

1-7-2012

Activism Is The New Black! Demonstrating The Benefits Of International Celebrity Activism Through James Cameron'S Campaign Against The Belo Monte Dam

Jacquelyn Amour Jampolsky

Follow this and additional works at: <https://scholar.law.colorado.edu/celj>



Part of the [Environmental Law Commons](#)

Recommended Citation

Jacquelyn A. Jampolsky, *Activism Is The New Black! Demonstrating The Benefits Of International Celebrity Activism Through James Cameron'S Campaign Against The Belo Monte Dam*, 23 COLO. ENV'T L. J. (2012).

Available at: <https://scholar.law.colorado.edu/celj/vol23/iss1/15>

This Note is brought to you for free and open access by the Law School Journals at Colorado Law Scholarly Commons. It has been accepted for inclusion in Colorado Environmental Law Journal by an authorized editor of Colorado Law Scholarly Commons. For more information, please contact rebecca.ciota@colorado.edu.

Activism is the New Black! Demonstrating the Benefits of International Celebrity Activism Through James Cameron’s Campaign Against the Belo Monte Dam

Jacquelyn Amour Jampolsky*

TABLE OF CONTENTS

I. INTRODUCTION	229
II. CELEBRITY ACTIVISM	230
A. Evolving Celebrity Political Involvement & Influence.....	230
B. Critiques of Celebrity Activism	232
C. Proponents of Celebrity Activism	235
III. AVATAR	238
IV. BRAZIL, BELO MONTE, AND THE IMPENDING ENERGY CRISIS	240
A. Growth	240
B. The Grid	241
C. Renewables.....	242
D. A Necessary Evil.....	242
V. THE BELO MONTE DAM PROJECT	243
A. Once, Belo Monte was BIGGER	243
B. The “Better” Belo Monte	243

* Jacquelyn Amour Jampolsky graduated *Phi Beta Kappa* with a B.S. from the University of California, Berkeley, and is currently pursuing a dual J.D./Ph.D. degree in American Indian Law and Environmental Social Science at the University of Colorado, Boulder.

C. Environmental Impacts.....	244
D. Social Impacts.....	245
E. Resistance: Grass Roots Campaigns.....	246
F. Resistance: Reasons for Failure.....	247
G. Resistance: Legal Attempts.....	248
VI. SAVING PANDORA.....	250
A. Cameron's Activist Agenda	251
B. Opposition to Cameron's Involvement in Belo Monte	253
C. The Hollywood Ending	254
VII. CONCLUSION	256

I. INTRODUCTION

On a hot, muggy day in May of 2010, James Cameron and his wife began their first journey deep into the Amazon Basin. Accompanied by a representative from Amazon Watch, their adventure embodied a tone of mysticism perhaps only attainable by people who work in Hollywood. “The snake kills by squeezing very slowly . . . this is how the civilized world slowly, slowly pushes into the forest and takes away the world that used to be.”¹ In a scene that can only be described as surreal, the indigenous people of the Xingu dressed Mr. Cameron in traditional garb and gifted him spears and headdresses as he addressed more than seventy community members who had come to hear from a “powerful ally.”² The community members knew of Cameron only because they had gathered to watch “Avatar” the night before. In the words of Arara chief José Carlos Arara, “what happens in the film is what is happening here.”³ During his speech, he encouraged the native people to remain united in their plight against the dam exclaiming, “that is what can stop the snake; that is what can stop the dam.”⁴ As if part of one of Cameron’s fantastical plots, a poisonous green snake fell from the tree. The invigorated group symbolically killed the snake, and the inspired Cameron left the Amazon with his wife and three bodyguards with a promise to return.⁵

James Cameron’s encounter in the jungle represents the newest phase of a broader Tinseltown crusade to use “celebrity” to promote issues of social and environmental justice. In the United States, celebrities have proven uniquely influential both on the American public,⁶ and on federal lawmakers,⁷ by lobbying, participating in Congressional hearings, fundraising, and more broadly endorsing causes that represent their particular passion.⁸ Recently however, stars have moved beyond the role of publicist, and are posing as experts and activists for some of the most pressing issues of our time.⁹ As

1. Alexei Barrionuevo, *Tribes of the Amazon Find an Ally out of 'Avatar'*, N.Y. TIMES, Apr. 10, 2010, at A1 available at http://www.nytimes.com/2010/04/11/world/americas/11brazil.html?_r=1.

2. *Id.*

3. *Id.*

4. *Id.*

5. Linda J. Demaine, *Navigating Policy by the Stars: The Influence of Celebrity Entertainers on Federal Law Making*, 25 J.L. & POL. 83, 105 (2009).

6. Kathryn Gregg Larkin, *Star Power: Models for Celebrity Political Activism*, 9 VA. SPORTS & ENT. L.J. 155, 184, 178 (2009).

7. See Demaine, *supra* note 5.

8. See *id.*; see Larkin, *supra* note 6.

9. Demaine, *supra* note 5.

exemplified by Cameron, but also celebrities such as Bono for Red, Leonardo DiCaprio for Save the Tigers, and Hayden Panettiere for anti-whaling, celebrities are reaching beyond the confines of their own domestic problems to save the world, one issue at a time.

This Note aims to prove that celebrity activism can be a powerful tool for promoting social causes, by analyzing James Cameron's successful campaign against Belo Monte Dam in Brazil. First, the Note highlights the complexities of celebrity activism by discussing arguments for and against the utility of celebrity activism as a tool for exacting social change. Second, the Note sets up the case study by contextualizing Belo Monte's place in the broader history of energy infrastructure in Brazil. Third, it discusses the history of the dam from its inception to its most recent provision, illuminating the prevalence and success of social protest before James Cameron entered the scene. Fourth, the Note outlines the most recent grass roots and legal campaigns the people of Xingu have launched to stop the construction of the dam. Finally, it addresses the criticisms of Cameron's involvement in Brazil by couching it within the broader debate of the efficacy of international celebrity activism, and showing why his campaign against Belo Monte was a success.¹⁰ This Note aims to illuminate the unconventional and idiosyncratic dimensions of international celebrity activism, but ultimately show that it is an effective tool for lawyers and policy makers to advance their respective social and environmental causes.

II. CELEBRITY ACTIVISM

Celebrities are becoming increasingly more involved in social and political causes, stimulating passionate debate about the role celebrities should play in the political landscape. Regardless of whether one feels intrigued, enraged, or ambivalent towards celebrities' role in politics, one thing remains true. "The phenomenon of celebrity activism in international affairs has become too serious to be ignored."¹¹

A. Evolving Celebrity Political Involvement & Influence

Changes in Hollywood power dynamics coupled with the increasing

10. Whether or not the Belo Monte Dam will be constructed remains an ongoing battle. Without Cameron's timely involvement, this likely would not be the case, and the Dam may already have been constructed. For this reason, this note qualifies James Cameron's campaign against Belo Monte as a success regardless of the final outcome.

11. Heribert Dieter and Rajiv Kumar, *The Downside of Celebrity Diplomacy: The Neglected Complexity of Development*, 14 GLOBAL GOVERNANCE 259, 260 (2008).

power of alternative news sources have allowed stars to critically engage in political activism.¹² Celebrities have recently become more involved in social causes for two main reasons. First, the nature of the entertainment industry has changed, and celebrities no longer fear jeopardizing their jobs by speaking out about controversial issues.¹³ Celebrities have gained new leverage in the entertainment industry, which affords them the “autonomy to adopt pet causes, policy initiatives and make their own publicity missteps.”¹⁴ Second, celebrities seek philanthropic outlets to shape a positive personal image.¹⁵ Marshall Stowell, the charity manager for Population Services International, who works to secure celebrity supporters, describes celebrity philanthropic interest this way: “They want to find something that’s somewhat proprietary and are interested in who else might be involved. There’s a personal interest there but also a professional interest, as they are trying to build their own brand.”¹⁶

Concurrently, celebrities are also becoming more influential in promoting humanitarian causes, primarily due to the way the Internet has changed how people obtain and share information.¹⁷ The Internet facilitates the movement of ideas and information and makes it easier for stars to mount their respective agendas.¹⁸ Studies have shown that citizens are increasingly relying on “soft news”¹⁹ sources, which report on pop and celebrity news and reach a much broader audience than “hard news” sources.²⁰ Some argue that this shift in media influence makes celebrities more influential than politicians because hard news sources report on celebrity news too.²¹ Furthermore, the force of a cause depends on how many people are interested in it, and celebrities are simply more apt at cultivating audience interest.²² Factors such as excitement, popularity, and simplicity of an issue influence how much interest the

12. See Daniel W. Drezner, *Foreign Policy Goes Glam*, THE NATIONAL INTEREST 22 (Nov./Dec. 2007).

13. *Id.* at 23.

14. *Id.*

15. Caroline Preston, *Putting Stars to Work for Good Causes: Tips from Nonprofit Experts*, 21 CHRONICLE OF PHILANTHROPY 16, 16 (Oct. 2008).

16. Preston, *supra* note 15.

17. Drezner, *supra* note 12, at 24.

18. *Id.*

19. Non-traditional news sources such as US Weekly, Vanity Fair, Access Hollywood, and PerezHilton, as compared to traditional “hard news” sources such as the New York Times or Nightline.

20. Drezner, *supra* note 12, at 24.

21. *Id.*

22. Larkin, *supra* note 6, at 161.

public will have in a given topic,²³ each of which entertainers are gifted at conveying. Thus, "whether scholars like it or not, packaging information as entertainment increases the likelihood that information will be consumed."²⁴

B. Critiques of Celebrity Activism

Scholars, the public, and international politicians remain deeply divided as to whether celebrity activism is good or bad for global policy and problem solving.²⁵ While nongovernmental organizations ("NGOs") and charities enthusiastically seek celebrities to endorse their cause,²⁶ a 2007 survey conducted by CBS and the New York Times revealed that forty-nine percent of people living in the United States believe celebrities have no place in politics.²⁷ Critics tend to attack activist celebrities on three major fronts: their competency to handle global issues, their motives behind endorsing specific causes, and their inability to actually make change.²⁸

Critics point out that celebrities are often not intellectually, emotionally, or politically capable of seriously advocating for global causes, and tend to oversimplify issues.²⁹ As one critic describes, "[t]he 'analysis' rests in the language of rock songs, Hollywood, and Ronald Reagan. The world is painted in black and white and good is pitted against evil. Nuance is inevitably lost. Historical experience is disregarded."³⁰ The inability of celebrities to fully understand and aptly convey risks the promulgation of bad policy.³¹ For example, in 2006, George Clooney spoke to the United Nations ("UN") Security Council imploring them to intervene to stop the war in Darfur, and launched a

23. *Id.* (referencing a study conducted by John R. Zaller in "The Nature and Origins of Mass Opinion" in which he identified certain factors that tend to increase public attentiveness).

24. *Id.* at 162.

25. Andrew F. Cooper, *Beyond One Image Fits All: Bono and the Complexity of Celebrity Diplomacy*, 14 GLOBAL GOVERNANCE 265, 265 (2008); Dieter & Kumar *supra* note 11 (arguing celebrities are ill-equipped as celebrity activists); S. Barreto Motta, *James Cameron almeja exterminar futuro do Brasil*, MONITOR MERCANTIL, 29 Mar. 2010, available at <http://www.monitormercantil.com.br/mostranoticia.php?id=76825> (translated by author).

26. See Preston, *supra* note 15.

27. Drezner, *supra* note 12, at 28.

28. Dieter & Kumar, *supra* note 11, at 259.

29. *Id.* at 260.

30. *Id.*

31. *Id.*

large-scale public campaign rallying for the involvement of UN troops.³² United States officials revealed that the public pressure garnered by Clooney motivated the U.S. government to impose UN peacekeeping too quickly, and too aggressively.³³ “This, in turn, inflamed Khartoum’s suspicions, emboldened its enemies, and undermined slow-maturing efforts to find a compromise that would end the war.”³⁴ This demonstrates the ability of celebrity to influence global politics, and the danger of that influence being implemented without an accompanying educated strategy.

Furthermore, not all press is good press, and ill-advised celebrities can compromise the legitimacy of a cause.³⁵ For example, at a Live Earth³⁶ concert, performer Akon divulged to the press that before he arrived at the concert, he had no idea what “being green” meant.³⁷ In another famous example of celebrity activism gone wrong, actor Richard Gere directly affronted Hindu custom when he publicly kissed Indian movie star Shilpa Shetty at an AIDS demonstration, inspiring conservatives across India to burn images of both Gere and Shetty in protest.³⁸ Shetty addressed the kiss in an interview, highlighting how Gere’s ignorance compromised the purpose of the event. She stated, “I think it is not even an issue. There are bigger issues like AIDS in our country, which no one seems to be interested in talking about.”³⁹ The volatile nature of celebrity scandal highlights the importance of critiques about the capability of celebrities as political activist.

Critics similarly attack the dualistic nature of celebrity motivation for getting involved in social causes.⁴⁰ For example, Bono’s band U2 grossed \$389 million in concert ticket sales, and sold nine million album copies of the concert album following its last tour, amounting to the second most lucrative tour in history.⁴¹ Critics are suspicious as to how the success of U2 concert and album sales may motivate the fervor of his social campaigning; Bono’s refusal to disclose if any concert proceeds go

32. Alex de Waal, *The Humanitarian Carnival: A Celebrity Vogue*, WORLD AFFAIRS 43, 45 (Fall 2008).

33. *Id.*

34. *Id.*

35. Larkin, *supra* note 6, at 171–72.

36. Benefit concerts thrown to raise money and awareness for social and environmental causes.

37. Drezner, *supra* note 12, at 27.

38. Simon Robinson, *Richard Gere’s Scandalous Smooch*, TIME.COM (Apr. 7, 2007), <http://www.time.com/time/world/article/0,8599,1611428,00.html>.

39. *Id.*

40. Dieter & Kumar *supra* note 11, at 263.

41. *Id.*

to the charitable organizations he has set up underscores these suspicions.⁴² Although critics concede that "it would be wrong to suggest that the celebrity diplomats from the Anglo-sphere are 'tragedy voyeurs' . . . celebrity diplomats may still use Africa to promote their own agenda, which may or may not be benign."⁴³ This makes celebrity benevolence appear inauthentic, and has the potential to demerit the underlying cause. In the words of one critic, "[t]he biggest peril for the movie star on the famine stage comes from the lure of playing the hero. It's an old-fashioned role, but it still has an appeal, perhaps especially to those who play fictional heroes whom they could never reprise in real life."⁴⁴

Finally, critics claim that celebrities have failed to make actual, positive change through their activism.⁴⁵ "Highlighting a problem is not the same thing as solving it, however—and the celebrity track record at affecting policy outcomes could best be characterized as mixed."⁴⁶ For example, celebrities themselves question the value of the benefit concerts, perhaps the most popular manifestation of celebrity activism, because they tend to be disorganized, don't raise as much money as they should, and don't focus enough on the issues.⁴⁷ Bob Geldof complained, "Live Earth doesn't have a final goal . . . [s]o it's just an enormous pop concert or the umpteenth time that, say, Madonna or Coldplay get up on stage."⁴⁸ Roger Daltrey of The Who followed in the line of celebrity naysayers, averring that "[t]he last thing the planet needs is a rock concert."⁴⁹ John Lennon espoused that benefit concerts are a "rip-off."⁵⁰

Critics find other attempts at celebrity activism similarly futile. Consider Bono's (Product) Red campaign to raise money for the UN Global fund by selling Red products and donating a portion of the profits.⁵¹ Allegedly the campaign netted a mere \$18 million after the first year, following expenditures of nearly \$100 million on marketing.⁵² Some attribute Red's debatable economic success to the flawed founding principle of the campaign: we can shop our way out of misery.⁵³ Contrary campaigns operate under the principle that "Shopping is not a

42. *Id.*

43. *Id.* (quoting Andrew F. Cooper).

44. Alex de Waal, *supra* note 32, at 44.

45. Dieter & Kumar, *supra* note 11, at 259.

46. Drezner, *supra* note 12, at 25.

47. *Id.* at 26; Alex de Waal, *supra* note 32, at 51.

48. Drezner, *supra* note 12, at 26.

49. *Id.*

50. Alex de Waal, *supra* note 32, at 51.

51. Drezner, *supra* note 12, at 26.

52. *Id.*

53. See Alex de Waal, *supra* note 32, at 48.

solution: Buy (Less). Give More,” and explain how to donate to UN Global Funds directly.⁵⁴ Furthermore, celebrity activism can be ineffective because the hype can sometimes overshadow the issue.⁵⁵ For example, when Hayden Panettiere visited Capitol Hill to denounce whaling, “few starry-eyed staffers could recall the issue discussed.”⁵⁶

Critics make strong and passionate arguments about the potentially negative impacts of celebrity activism. However, their critiques are based on the same truth that makes celebrity a good tool for enacting change: the sheer momentum of celebrity influence in political affairs is unmatched by policy wonks, NGOs, or politicians.⁵⁷ The volatile nature of such influence can, as critics have pointed out, be dangerous in the hands of celebrities who may be poorly equipped to direct political affairs, and can have the potential to be counterproductive.⁵⁸ These risks, however, present a reciprocally momentous potential for positive change. Accordingly, the diatribes of critics themselves are a “testament to the authentic importance of celebrity agency—a step in the right direction—since the phenomenon is being accorded a fairly serious treatment.”⁵⁹

C. Proponents of Celebrity Activism

Proponents generally consider the influence of celebrity an inevitable shift in the socio-political landscape as a result of globalization, the rising value of alternative news sources and social networking websites, and the public’s growing frustration with the traditional institutions in control of global political choices.⁶⁰ They recognize that people tend to relate to celebrities better than politicians, and that celebrities represent a more accessible source of influence for the broader public.⁶¹ “Modern technology has added a quasi-hallucinogenic element to the social environment . . . [and] the public often comes to view celebrity entertainers as social intimates and places more importance on their opinions. . . .”⁶² To proponents, the benefit of celebrity is exactly that—unprecedented public influence. Thus, instead

54. *Id.*

55. Larkin, *supra* note 6, at 171.

56. *Id.* at 171–72.

57. See generally Drezner, *supra* note 12 (describing the evolving influence and complexities of celebrity activism); Larkin, *supra* note 6 (promoting three models for celebrity activism for the most effective politics); Demaine, *supra* note 5 (tracking celebrity influence in congressional testimonies).

58. See generally de Waal, *supra* note 32; Dieter & Kumar, *supra* note 11.

59. Cooper, *supra* note 25, at 265.

60. *Id.*

61. Demaine, *supra* note 5, at 113.

62. *Id.* at 113–14.

of denying celebrities' inexorable role in politics, they hone in on the positive ways in which celebrity influence can be used in politics and social activism.⁶³ In the words of Bono:

It is absurd if not obscene that celebrity is a door that such serious issues need to pass through before politicians take note. But there it is. Jubilee can't get into some of the offices and I can. But the idea has a kind of force of its own. I'm just making it louder. And you know, making noise is a job description really for a rockstar.⁶⁴

Three examples of how lobbyists, NGOs, and litigators have used celebrity activism prove its utility for enacting positive social change. First, proponents point to the history of congressional testimony to demonstrate the scope of the positive influence celebrity can have on humanitarian politics.⁶⁵ The presence of a celebrity at congressional testimony encourages congressmen to show up, and facilitates initiatives for increasing funding.⁶⁶ The president of the National Organization of Rare Diseases described the positive influence of celebrity activism this way: "Normally if you go to testify for funding, there is maybe one congressman there. But if you bring a movie star or sports figure, all the congressmen show up."⁶⁷ When the congressmen show up, so do the funds. After Michael J. Fox testified about his experience with Parkinson's disease, funding for research increased \$275 million.⁶⁸

In addition to funding, celebrities have been associated with passing positive legislation. The National Child Protection Act of 1993 is casually known as the "Oprah Bill," and arguably passed as a result of her steadfast support of the bill, including her testimony in support of the legislation before Congress.⁶⁹ Congressmen are enamored with stars just like the broader public is, and it is undeniable that "[c]elebrity entertainer witnesses guide legislators into addressing social issues and adopting perspectives on social policy that would not otherwise prevail."⁷⁰

Second, the fact that the phenomenon of celebrity activism has spawned an entire new industry—where experts strategically match charitable organizations with the appropriate celebrity advocate—demonstrates the positive influence it can have on social movements.⁷¹

63. *Id.*

64. Larkin, *supra* note 6, at 176 (quoting Bono).

65. *See* Demaine, *supra* note 5.

66. *Id.* at 99.

67. *Id.*

68. *Id.* at 104.

69. *Id.* at 105.

70. *Id.* at 125.

71. Preston, *supra* note 15.

For example, Marshall Stowell is the charity manager for Population Services International, and his job largely consists of garnering and managing celebrity support.⁷² “Mr. Stowell’s duties represent a growing trend in the non-profit world, as more and more organizations give staff members formal responsibility for reaching out to Hollywood glitterati.”⁷³ Keystone humanitarian organizations such as Oxfam, the American Red Cross, and Save the Children each have employees with the specific job of managing celebrity support.⁷⁴ Thus, in addition to the phenomenon of celebrity pet causes, established social organizations are capitalizing on the celebrity do-gooder trend, and recruiting stars to promote their causes. Celebrity activism has become such an important tool for social advocates that scholars and non-profit practitioners alike have developed strategic frameworks and sets of “best practices” to help best utilize star power.⁷⁵

Most importantly, litigators are starting to pick up on the utility of celebrity activism, and have begun using it to bolster their client’s position in complex or controversial adjudications.⁷⁶ For example, when John J. Michels Jr. represented six unnamed military personnel in a pro bono case against the Federal Food and Drug Administration (“FDA”) challenging the legality of the anthrax vaccine absorbed (“AVA”), he contacted the heavy metal group Anthrax to publicize the issue, and speak out against mandating the AVA vaccine for troops.⁷⁷ In choosing to contact the band, Michels strategized about the audience he hoped to reach: “The music these guys play is popular with the troops . . . [t]hey weren’t playing the Carpenters when they were storming Baghdad. They were playing Anthrax.”⁷⁸

Michels made an unconventional and risky choice by using the controversial metal band Anthrax as the celebrity spokesperson for the plaintiffs’ cause, but it worked. In *Doe v. Rumsfeld*, the judge ruled in favor of the plaintiffs, finding that the FDA violated the Administrative Procedure Act by refusing to accept public comment, and enjoined further vaccination of military personnel.⁷⁹ The court stated, “The men

72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.*; Larkin, *supra* note 6, at 12 (discussing three models for effective celebrity political activism: The Entertainer, the Spokesperson, and the Advocate).

76. Molly McDonough, *When the Stars Align: Enlisting Celebrity Support for Legal Causes Can Influence the Court of Public Opinion*, 91-SEP A.B.A. J. 20, 21 (2005).

77. *Id.* at 20.

78. *Id.* at 20–21.

79. *Doe v. Rumsfeld*, 341 F.Supp.2d 1, 19 (D.D.C. 2004) (this decision was appealed and mooted in an unpublished decision because the FDA conducted proper

and women of our armed forces deserve the assurance that the vaccines our government compels them to take into their bodies have been tested by the greatest scrutiny of all—public scrutiny.”⁸⁰ Here, Anthrax encouraged “public scrutiny,” and this dictum demonstrates the power public influence can have on judicial decisions in controversial litigation.

Like congressmen, judges are not immune from the influence of public opinion. Celebrity activism can be used as a tool to increase public awareness of legal issues, and can pressure courts by forcing them to listen to a perspective that may not necessarily be reflected in the law. The senior vice president for strategic communications at the litigation research firm DecisionQuest acknowledged the positive utility of celebrity activism in legal causes.⁸¹ In cautioning litigators to choose the best advocates for raising public awareness about a particular case, he states, “lawyers who need to build support for litigation need to reach out and create a wider base of support. If a celebrity is possible, find one—like, for example, Bruce Springsteen—who has broader appeal.”⁸²

The innovative ways lobbyists, charitable organizations, and lawyers have successfully used celebrity to bolster their respective causes supports the idea that celebrity activism should be considered a formal strategic tool more regularly. Examples of successful celebrity activism also highlight the crux of the debate between critics and proponents; big risks come with big rewards. These are choices that every agency should consider before enlisting celebrity influence as part of their legislative or legal strategy; however successful instances share a few common themes. The celebrity should be neutral in terms of appealing to a broad audience, should be educated about the issue, and should be personally invested in the issue.⁸³ James Cameron embodies the neutrality characteristic because he is a director of universally successful films, spends less time in the public eye, and has cultivated the other two characteristics through the production of his latest film, *Avatar*.

III. AVATAR

In 2009, *Avatar* ascended as the single largest grossing movie of all

testing and found the drug safe for consumption in *Doe v. Rumsfeld*, 172 Fed.Appx. 327 (2006)).

80. *Id.*

81. McDonough, *supra* note 76, at 21.

82. *Id.*

83. See generally Larkin, *supra* note 6; Demaine, *supra* note 5; and McDonough, *supra* note 76.

times.⁸⁴ The movie brought in more than \$2 billion from international box office sales alone; tens of millions of people around the world have seen the movie,⁸⁵ and been touched its message.⁸⁶ The stereotypical plot portrays the ultimate battle against good and evil: a foreign corporation invades the paradisiacal and virgin planet of “Pandora,” and wage war against the idyllic native “Na’vi” in search of the valuable mineral, “unobtainium.” Anglo ex-pat Jake Sully initially arrives on the planet to support the corporate takeover and expulsion of the Na’vi, but has a change of heart when he falls in love with the chief’s daughter Neytiri. Sully leads the Na’vi to stop the complete destruction of Pandora, defeat his ultimate opponent, Colonel Miles Quaritch, and in the end, permanently morphs into his Avatar, becoming a Na’vi.⁸⁷

If Cameron’s goal was to depress the world into caring about the environment, most accounts say he succeeded. After watching the film audience members across the world reported feeling “Avatar depression,” resulting from the disheartening message of the emotional screenplay.⁸⁸ In the words of one audience member from Sweden,

When I woke up this morning after watching Avatar for the first time yesterday, the world seemed . . . gray. It was like my whole life, everything I've done and worked for, lost its meaning . . . It just seems so . . . meaningless. I still don't really see any reason to keep . . . doing things at all. I live in a dying world.⁸⁹

Audience members took the plot in Avatar seriously, to say the least, elevating Cameron’s credibility as an invested, and informed environmental activist in the minds of millions.⁹⁰ Cameron’s public persona, coupled with the plot and momentum of the film, created the ideal situation for a successful celebrity campaign. Amazon Watch honed in on this unique potential when it organized a trip for Mr. Cameron to visit the Amazon.⁹¹ They took Cameron to the site of the proposed Belo

84. Bloomberg Businessweek, <http://www.businessweek.com/news/2010-02-01/avatar-tops-box-office-passes-2-billion-in-worldwide-sales.html>.

85. *Id.*

86. Joe Piazza, *Audiences Experience 'Avatar' Blues*, CNN ENTERTAINMENT, Jan. 11, 2010, available at http://articles.cnn.com/2010-01-11/entertainment/avatar.movie.blues_1_pandora-depressed-posts?_s=PM:SHOWBIZ.

87. AVATAR (20th Century Fox 2009).

88. Piazza, *supra* note 86.

89. *Id.*

90. Jeremy Hance, *James Cameron, In Real Life, Fights to Save Indigenous Groups From Massive Dam Construction in Brazil*, MONGABAY, Apr. 10, 2010, available at http://news.mongabay.com/2010/0401-hance_cameron.html.

91. Nikolas Kozloff, *Talking the Amazon rainforest with Avatar's James Cameron*, MONGABAY, May 11, 2010, available at <http://news.mongabay.com/2010/0511->

Monte Dam, which risked the flooding of thousands of indigenous people, and hundreds of hectares of Amazonian rainforest.⁹² But before being able to honestly judge the success of Cameron's campaign in the Amazon, it is important to highlight the long, complex, and emotional history of the dam, as well as the value of the dam to the majority of the Brazilian people.

IV. BRAZIL, BELO MONTE, AND THE IMPENDING ENERGY CRISIS

It is impossible to understand the conflict surrounding Belo Monte without understanding the current state of energy and development in Brazil. Brazil's argument for the construction of Belo Monte results from the need to provide energy to support unprecedented growth, coupled with a vulnerable energy infrastructure and domestic policy favoring renewable energy resources. The Belo Monte dam project has become an important piece of Brazil's energy puzzle, and as the conflict deepens with time, viable alternatives seem more difficult to construe.

A. Growth

Brazil is home to more than 200,000,000 people, is the fifth most populated country in the world, and the second most populated country in the Western hemisphere.⁹³ Brazil boasts the world's eighth-largest economy,⁹⁴ and is projected to grow by five percent by the end of 2010.⁹⁵ As Brazil's population and economy continue to grow, so does the need for energy. Electricity consumption in Brazil increased 5.6 percent in 2007 alone, and demand is projected to increase an average of 3.5 percent per year.⁹⁶ In 2008, the Energy Ministry, Ministério de Minas e Energia ("MME"), released its ten-year energy expansion plan in an attempt to prepare for the projected increase in energy demand.⁹⁷ The plan expects consumption will grow between forty-five and fifty percent by 2017, and dedicates more than \$103 billion to develop energy

kozloff_avatar.html.

92. *Id.*

93. Cent. Intelligence Agency, *CIA World Factbook: Brazil*, last updated November 15, 2011, <https://www.cia.gov/library/publications/the-world-factbook/geos/br.html> (last visited Nov. 10, 2011).

94. Sonal Patel, *Brazil: Latin America's Beacon*, 154 *POWER* 1, 48 (Jan. 2010).

95. *CIA World Factbook*, *supra* note 93.

96. Patel, *supra* note 94, at 53.

97. *Id.*

infrastructure, including new sources such as the Belo Monte Dam.⁹⁸ Brazil's unique energy infrastructure provides a complicated framework for developing the details of such a plan.

B. The Grid

Brazil's energy system is unique in two primary ways. First, ninety-seven percent of Brazil's electricity is distributed from only three interconnected grids.⁹⁹ Although this integrated grid system facilitates both transmission and expansion, it also places Brazil in an extremely vulnerable situation should there be electricity shortages or problems with transmission lines.¹⁰⁰ For example, in 1999 a lightening bolt hit a substation in the state of São Paulo, leaving ninety-seven million people without power for five hours.¹⁰¹ This event ushered in a millennial energy crisis, forcing citizens to ration supply and deal with wide-scale rolling blackouts.¹⁰² In June of 2001, President Fernando Henrique Cardoso created a rationing scheme to support a twenty percent cut in electricity consumption in order to avoid a large-scale, catastrophic collapse of the grid.¹⁰³ Some energy experts predicted that the crises would wipe out between twenty and thirty years of economic growth in as little as a year.¹⁰⁴

The threat of grid collapse continues to plague the Brazilian people. In November of 2009, eighteen of Brazil's twenty-six states found themselves without power for more than three hours due to a failure of three transmission lines transporting power from the Itaipú Dam.¹⁰⁵ The collapse took fifty percent of the power from the grid plunging tens of millions of people into darkness, including all of Rio de Janeiro and São Paulo, and enveloping thousands people in Paraguay and parts of Argentina to boot.¹⁰⁶ In light of these vulnerabilities, the MME plans to increase total electricity generation by 219,300 megawatts by 2030.¹⁰⁷

98. *Id.*

99. *Id.* at 58.

100. *Id.*

101. *Id.* at 59.

102. *Id.* at 50.

103. *Id.*

104. *Id.*

105. *Id.* at 48.

106. *Id.* at 50.

107. *Id.* at 52.

C. Renewables

The second way in which Brazil's energy system proves unique is its focus on renewable generation. Brazil generates almost ninety percent of their energy from renewable sources.¹⁰⁸ Not only does Brazil boast a laudable past of renewable power generation, but in November 2009, the country vowed to cut greenhouse gas emissions by forty percent by 2020.¹⁰⁹ In pursuing this ambitious, if not impossible task, Brazil will focus primarily on reducing deforestation,¹¹⁰ but will also need to develop low emitting energy sources for the future. The MME incorporates the need for renewables by concentrating energy development on new nuclear, thermal, but primarily hydropower generation. The MME ten-year plan proposes increasing hydroelectric generation by forty-one percent by 2016, introducing another 109,058 megawatts to the grid; ninety percent of this electricity is to come from new hydroelectric plants in the Amazon.¹¹¹

D. A Necessary Evil

The idiosyncrasies of Brazil's energy infrastructure make two things very clear; more power needs to be generated, and at least some of it will come from new dams in the Amazon. In a country where about eighty-seven percent of electricity already comes from hydroelectric generation,¹¹² and another forty percent of future energy goals will come from new dams, it is safe to say that the need to build dams in the Amazon cannot be eliminated completely. The likely use of hydroelectric power to make up the growing energy gap highlights a myriad of complicated issues that pit development concerns against environmental claims, and broader issues of social justice. These divergent and convergent issues are specifically highlighted through the history of one, infamous dam project that has popped in and out of the global spotlight since the 1970s: The Belo Monte.

108. Georgia O. Carvalho, *Environmental Resistance and the Politics of Energy Development in the Brazilian Amazon*, 15 J. ENV'T & DEV. 3, 257 (2006).

109. Patel, *supra* note 94, at 56.

110. *Id.*

111. *Id.* at 52.

112. Carvalho, *supra* note 108, at 248.

V. THE BELO MONTE DAM PROJECT

A. Once, Belo Monte was BIGGER

The Brazilian utility company Electronorte first introduced plans to build the Belo Monte Dam in 1975.¹¹³ Initially, Belo Monte consisted of two dams, the Karaô and the Babaquara, as a part of the larger Hydroelectric Complex of Altamira.¹¹⁴ Together, these two dams would have flooded the entire Paquiçamba indigenous reserve.¹¹⁵ The Altamira Complex originally called for four additional dams and five generating plants along the Xingu River, which would have flooded 22,000 square kilometers of the Amazon Rainforest, and either displaced or directly affected more than twelve indigenous groups.¹¹⁶ The majority of the financing for the initial project was to come from the World Bank.¹¹⁷

The immense environmental and social ramifications of the initial project motivated widespread and collaborative social mobilization against the dams. In 1989, more than one thousand people, including environmental NGOs, indigenous groups, journalists, and government officials, gathered in the city of Altamira to protest the dams.¹¹⁸ The collaboration between environmental and indigenous groups during the height of each respective movement, coupled with the increased focus on the detrimental effects of World Bank projects, formed a uniquely effective lobby and the World Bank withdrew its support of the project, along with the funding.¹¹⁹ Without foreign financing, Electronorte was forced to abandon the project altogether.¹²⁰

B. The “Better” Belo Monte

In 1998, the project resurfaced with a new plan, a new name, and new momentum. Electronorte renamed the Karaô Dam “Belo Monte”,¹²¹ and established a somewhat less invasive plan. The new Belo Monte design calls for two smaller dams reducing the flooded region to around

113. Edna Maria Ramos de Castro (translated by Blanka Bracic), *Water Without Dams: Women Organizing in the Amazon Region*, WOMEN AND ENV'TS INT'L, Oct. 1, 2004, at 9, 10, available at www.weimag.com.

114. *Id.*

115. *Id.*

116. Carvalho, *supra* note 108, at 257.

117. *Id.*

118. *Id.* at 257–58.

119. Carvalho, *supra* note 108, at 258.

120. *Id.*

121. *Id.*

400 square kilometers, and reducing the potential capacity to about 11,000 megawatts of power.¹²² The first dam would sit on the main bed of the Xingu, creating the Sítio Pimental Reservoir.¹²³ From the Sítio Pimental, the water would be diverted through two channels and into a second dam where the generating plant would be built.¹²⁴ Although the revised project would no longer flood the Paquiçamba Reserve, the revisions reduce the efficiency of the dam. Because the dam would not be able to rely on a large reservoir for water supply during the dry season, the dam would not function for nearly five months of the year,¹²⁵ and would make the dam's viability dependent on building more dams and reservoirs in the future.¹²⁶ Recent amendments to the project only serve to reduce capacity and increase costs further, placing generating costs at between US \$ 28 and US \$41 per megawatt-hour of power,¹²⁷ which falls only slightly below the average cost of hydropower generation.¹²⁸

C. Environmental Impacts

Although Belo Monte substantially reduces the impacts of the original plan, building the dam would still cause adverse environmental consequences. If built, the Belo Monte would be the world's third largest dam, and would divert more than eighty percent of the Xingu's 1,700-mile long tributary leaving a sixty-two mile stretch called the "Big Bend" in permanent drought.¹²⁹ This would not only destroy aquatic and riparian flora and fauna, but would stress terrestrial animals that rely on the river for sustenance by flooding more than 400 square kilometers of the Amazon Rainforest.

The Belo Monte would also bring about other environmental problems common to large-scale dams. For example, human-made reservoirs emit large amounts of methane and carbon dioxide gas that contribute to global warming.¹³⁰ The Balbina Dam of the Amazon basin

122. *Id.*

123. *Id.*

124. *Id.*

125. *Id.*

126. *Id.* at 259.

127. *Id.*

128. See International Energy Agency, Renewable Energy Essentials: Hydropower 2 (OECD/IEA) (2010) available at http://www.iea.org/publications/free_all_papers.asp.

129. Sara Diamond & Christian Poirier, *Brazil's Native Peoples and the Belo Monte Dam: A Case Study*, NACLA REPORT ON THE AMERICAS: AFTER RECOGNITION, Sept.-Oct. 2010, at 25, 26.

130. Karlie Shea Clemons, *Hydroelectric Dams: Transboundary Environmental*

produces between twenty and forty times more carbon dioxide than coal power plants producing equivalent amounts of energy.¹³¹ Additionally, changing the course of the Xingu would compromise natural flood control, contribute to ecosystem fragmentation, displace sediments, further degrade the adjacent forest, and pollute groundwater.¹³² Furthermore, although Belo Monte is promoted as critical for adding essential electricity to the grid, the majority of the electricity generated would likely be consumed by local mining operations before the remainder is divvied out to the rest of Brazil.¹³³

D. Social Impacts

In addition to the adverse environmental effects of constructing Belo Monte, the dam would also jeopardize the cultural and economic livelihood of thousands of people living in the Xingu basin. Between 20,000 and 40,000 people will be directly or indirectly displaced by the dam¹³⁴ due to flooding, construction, loss of access to the river, and degradation of fisheries.¹³⁵ Specifically, underrepresented indigenous populations including the Assurini, Arawetê, Parakanã, Kararaô, Xicrin do Bacajá, Arara, Xipia, Kaiapó, Juruna, and Kuruaia peoples will be most affected by the dam.¹³⁶

Beyond the actual, physical displacement of the region's indigenous peoples, the Big Bend remains a sacred place for the cultures of the Xingu.¹³⁷ The word "Xingu" translates to "house of God," and the Big Bend is the birthplace of civilization for local indigenous groups.¹³⁸ The destruction of the Xingu and the direct placement of Belo Monte on the Big Bend "will represent nothing less than a cosmological catastrophe" to the people of the Xingu.¹³⁹ José Carlos Arara explained the value of the land as essential to the cultural survival of their people; "[o]ur ancestors are there inside this land, our blood is inside the land, and we have to pass on this land with the story of our ancestors to our children."¹⁴⁰

Effects and International Law, 36 FLA. ST. U. L. REV. 487, 492 (2009).

131. *Id.*

132. *Id.* at 493–97.

133. Diamond & Poirier, *supra* note 128, at 26.

134. *Id.* at 27.

135. Carvalho, *supra* note 108, at 259–60.

136. *Id.*; Diamond & Poirier, *supra* note 128, at 27.

137. de Castro, *supra* note 113, at 10.

138. Diamond & Poirier, *supra* note 128, at 27.

139. *Id.*

140. *Id.* at 29.

Despite the grave social and environmental ramifications of Belo Monte, the Brazilian government insists on constructing the dam, both to meet growing energy demands, and to continue integrating the Amazon into the larger national infrastructure.¹⁴¹ Recent campaigns to stop Belo Monte have proven weak in comparison to the resounding defeat of the Karaô in the 1980s, and on April 20, 2010, the Brazilian government awarded the contract to build Belo Monte to a consortium of nine local construction companies led by the state-owned hydropower generator, Companhia Hidroelétrica do São Francisco.¹⁴²

E. Resistance: Grass Roots Campaigns

Inadequacies in the new plan for Belo Monte inspire continued resistance from indigenous groups, NGOs, and environmentalists alike. The general strategy of the opposition is to form a strong, unified, and multifaceted alliance against Belo Monte.¹⁴³ One Kaiapó leader, Megaron Txukarramãe of the village of Mentuktire and director of the regional office of the Fundação Nacional do Índio ("FUNAI"), began organizing meetings and launched a substantial political campaign to unite all of the people of the Xingu.¹⁴⁴ Today, the alliance consists of at least twenty five distinct indigenous groups, local NGOs and environmental activist groups, as well as the settlers of the Xingu basin, including the people of Altamira.¹⁴⁵

The alliance "insist[s] that they are not opposed to development as such, but rather the approach to development perennially favoured by the Brazilian government planners."¹⁴⁶ The alliance criticizes Belo Monte on the grounds that Electronorte and the Lula administration failed to divulge the true magnitude of Belo Monte; that the project would cause irreparable harm to the river ecosystems and flood large portions of indigenous territory; and that Belo Monte violates Article 231 of the Brazilian Constitution, which mandates a congressional debate with participants from affected communities for any project to be built on

141. Carvalho, *supra* note 108, at 258.

142. C. J. Schenexnayder, *Brazil Approves 11,200-MW Monte Dam*, ENR: ENGINEERING NEWS-RECORD, May 3, 2010, at 1; *Power and the Xingu*, THE ECONOMIST, Apr. 22, 2010, <http://www.economist.com/node/15954573>.

143. Terence Turner & Vanessa Fajans-Turner, *Political Innovation and Inter-Ethnic Alliance: Kayapo Resistance to the Developmentalist State*, 22 ANTHROPOLOGY TODAY 3, 4 (2006).

144. *Id.*

145. *Id.*

146. *Id.*

Indigenous lands.¹⁴⁷ The campaign consisted of large symposium meetings, protests of weeklong road blockades, and picketing in the capital of Brasília.¹⁴⁸ Although the alliance has succeeded in keeping their demands on the political table and maintaining pressure on government officials, the Lula administration remains unscathed.

F. Resistance: Reasons for Failure

There are a few reasons why the opposition to Belo Monte has failed to be as successful as the campaign against Karaô. First, Belo Monte will be almost entirely locally funded and constructed.¹⁴⁹ More than eighty percent of the total US \$17 billion project will come from the Brazilian Development Bank (“BNDES”), and the Electronorte construction consortium consists primarily of state-run electric companies and investment funds.¹⁵⁰ This relegates the lobby to local forums because it disaggregates Belo Monte from geopolitical criticism of International Monetary Fund policy and pressure from foreign entities. Second, the downscaling of the Karaô and revival of Belo Monte represents a viable compromise to many who are not adamantly opposed to development in the Amazon. However, Belo Monte remains only one component of the larger complex, which is to include at least four more upstream dams. The decoupling of Belo Monte from the entire dam complex falsely diminishes the scale of the issue at hand. Third, in the face of a perpetually impending energy shortage, Brazil awaits hosting the World Cup in 2012, and the Olympic Games in 2014. The country needs to produce more energy, period. Finally, in the epitome of the climate change debates, hydropower is couched in the broader push for renewables.¹⁵¹ Therefore, for the larger population of Brazil, Belo Monte

147. *Id.* at 5.

148. *See id.*

149. *BNDES Defines Support Conditions for the Construction of Belo Monte Hydro Power Plant*, BRAZILIAN DEVELOPMENT BANK (Apr. 16, 2010), http://www.bndes.gov.br/SiteBNDES/bndes/bndes_en/Institucional/Press/Noticias/2010/20100416_BeloMonte.html.

150. Demétrio Weber, Gustavo Paul, Mônica Tavares & Flávia Barbosa, *Consortio Liderado por Bertin Vence Leilao de Belo Monte; Terceira Liminar Contraria Cassada*, O GLOBO: ECONOMIA (Apr. 20, 2010), available at <http://oglobo.globo.com/economia/mat/2010/04/20/consorcio-liderado-por-bertin-vence-leilao-de-belo-monte-terceira-liminar-contraria-cassada-916391469.asp>; *Lack of Private Sector in Belo Monte Signals Investor Concerns Over Financial Risks*, INTERNATIONAL RIVERS (Jul. 16, 2010), available at <http://www.internationalrivers.org/2010-7-15/lack-private-sector-belo-monte-consortium-signals-investor-concerns-over-financial-risks>.

151. *See generally* Intergovernmental Panel on Climate Change, CLIMATE CHANGE 2007: Synthesis Report (2007) available at

represents a necessary, viable, and laudable solution.

Introducing new energy into the grid is essential, and the Amazon houses a vast, resource of hydropower power. Belo Monte at least marginally serves the greater good of Brazil, and the monolithic idea that Brazil should never build any dams in the Amazon should perhaps be rethought. That being said, Belo Monte is a bad dam. The environmental, economic, social, and cultural costs to build Belo Monte far outweigh the benefits. Beyond the science, the opacity of the licensing process, and the ostensibly corrupt legal and congressional response to adverse findings demonstrate the inadequacies of Belo Monte.

G. Resistance: Legal Attempts

Unlike the United States, the Brazilian government is not immune from suit. Brazil's legal system authorizes the Ministério Público ("MP"), a government funded agency commonly analogized to the Office of the Attorney General, to prosecute the government for violating its own laws.¹⁵² The opposition has exhausted domestic recourse, and launched a legal campaign to match the thoroughness of local grass roots campaigns against Belo Monte.

According to Brazilian Law No. 7345/85, the MP may file an *ação civil pública* ("ACP"), or "public civil action," seeking injunctive relief or monetary damages should a party injure the environment, the consumer, the urban order, the artistic, aesthetic, historic, or touristic value, or the personal or communal economic value of the land.¹⁵³ In 2001, the MP of the state of Pará initiated its first ACP to suspend the license to construct Belo Monte granted by the Secretaria Executiva de Ciência, Tecnologia e Meio Ambiente ("SECTAM").¹⁵⁴ The MP made four allegations in its ACP: (1) that an illegally hired firm conducted the environmental impact assessment ("EIA"); (2) that no other bids from competing firms were considered; (3) that SECTAM and the environmental agency of the state of Pará did not have jurisdiction to

http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_synthesis_report.htm.

152. Colin Crawford, *Defending Public Prosecutors and Defining Brazil's Environmental "Public Interest": A Review of Lesley McCallister's Making Law Matter: Environmental Protection and Legal Institutions in Brazil*, 40 GEO. WASH. INT'L L. REV. 619, 620 (2009).

153. Lei No. 7347, de 24 de Julho de 1985 (Braz).

154. Carvalho, *supra* note 108, at 261; *Conheça histórico das ações do MPF contra o caso Belo Monte*, XINGU VIVE PARA SEMPRE (Feb. 3, 2010), available at <http://xingu-vivo.blogspot.com/2010/02/conheca-historico-das-acoes-do-mpf.html> (hereinafter *Conheça histórico*).

grant a license for a project affecting two states and federally controlled indigenous lands; and (4) that project licenses affecting indigenous lands need special authorization from Congress.¹⁵⁵

While the ACP was being adjudicated, Electronorte attempted to secure the license to build Belo Monte by appealing to Congress.¹⁵⁶ In 2003, Congress called for new studies, and a new licensing process for Belo Monte, this time placing the power to grant the license in the hands of Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis (“IBAMA”),¹⁵⁷ or the Brazilian equivalent of the EPA. In 2005, the Belo Monte lobby found even greater reprise in Congress, when the Brazilian government entered a Legislative Decree giving permission to start construction on Belo Monte.¹⁵⁸ Later that year, the Procurador da República, or federal equivalent of the MP, filed a direct action in the Supreme Court challenging the constitutionality of Legal Decree 788, but lost when Congress amended the legal proceedings and mooted the case.¹⁵⁹

In 2006, the MP won the ACP filed in Pará, and succeeded in suspending the initial phase of the project until the irregularities in the licensing process had been resolved.¹⁶⁰ But, irregularities continued to plague the licensing process under IBAMA, and the MP filed four more ACPs in Altamira and Pará between 2007 and 2009. These ACPs challenged newly granted licenses and suspended the current license, effectively delaying the project for almost ten years from when the first action was filed in 2001.¹⁶¹ By February of 2010, the MP had succeeded in securing two applicable legal injunctions against the construction of Belo Monte.¹⁶² On appeal, both injunctions were overturned, and the auction for the construction of Belo Monte was scheduled to take place on April 20, 2010.¹⁶³

Minutes before the auction began, the federal judge of Altamira granted a third injunction due to the misinformation included in the final EIA.¹⁶⁴ The judge ruled that the a new EIA must be submitted before the

155. *Id.*

156. Carvalho, *supra* note 108, at 261.

157. *Id.*; Conheça histórico, *supra* note 153.

158. Decreto No. 788/2005, de 13 de julho de 2005, D.O.U. de 13.07.2005 (Braz.).

159. Carvalho *supra* note 108, at 261; Conheça histórico, *supra* note 153.

160. Conheça histórico, *supra* note 153.

161. *Id.*

162. *Stop the Belo Monte Monster Dam*, AMAZON WATCH, <http://www.amazonwatch.org/amazon/BR/bmd/index.php?> (last visited Nov. 10, 2011).

163. *Id.*

164. *Id.* The decision was published somewhere between 12:25 and 1:00pm, and the auction started between 1:20 and 1:24 pm.

auction took place, because the data for the reservoir size in the provisional license was thirty percent smaller than that in the plan submitted to the auction.¹⁶⁵ Although it appears the parties were notified before the auction started, the preliminary license was upheld, the bidding took place, and the project was successfully auctioned off that afternoon.

On January 12, 2011, the president of IBAMA, Abelardo Bayma, resigned for "personal reasons,"¹⁶⁶ allegedly due to pressures for refusing to grant a second license authorizing initial construction on the dam.¹⁶⁷ Quickly thereafter, on January 26, 2011, IBAMA granted the second license,¹⁶⁸ which authorized Norte Energia to install basic infrastructure, including deforesting 238.1 acres of Amazonian forest for housing, an industrial center, and to store a stock pile of construction materials.¹⁶⁹ In response, the MP filed another action challenging the second license, stating that "since the preliminary license was granted, eleven general conditions have not been met, two were only partially met, and above all, there is just no information."¹⁷⁰

VI. SAVING PANDORA

Activists opposing Belo Monte were stuck. They had exhausted domestic legal forums, and maintained dramatic pressure on the Brazilian government for almost twenty years to no avail. It was at this

165. *Id.*

166. Reuters, Valor Online and Agência Brasil, *Presidente do IBAMA alega motivos pessoais e pede demissão*, O GLOBO: PAÍS, available at <http://oglobo.globo.com/pais/mat/2011/01/12/presidente-do-ibama-alega-motivos-pessoais-pede-demissao-923483290.asp>.

167. Zachary Hurwitz, *IBAMA President Resigns Over Belo Monte Licensing*, INTERNATIONAL RIVERS, 13 Jan. 2011, available at <http://www.internationalrivers.org/en/blog/zachary-hurwitz/2011-1-13/ibama-president-resigns-over-belo-monte-licensing>.

168. Ministério do Meioambiente: Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis, "Prcedimento on line," available at <http://www.ibama.gov.br/licenciamento/index.php>.

169. *Site do Ibama informa liberação de licença para Belo Monte Início das obras depende de aprovação do órgão ambiental. Assessoria confirmou licença para instalação de canteiro de obra*, O GLOBO: NATUREZA, 26 Jan. 2011, available at <http://g1.globo.com/natureza/noticia/2011/01/site-do-ibama-informa-liberacao-de-licenca-para-belo-monte.html>.

170. *PF entra com ação contra licença do Ibama para Belo Monte Órgão ambiental liberou instalação de canteiro de obra nesta quarta (26). Ministério Público alega que exigências ambientais não foram cumpridas*, O GLOBO: NATUREZA, 27 Jan 2011, available at <http://g1.globo.com/natureza/noticia/2011/01/mpf-entra-com-acao-contra-licenca-do-ibama-para-belo-monte.html#> (quoting Ubiratan Cazetta).

moment, a few weeks before the contract to build Belo Monte was auctioned off, that James Cameron entered the scene.

A. Cameron's Activist Agenda

Respecting his promise to the people of the Xingu, James Cameron returned to the Amazon in April of 2010.¹⁷¹ This time, Cameron was not alone. He brought along members of the Avatar cast, including Sigourney Weaver and Joel David More, and together they filmed "A Message from Pandora," a three minute trailer linked to the Avatar website and featured on Amazonwatch.org.¹⁷² The trailer documents the plight of the people of the Xingu against Belo Monte, and strangely, yet seamlessly splices scenes from the Avatar film with images and narrative interviews from the cast in the Xingu.¹⁷³ In the words of Cameron himself: "I wound up going to Brazil, and found myself living in Avatar."¹⁷⁴ Cameron's dedication to helping the people of the Xingu fight against the Brazilian government did not end with the production of the movie trailer, but rather began to take on a more serious political tone.

On April 8th, 2010, James Cameron wrote a letter to former president Lula asking him to halt the construction of the Belo Monte Dam.¹⁷⁵ In his letter, Cameron asked Lula to be "a world leader, to take decisive action in the immediate short-term to demonstrate Brazil's commitment to these vital issues . . . I believe strongly that this project should not go forward, and I appeal to you on the basis of logic and compassion, to intercede to prevent its progress."¹⁷⁶ In doing so, he ironically cites to Avatar. He writes,

171. Associated Press, *James Cameron in Brazil For Protest "Avatar" Director Cameron and Actress Sigourney Weaver Protest in Brazil Against Proposed Dam*, CBS ENTERTAINMENT, 12 Apr. 2010, available at <http://www.cbsnews.com/stories/2010/04/12/entertainment/main6388903.shtml>; Associated Press, *Cameron, Weaver protest against Amazon dam*, BRISBANE TIMES: ENVIRONMENT, 13 Apr. 2010, available at <http://www.brisbanetimes.com.au/environment/conservation/cameron-weaver-protest-against-amazon-dam-20100413-s6w9.html>.

172. Amazon Watch, <http://amazonwatch.org/work/belo-monte-dam>; Avatar, <http://www.avatarmovie.com/>.

173. A MESSAGE FROM PANDORA (20th Century Fox) available at <http://messagefrompandora.org/>.

174. *Id.*

175. Letter from James Cameron to President Luis Ingácio Silva. available at <http://amazonwatch.org/news/2010/0411-letter-from-james-cameron-to-president-luis-ingacio-lula-da-silva>.

176. *Id.*

[a]s you may know, "Avatar" is a film about the destruction of the natural world by expanding industrial interests, and the consequent impact to Indigenous populations. The film asks us all to examine our values, and to reconnect with each other and with the natural world. Its unprecedented success indicates the extent to which people, all over the world, are thinking about these issues as never before. In fact "Avatar" is the highest grossing film ever in Brazil, as well as many other countries.¹⁷⁷

He goes on to recite the environmental and social reservations about Belo Monte, and ends with a request to discuss the dam in person: "I suspect you will consider me a meddling outsider who does not understand the political realities of your country. But I care deeply about the future for all of us, and feel compelled to speak, nevertheless. It would be my great honor to be able to discuss these issues with you directly." Lula never responded to his letter.¹⁷⁸

Cameron did not give up. On April 12, 2010, he appeared with more than 1,000 demonstrators in Brasilia protesting the dam and imploring President Lula to halt the construction of Belo Monte.¹⁷⁹ He has personally threatened to bring the issue to United States Congressmen to further pressure the government to reconsider its plans.¹⁸⁰ On April 24, Cameron brought his campaign against Belo Monte to New York City, where he held a private screening of the Avatar film and participated in a meeting of indigenous leaders from around the world. This meeting was held in the wake of the meeting of the United Nations Permanent Forum on Indigenous Issues.¹⁸¹ Cameron has continued with his campaign to stop the Belo Monte, and in one interview he reiterated his commitment to the cause stating that Belo Monte "isn't built yet; it's an ongoing battle."¹⁸²

Although unconventional, Cameron's tactics have worked to the extent that they have ushered a surge of international recognition for the Xingu in a moment where any hope to stop the dam seemed futile. Since his first trip to the jungle in April of 2010, three Facebook groups,¹⁸³

177. *Id.*

178. A MESSAGE FROM PANDORA, *supra* note 172.

179. Associated Press, *supra* note 170.

180. Hanna Strange, *Avatar director James Cameron speaks out against Belo Monte dam*, THE TIMES, 14 Apr. 2010, available at <http://www.timesonline.co.uk/tol/news/environment/article7096678.ece>.

181. U.N. PFII, 9th Sess. (Apr. 19–30, 2010), available at http://www.un.org/esa/socdev/unpfii/en/session_ninth.html.

182. Amy Lieberman, *James Cameron speaks on Avatar, Brazil, and Belo Monte: Europa Newswire's Q&A*, EUROPA NEWswire.

183. Facebook, <http://www.facebook.com/pages/Stop-the-Belo-Monte-Dam/114520855235721?v=wall&filter=2#!/pages/Stop-the-Belo-Monte->

countless tweets,¹⁸⁴ and a global petition protesting the dam with more than 500,000 signatures¹⁸⁵ have appeared on the Internet. On November 16, 2010, a global protest opposing Belo Monte took place at Brazilian embassies around the world,¹⁸⁶ and in February, 2011 thousands of indigenous people arrived in Brasilia to protest the dam and to hand deliver a petition with over 600,000 signatures opposing the dam.¹⁸⁷ Regardless of the attention Cameron has brought to the Xingu, critics deny the utility of his campaign by couching Cameron's tactics in generic arguments against international celebrity activism generally.

B. Opposition to Cameron's Involvement in Belo Monte

It is safe to say that the opposition against Belo Monte is strong, and the scientific, social, and economic arguments against the dam are valid; despite this, Cameron's prevalent role in this strictly Brazilian matter proves complex. In one interview Cameron stated, "it's all connected, we are all on the same planet. The winds, the maritime currents and the atmosphere do not respect the borders between countries."¹⁸⁸ Perhaps the atmosphere does not respect borders between countries, but people certainly do. What gives James Cameron the right to interfere in the sovereign processes of the Brazilian government to develop their resources as they see fit? Moreover, is he credible enough to do so? These questions touch on broad critiques of celebrity activism, and Cameron has received harsh criticism not only from the North American public, but, more pertinently, from the public of Brazil.¹⁸⁹

In one critique of Cameron's campaign against the dam, Conor Foley criticizes Cameron's tactics, and touches on competency and oversimplification arguments espoused by opponents of celebrity

Dam/114520855235721; <http://www.facebook.com/pages/Stop-the-Belo-Monte-Dam/114520855235721?v=wall&filter=2#!/pages/Belo-Monte-Dam/143879925626894>.

184. Twitter, <http://twitter.com/#!/search/belo%20monte>.

185. Avaaz, http://www.avaaz.org/en/amazon_under_threat?fp.

186. *Id.*

187. Amy Fallon, *Brazilian judge blocks plans for construction of Belo Monte dam Project to build world's third-largest hydroelectric plant is suspended after failing to meet environmental requirement*, THE GUARDIAN, 25 Feb. 2011, available at <http://www.guardian.co.uk/world/2011/feb/26/brazil-belo-monte-dam-ruling>.

188. Lieberman *supra* note 181.

189. Conor Foley, *Pandora's Box: James Cameron's misguided crusade in the Brazilian rain forest*, FOREIGN POLICY, 22 Apr. 2010, available at http://www.foreignpolicy.com/articles/2010/04/22/pandoras_box; David Cleary, *James Cameron, Celebrity and How Not to Save the Amazon*, THE NATURE CONSERVANCY, 20 May 2010, available at <http://blog.nature.org/2010/05/avatar-amazon-james-cameron-belo-monte-brazil/>; Motta *supra* note 25.

activism.¹⁹⁰ He warns that while Cameron has a valid case against Belo Monte, his interference in Brazil's sovereign right to manage its own affairs runs the risk of alienating the Brazilian public.¹⁹¹ Foley states, "attempts to impose a Hollywood narrative on the situation ignore the energy needs of Brazil's growing economy, trivialize the political issues, and undermine the credibility of international environmental campaigns."¹⁹² In highlighting the contention that Cameron fails to understand the complexities of Brazil's real need for producing more energy, Foley touches on broader reasons why the Brazilian public finds international campaigners offensive and patronizing.¹⁹³ In the end, he reminds Cameron that, "this is not a battle between the Na'vi and the Unobtanium-greedy earthlings, and Cameron should beware of confusing real life with cartoon fiction."¹⁹⁴

A Brazilian columnist for the *Mercador Mercantil* went even further, criticizing Cameron's "colonialist message" and dubbing him the "exterminator of the future" of Brazil.¹⁹⁵ The article highlights the irony in Cameron's "conservationist" message, stating that "nobody can pollute anymore, but those who have already polluted are thus in an elite group and can stay that way. . . one would expect Cameron to praise Brazil for its low use of oil and coal to produce energy."¹⁹⁶ Like Foley, the columnist portrays Cameron as ignorant to the deep complexities of Brazilian energy needs, demonstrating the risk of delegitimizing the issue as critics of celebrity activism often point out.

These critiques however, only attest to the success of Cameron's campaign against the dam. The complaints about Cameron's personal capacity to understand domestic politics are irrelevant. When considering the long, tiring history of resistance to the Belo Monte, any press really is good press. Regardless of whether the public is criticizing, poking fun at, or applauding him, the public is talking about James Cameron, and the public is talking about Belo Monte.

C. The Hollywood Ending

On February 25, 2011, Federal Judge Ronaldo Desterro enjoined construction of Belo Monte, and barred BNDES from funding the

190. Foley, *supra* note 188.

191. *Id.*

192. *Id.* at 2.

193. *Id.* at 3

194. *Id.*

195. Motta, *supra* note 25.

196. *Id.*

project.¹⁹⁷ The court ruled in favor of the MP in the ACP challenging the second license, finding that IBAMA failed to ensure that twenty nine environmental conditions had been met before granting the second license.¹⁹⁸ Although on March 3 2011, the appellate court amended the judgment stating that not all environmental conditions need to be satisfied for work to begin,¹⁹⁹ IBAMA has vowed that it will not grant any new license until more of the environmental conditions are fulfilled.²⁰⁰ The same day the appellate court amended the milestone ruling to enjoin Belo Monte, the president of IBAMA Gaúcho Curt Trennepohl (who assumed control upon Bayma's resignation) confirmed that he would not be granting the license: "the [environmental] conditions still have not been addressed . . . [and] [t]he indigenous question has still not been totally resolved."²⁰¹ Compared to the waffling results of previously successful litigation, IBAMA's new position proves a victory for the people of the Xingu. Arguably, it also proves a victory for Cameron.

James Cameron's involvement played an indisputably important role in forcing the IBAMA and the Brazilian courts to seriously consider the complaints of the native and environmental advocates of the Xingu. After nearly twenty years of exhaustive protest, Cameron rallied thousands of people to crusade against Belo Monte within weeks of his first visit to the Amazon, and likely encouraged more international media coverage than Belo Monte had ever seen. At least one reporter, Gary Cassidy writing for the San Francisco Chronicle, recognizes the influence of Cameron's celebrity campaign in the Xingu.²⁰² In his article entitled "How Avatar Just Saved Pandora in Brazil," he states, "[a]side from adding his voice to the protests against the building of the dam, Cameron helps to bring global awareness to the cause, a real-life Avatar."²⁰³ Considering the waning state of resistance to the dam after

197. *Brazil Judge Blocks Amazon Belo Monte Dam*, BBC NEWS: LATIN AMERICA & CARIBBEAN, Feb. 8, 2011, available at <http://www.bbc.co.uk/news/world-latin-america-12586170>.

198. *Id.*

199. *Brazil Court Reverses Amazon Monte Belo Dam Suspension*, BBC NEWS: LATIN AMERICA & CARIBBEAN, Mar. 3, 2011, available at <http://www.bbc.co.uk/news/world-latin-america-12643261>.

200. Catarina Alencastro and Vivian Oswald, *Licença de Belo Monte não é possível hoje, diz novo presidente do Ibama*, O GLOBO ECONOMIA, Mar. 3, 2011, available at <http://oglobo.globo.com/economia/mat/2011/02/28/licenca-de-belo-monte-nao-possivel-hoje-diz-novo-presidente-do-ibama-923899573.asp> (translated by author).

201. *Id.*

202. Gary Cassidy, *How Avatar Just Saved Pandora in Brazil*, SAN FRANCISCO CHRONICLE, Feb. 28, 2011, available at <http://www.sfgate.com/cgi-bin/article.cgi?f=%2Fg%2Fa%2F2011%2F02%2F28%2Fbenzinga890532.DTL>.

203. *Id.*

twenty years of protest, James Cameron quite possibly could have been the *only* person who could have brought the issue of Belo Monte back to life.

Through publicizing the issues surrounding Belo Monte, Cameron was able to invite hundreds of thousands of global citizens opposing the dam to scrutinize any decisions made by domestic courts and legislatures. In short, Cameron's campaign in the jungle was successful because public opinion influences public policy, period. This process directly mimicked the successful use of celebrity in the Anthrax litigation, and in the countless fruitful congressional testimonies and legislative hearings in the United States; and demonstrates that celebrity activism is a powerful currency in both domestic and international causes.

VII. CONCLUSION

In the words of Lauren Bacall, "[t]he Entertainer should contribute what politicians cannot – an entertaining performance . . . We're doing what they can't do—we can sing and dance and act. They're doing what we can't do—they have access to power, real power."²⁰⁴ What this paper reveals, however, is that the relationship between celebrities and politicians might actually be the other way around. James Cameron's successful campaign against the Belo Monte dam demonstrates that utilizing this synergy can be a potent resource for litigants, NGOs, charitable organizations, and broader interest groups alike. At the same time, the unconventional and volatile nature of celebrity influence demands that advocates be aware of the potentially adverse consequences espoused by critics. While ambiguities still dominate scholarly discussion of celebrity activism, one thing remains clear: Activism is the new black.

204. Larkin *supra* note 6, at 168–69 (quoting Lauren Bacall in Alan Schroeder, CELEBRITY-IN-CHIEF: HOW SHOW BUSINESS TOOK OVER THE WHITE HOUSE 198 (2004)).