise the private and public awareness about Brazil's "potential" (natural capital-biodiversity, social capital-progressive social awareness about conservation and climate issues and most importantly a balanced energy matrix) to be a global leader of green economy. In the same time, the platform was interested in the impact of sustainability in Brazil – products and services designed for preserving the ecological integrity of the planet- on poverty eradication and the distribution of opportunities with equity that could promote an "equilibrated development of communities". Questions linked to fundamental rights were addressed in the framework of normative requirements like democracy and dialogue, transparent and ethical relations between the public authority and private sector and civil society (Instituto Ethos, 2011).

Here, a collective learning process linking private and public interests can be observed. This is starting with discussions on economic viability through innovations on low carbon production patterns and addressing the true value of ecosystem services to reach extensive public policy choices about social, political, legal improvements regarding healthcare, infrastructure, poverty reduction... In other words, there is an idea of shift from adaptive management to transitional management integrating stakeholders in the policy-making, applying governance through multilevel and transverse dynamics. According to Voß and Bornemann, transitional management requires an active posture about questioning "established policy-making processes" (in the case of the Platform, internal and global processes are seized) and long-term thinking for changing their "myopic orientation" (Voß and Bornemann, 2011). Moreover, the upgrading of Brazil's place in the international governance of sustainable development is required to be interiorized by internal actors. Brazil's integration in global policy making should have an operational and efficient character, instead of integrating international possibilities into the internal sphere. Domestic and foreign policy choices as intertwined realities should confirm the convergence of the global agenda with the Brazilian perception around the social pillar of green economy in an outward movement, from the local experience towards international cooperation.

The public outcome of this approach was the "perspective" of Brazil confirmed ahead of Rio+20 Conference: "The challenge of sustainability therefore represents an exceptional opportunity for changing an economic development model that has yet to fully include concerns about social development and environmental protection." (Comissão Nacional para a Conferência das Nações Unidas sobre Desenvolvimento Sustentável, 2011). In other words, Brazil stands for the "inclusive green economy" by interpreting sustainable development as green economy and poverty eradication and not just the protection of environment. In this framework, it can be noticed that Brazil's agenda for Rio+20, including good practices of the country with reference to Millennium Development Goals has a strong connection with the objective of "equilibrated development of communities" of the Platform for an Inclusive, Green and Responsible Economy.

Furthermore, themes included in the Rio Dialogues for Sustainable Development (Rio Dialogues, 2012) (integrating "major groups" – women, youth, indigenous people, NGOs, local authorities, trade unions, companies, scientific and technological community) constituting an important segment of Rio+20 towards the determination of Sustainable Development Goals (SDG), have been transformed into internal discussion topics by Instituto Ethos. Through its partners and consultative agents, Ethos gathered proposals and demands and provided an input for the Ministry of External Relations and the Ministry of Environment for the making of their agenda. The demands of Brazilian businesses were also addressed to all heads of state and government, and in result, promoting sustainable development and some innovative implementation tools like new patterns of accounting, new subsidy policies were presented as an answer to the global crisis (Instituto Ethos, 2012). In other words, they provided a discussion basis for "issue-linking" (linking the WTO, IMF, World Bank and environmental agendas) considered as key to break deadlocks in international negotiations (Iddri, 2012).

Consequently, such platforms suggest policy options and offer knowledge based on corporate experiences for public actors to decide in an informed manner. This is strengthening the input legitimacy of the State, which is linked to its participative and argumentative capacity at international level. The interesting part is that now, businesses are addressing directly the global policy and tend to transcend the horizontal links of transnational partnerships.

## 5. Conclusion

The participation of corporate actors to the transformation process of Brazil into an “emerging environmental power” and “global development power” has been possible due to an experience gained in a horizontal learning of sustainability performance/implementation with transnational partnerships and networks. Overcoming a vertical relationship, a dialogue channel has been constructed between the public authority and companies by bridging organizations disseminating self-regulatory standards in the value chain. New and optimized policy frameworks compliant with international governance agenda and decision-making strategies are deriving from this process.

Interests of businesses and public sphere converge around *rationalizing* external and internal capacities of the state. Business networks in continuous interaction with transnational partnerships serve as an interface for the state for processing relevant information both about environmental governance and about the establishment of institutional linkages with internal economic, environmental, social structures. As uncertainty is gradually managed, the sovereignty is not used by Brazil as a shield but rather as a “lever” to become a proactive player in international environmental governance. Concrete outcomes of this capacity transfer by private actors are observed during Conferences of Parties or Meetings of Parties related to the CBD and the UNFCCC. For example, Brazil is defending the convergence of climate change and biodiversity agendas as discussed within business platforms against the idea of linking climate change and trade issues by integrating clauses or a new agreement in the WTO. Or the awareness of responsible business networks about protected areas, conservations units in Brazil by responsible business networks gives the Brazilian diplomacy an incentive to underline the improvements that should be made in different regions of the world (Roseblum, 2010), including Brazil as well.

The communication between them is intensified by the adoption of more participative strategy-building paths further than traditional lobbying or co-optation schemes. Participation is initially developed in a vertical, top-down movement. State accepts to discuss with citizens/stakeholders in public hearings and corporations include people inside and outside their value chain to their business plan through corporate governance. Of course, businesses may still have controversial strategies decreasing the capacity of public institutions and minimizing the impact of existing regulations, in other words they may even act as spoilers in the compliance and implementation processes. Self-regulatory initiatives/responsible businesses does not mean proper checks and balances on all operations of related actors and this is their most obvious weakness showing the limits of their authority.

Although the paradigm change for sustainability is not shared by all protagonists of the private sector of Brazil, corporations involved in accountability schemes and adopting multi-stakeholder ship through bridging organizations are doing more than influencing regulatory processes. They are changing state’s behavior in international politics. Improved decision relationships through the co-construction of public and private interest are promoting some international capacity for Brazil in rescheduling global priorities and offering perspectives to proceed from environmental governance towards a holistic sustainable development approach.

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