

## Social Movements and the Transborder Chloride Pollution of the Rhine River

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### Introduction

In the growing literature on cross-national and transborder environmental problems, three phenomena seem to stand out. First, those actors perceived as playing crucial roles in the political process leading from the agenda-setting to the resolution of transborder environmental problems are mostly institutionalized. Second, borders are viewed as having merely structural impacts, either on the emergence or the development of these pollution problems. Third, the actors' apparent environmental rationales are systematically considered to be authentic. All three of these analytical patterns are certainly helpful in understanding the various issues related to transborder pollution cases, from the emergence of the problem at stake to the formal or informal collaboration instated to solve it. However, given their dominance and popularity, they may leave the reader with the mistaken impression that there are no other types of actors involved, no other possible roles for borders, and no alternative underlying reasons for environmental arguments.

This paper aims to provide a different approach to all three of these factors, analyzing actors, borders, and the environment in a different perspective. To begin with actors, the first section of this paper argues that in addition to institutional entities, some informal, non-structured political actors—such as social movements—may play an important part in transborder environmental issues. The question is then to determine what role they play, at what stage they intervene, and how they achieve their goals. The second section, focusing on borders, argues that these actors may increase their effectiveness by consciously using the political and symbolic aspects of borders in their strategies. This highlights the fact that borders might not merely have a structural impact upon the emergence of transfrontier environmental problems, but may also endorse a strategic dimension. Finally, the third section assumes that in some cases, actors' apparent environmental concerns may not be consistent with their real objectives. This calls into question the true nature and purpose of the rationales underlying formal environmental arguments, and stresses the general fragility of environmental rhetoric.

To illustrate these alternative perspectives, this paper uses the case of the chloride pollution of the Rhine, one of the most studied cases of transborder river pollution. To keep it simple, this case study is thereafter referred to as “the chloride case.” In a nutshell, the problem was that for several decades salt residue discharges, dumped in the Rhine river mainly by French potash mines, polluted Holland's main source of drinking and irrigation water. This foreign chloride pollution caused severe economic losses in the Netherlands, against which opposition emerged gradually in several segments of the Dutch population. After years of suffering from this pollution, a strong social movement emerged in Holland in the early 1970s to protest French salt dumping. As a result, the Dutch government asked its French counterpart to inject the

unwanted salt into the subsoil, and in the mid-1970s, the French government agreed to do so in order to settle the emerging diplomatic conflict. The French public opinion, however, opposed this international agreement, as the injections were considered potentially hazardous to the local environment by French citizens : it was feared that the injections could contaminate groundwater sources located nearby. Very soon, a second “environmental” social movement hence emerged in France, opposing the injections. The opposition between the two movements became so strong that in 1979, the two governments had to put a hold on their diplomatic relations. This was an unprecedented diplomatic crisis within the European Community ; which explains why the environmental conflict became a major political concern for both countries until the 1990s.

Before proceeding, it is important to point out the methodological and epistemological limitations of this study. The following is a narrative and interpretive history of the role played by social movements in the events that led up to the 1979 Holland-France crisis and its aftermath. The study draws heavily upon the Dutch and French protagonists’ personal observations and perceptions. Two decades after the events occurred, it is possible that some of their recollections are inaccurate or distorted by historical reconstruction, which would reduce the epistemological reliability of the data. Moreover, findings from a single case study do not allow for much generalization. Therefore, the aim of this paper is not to propose new theoretical perspectives. It is rather to induce some new ideas about social actors working collectively, and as such playing a crucial role in transborder pollution issues ; about them using the symbolic dimensions of borders in their strategies ; these being aimed or not at defending environmental causes. Further case studies would be needed to confirm these findings and develop some theoretical framework from them.

## Reconsidering Actors

As far as actors are concerned, most literature that focuses on transborder pollution issues follows common patterns. To begin with, most studies traditionally consider institutionalized entities to be the key actors. The objective of most analyses is for instance to understand how local, regional and/or national administrations, and international organizations deal with the transborder issue at stake. Those scholars who stress the importance of nonstate actors focus on clearly defined and institutionalized entities as well, such as NGOs. While this is extremely helpful in understanding social actors’ strategies, most such analyses choose not to examine more informal, broader based actors—such as for instance social movements. This is perhaps due to the fact that most of the literature focuses on “downstream” processes as scholars concentrate on the management and problem solving phases of the problem. By doing so, they sometimes neglect to examine “upstream” events, happening during the development and agenda setting

phases. By focusing on these, this section aims at providing a different perspective on the actors involved in transborder environmental issues.

To begin with, let's reconsider the role and importance of structured entities, especially state-related ones. Many scholars<sup>1</sup> actually concur that transborder environmental problems are solved by direct dialogue between states, dialogues at the regional level, or, increasingly, by cooperation "based on agreements among associations of local governments" (Scott 1997: 111). Subnational groups are indeed increasingly perceived as crucial actors in management of transborder issues (Atkey 1970; Hocking 1993; Cooper 1986; Duchacek 1988, 1990; Dymant 1990) :

*In these days of rapid economic and political change on a global scale ... subnational actors, such as states, provinces, regions, and cities, are playing an increasingly vital role in international relations—a trend that shows every indication of continuing and, indeed, accelerating ... . [As a result,] border regions permeate the sovereignty of the nation-state as they respond to the exigencies of transboundary problem solving—largely through informal cooperation and tacit agreements among local authorities. Understandably, much discussion has taken place about the increasing importance of subnational diplomacy and border regions in the international system (Ganster et al. 1997: 4).*

The gradual emergence and institutionalization of these types of subnational diplomacy seems to be particularly dominant in Western Europe, where regional and increasingly local actors are involved in problem solving. Scott (1997: 107), for instance, stresses that "the slow evolution of transboundary interaction in Western Europe from informal encounters among local officials to more structured and institutionalized forms of policy making has been widely documented and assessed" (see endnote 1). One tangible example of such cooperation mechanisms would be the emerging "Euroregions", which have a significant ability to structure and organize regional transborder cooperation in environmental matters (Scott 1997). Although generally private law organizations, these Euroregions are mainly composed of official institutions and administrations, including local governments. At any rate, entities described as intervening in the transborder problem solving procedure are all well defined and structured, as well as state-related (whether their level of jurisdiction is central, regional or local).

In the specific domain of transboundary water pollution issues, the conclusions found in the literature about role distribution is very similar. Many scholars believe indeed that "purity of water ... is a matter for cooperation between neighboring states" (Anderson 1997: 39). This explains why most macrolevel studies on transborder water issues focus most of the time on bi- or multinational institutions. Well-known examples of these include the U.S.-Canadian International Joint Commission (Lemarquand 1993; Becker 1993) or the

International Commission for the Protection of the Rhine (ICPR), particularly relevant in the chloride case-study (Bernauer 1995, 1997; Bernauer and Moser 1996). Similarly, at the microlevel, some other authors stress the capacity of local authorities to conclude international agreements to solve parochial transborder pollution problems (Iglesias 1995).

Most scholars writing on the particular case of the chloride pollution of the Rhine follow this trend and tend to assume that the main actors involved in the management of the pollution issue are state-related entities. Some authors for instance generically refer to the actors involved in the case as “France,” “The Netherlands,” or “Germany” (Bernauer, 1995, 1997), whereas others insist on “institutionalized” procedures “among national government agencies” (Bernauer and Moser, 1996: 399) or on the role that smaller, state-related entities such as municipalities may play (1996: 393).<sup>2</sup> Given the general agreement that these state-related entities dominate the political management of virtually any transborder pollution problems, it is only natural that the analyses attempting to explain the actors’ negotiation strategies point at typical state-related behaviors. In the chloride case, the management strategies listed are typically “cooperation within international institutions,” “financial compensation,” “coercion,” or “issue linkage.” All these strategies belong to the states’ classical bargain methods.

The field observations made in preparation of this study however indicate two major points of dissent with these analyses. For one, it is not apparent that well structured, “state-related” actors alone are predominant in the management of transborder environmental issues. In the chloride case for instance, many nonstate actors appeared and disappeared throughout the process, and played a major role throughout the conflict. It was for instance the opposition between two national social movements that placed the issue on the international agenda and began the diplomatic turmoil. It follows from there that the actors’ strategies instigated to solve the problem do not solely belong to the domain of classic, realist “public” diplomatic strategies. Even if diplomatic interplay between the French and Dutch governments was intense in the chloride case, and obliterated other more subtle strategies, there were indeed other, non-state, non-structured actors involved, which used strategies of their own, sometimes as decisive as those of the state-related entities. This leads to this study’s first hypothesis: social actors, formal or informal, may have an impact upon transborder pollution issues, especially if several social entities (such as Non Governmental Organizations (NGOs), union groups, public opinion, etc.) work together (or at least pursue the same goal at the same moment) with regards to creating and managing a transborder environmental issue.

Before developing this hypothesis any further, it seems necessary to recall the role traditionally conferred to social actors within the context of transborder environmental issues. Several scholars have actually acknowledged that “influential international nongovernmental organizations and transfrontier political coalitions [...] apply pressure on both governments and international organizations” (Anderson 1997: 39).

The importance of NGOs has actually been quite widely acknowledged. Manno for instance underlined the capacity of NGOs to influence the bilateral negotiations between the United States and Canada on the Great Lakes water quality agreement (1994: 69). Other authors have claimed that NGOs have the capacity to create a “diplomatic niche” that allows them to fill in gaps in official negotiations whether they are multilateral or bilateral (Princen and Finger 1994). Some authors have also pointed at the strategies used by interest groups (Hocking 1993; Duchacek 1990), or focused on network strategies (Hocking 1993). Yet most of these studies remain quite limited in two respects : they often consider social actors independently from each other, neglecting to analyze the impact of their joint actions ; and they often focus on nonstate actors that are, again, quite structured and monolithic, such as NGOs or firms.

These limitations are particularly evident with regards to the chloride case analysis. Bernauer and Moser stress for instance that some “nonstate actors, such as firms” (1996: 401) are involved in management, and that “information networks have also developed at the nongovernmental level, such as the IAWR (International Association of Waterworks in the Rhine basin)” (1996: 393). Their listing of the nonstate actors involved is however incomplete: under the heading “nongovernmental actors,” they only list a few companies, one company network, one municipality and one NGO (Bernauer and Moser 1996; Bernauer 1995). It certainly provides an excellent basis for analyzing civil society’s role in transborder issues, especially since most other studies do not even mention these societal actors. However, the mere analysis of these monolithic and independent entities is not sufficient to explain all the dynamics at work in this complex transborder pollution issue. Indeed, in this case, it is actually the interactions between various structured nonstate actors—such as NGOs and firms—and the interactions between them and less structured actors—such as protesters or public opinion in general—that explains the emergence and the evolution of the transborder pollution issue.

It is argued here that this type of multi-faceted and complex interactions between formal and informal social actors, and the way they work, correspond to and can best be comprehended through the concept of “social movements.” Social movements are difficult to define because they are a constantly changing informal actor—or “actor nebula”—whose existence is equivocal, and whose structure, if there is one, is elusive. In spite of their confusing appearance though, it is the central hypothesis of this paper that two conflicting “national social movements” (NSM) – that is, social movements which have emerged in a national context and value this national context – have emerged in the chloride issue, one in France, the other one in the Netherlands. It is further argued that the opposition between the two movements is responsible for the agenda-setting of the transborder pollution issue. Although these NSM have gone unmentioned in the literature so far, it is believed that they should be considered as potential actors in cross-national environmental issues.

So far, the theoretical background that would help examine this topic is not well developed. Indeed, almost none of the literature on social movements examines the role of “national” social movements in cross-national contexts. There is abundant literature on the internal role of national social movements (see Touraine, Tilly, Jenkins and Klandermans); but it does not study the international or transfrontier influence they might have. Studies on transnational social movements on the other hand have been done (see for instance Nerfin’s “third system theory” [1986]), but in these it is the national dimension of the movements which is lacking (only transnational movements are studied in these analyses).<sup>3</sup> As this paper is concerned with the *transborder* role that *national* social movements may play, the only theoretical background that would help is Walker’s work on social movements and world politics (1994). However, the analytical instruments proposed in this work remain insufficient for this particular analysis.

This being said, before explaining NSM’s role in the chloride case, it is essential to define what is precisely meant with this concept, all the more since “social movements” are defined in many different ways by different scholars. All of the definitions have some common traits though, so that the following definition can be agreed upon:

*A social movement exists in a process whereby several different actors, be they individuals, informal groups and/or organizations, come to elaborate, through their joint action and/or communication, a shared definition of themselves as being part of the same side in a social conflict. By doing so, they provide a meaning to otherwise unconnected protest events or symbolic antagonistic practices, and make explicit the emergence of specific conflicts and issues (Melucci [1989] in Diani 1992).*

Social movements usually share four common features:

1. They consist of informal interaction networks. Social movements may encompass structured actors such as NGOs, interest groups, and so forth; but they also include other less definable entities, such as public opinion and protest groups and/or protest events. The nature of the relationship between their different components, also called “segments”, may vary. It is however clear that whatever form and shape these relationships may take, the dynamics of the global entity (the social movement) that result from the aggregation of small entities (the segments) are different from the mere sum of the individual components’ dynamics. What this means is that communication between the segments and their occasional joint action reinforces their combined strength, in part because it reinforces their mutual image. That, in turn, reinforces their influence potential. Therefore, the actions and strategies of NSMs should be studied individually (that

is, each segment's strategy should be looked at separately), but their effect on issues should also be considered as resulting from a group dynamic.

2. Social movements share common beliefs and a common definition of problems; however, they may have different motivations for tackling each problem.

3. The actions of social movements are often based on protest; they emerge to denounce events that seem unfair or with which they disagree. Their purpose is not to repair, but to draw attention to a problem and to get it on the political agenda.

4. The actions of social movements occur largely outside institutions. Their denunciation of institutional decisions are often actions of public protest that occur outside of administrative arenas, in some cases even illegally.

In the chloride issue, two "national" social movements were involved, each of which adhered to these four defining criteria. In the beginning of the conflict, a Dutch Social Movement emerged to protest the saline pollution of the Rhine, for which the French were held responsible. In response, a social movement arose in France to protest Dutch demands for reparation (i.e. injections) that were deemed environmentally unacceptable. The opposition between these two movements became so intense that it caused a diplomatic clash between France and the Netherlands and put the chloride issue on the international agenda. To understand why these two social movements emerged and opposed each other so strongly, it is necessary to go back to the causes of the initial chloride pollution. Following the chronology of events, we will see how first the Dutch and then the French NSM emerged, what their respective social components were, and what the group dynamic that resulted from the aggregation of these individual segments provoked.

The Dutch Social Movement (DSM) emerged in direct response to the saline pollution of the Rhine. The river has been polluted for decades, if not centuries. Chemical discharges from uncountable plants located next to the Rhine have made it, as the press of the turn of the century already denounced, "the biggest sewer of Europe." It contains more than 1,500 toxic substances (cadmium, lead, arsenic, and so on). Although these pollutants have been responsible for several major environmental crises (such as the famous Sandoz spill), the cause of the Rhine's biggest environmental and political crisis seems harmless by comparison to these heavy metals: 20 to 30 million tons of sodium chloride, also known as simple table salt, were discharged yearly into the river for decades. These massive discharges were extremely harmful from an environmental point of view. Indeed, excessive salinity causes two main types of damage: corrosion of water pipes, which leaches harmful agents into drinking water, and agricultural harm, as salt concentrations higher than 150 chloride ions per liter considerably reduce plant growth (at least by 25 percent).

The main victims of the “chloride issue” were the Dutch, far more vulnerable to saline pollution than other Rhine-dependent countries for three primary reasons. First, The Netherlands are located downstream, at the very end of the Rhine. This means that they receive the highest concentrations of salt pollution since at that point the river carries chlorides discharged by all upstream riparian countries. Second, the Dutch rely on the Rhine for 70 percent of their drinking water, whereas other riparian states do not rely on it for that purpose at all. Hence the salinity provoked massive and recurrent salt-related corrosion of the Dutch water pipe system requires very costly renewal programs. Third, agriculture and horticulture are two of Holland’s biggest production and income resources, and both activities draw about 70 percent of their irrigation water from the Rhine. This suffices to explain why the saline pollution of the river had a big impact on the country’s environment and economy.

Table 1. Types of Water Consumption by Rhine Riparian States

	Switzerland	France	Germany	Netherlands
<b>Drinking Water</b>				X
Industrial Processes	X	X	X	X
Energy Production				X
Leisure	X	X	X	X
Wastewater	X	X	X	X
Navigation	X	X	X	X
<b>Irrigation</b>				X

Source: Bernauer 1997: 161.

As far as the origin of the pollution is concerned, dozens of nonpoint sources discharge salt into the river. However the main point sources are easily identified: 70 to 80 percent of the salt is dumped into the river by mines in Germany and France. Of these, the main single polluter is the *Mines de Potasses d’Alsace* (MDPA), a state-owned French potash mine located in Alsace. Because the production of potash yields a high amount of chloride byproducts, MDPA chose to dispose of this waste by dumping it into the “free” sewage facility at a high discharge rate (about 160 kilograms per second<sup>4</sup>). This explains why Dutch protest focused on the MDPA, although it was only responsible for as much as 40 percent of the chloride pollution of the Rhine.

Given The Netherlands’ heavy reliance on the Rhine for both irrigation and drinking water and the environmental and economic costs borne by the Dutch due to excessive salinity, as well as the major responsibility of the MDPA for that salinity, it is quite natural that the Dutch requested that the MDPA



change its chloride discharge policy. Requests from Dutch farmers and waterworks became particularly compelling from 1972 onward. Indeed, a severe drought caused the Rhine's chloride concentration to reach 350 milligrams per liter in 1971, considerably reducing both the quantity and quality of Dutch agricultural output. Farmers for instance lost an average of 40 percent of their yearly income, and up to 9 percent of the Dutch GNP was lost.

The protests voiced at this occasion by farmers and the resulting public outcry were the basis for the Dutch Social Movement (DSM), which developed incrementally from then on. Because of their tremendous losses, Dutch farmers were the first to request that their government convince the French government to force the MDPA to stop, or at least to reduce, their salt discharges. They were soon joined by the Dutch waterworks, united in the IAWR (International Association of Waterworks in the Rhine basin), a powerful lobby with many connections to the Dutch government. Ecologists then joined the protest movement, gathered together as the Reinwater Foundation (literally "Pure Water Foundation"). This organization was very efficient in raising public interest in the chloride issue. It launched boycotts against French (specifically Alsatian) products, and created a symbolic and spectacular "International Water Court" to judge the polluters. The Reinwater Foundation was the main interlocutor of Dutch and international press and television coverage.<sup>5</sup> Their effectiveness in the media was reinforced by Reinwater's ability to orient international cultural events to its cause. For instance, the 1983 Biennial Environmental Film Festival held in Rotterdam was "captured" by the organization to draw attention to the salinity problem. As one witness stated: "[during the festival] all attentions were focused on transborder environmental issues, be they about water, air or wastes, which are, as we see now, the new sources for international conflict" (*L'Express* 1983). Lobbying political parties and targeting influential politicians were other strategies used by Reinwater to draw attention and supporters. The organization was eventually able to gather support from all political parties, partly because the Dutch population so massively supported their claims.<sup>6</sup> The Dutch population indeed joined the movement: spontaneous protest events started to occur all over the country as concerned citizens participated in sit-ins and demonstrations. The broad public sympathy and support was actually partly encouraged by the media, another segment to support the social movement.

The incremental development and adding-up of all these protest strategies finally resulted in the Dutch government voicing its citizens' demands and asking the French government to become involved. At the request of The Hague, several interministerial conferences were held to find alternatives to dumping salt in the river. The first of these conferences was held at The Hague in 1972. It resulted in 1976 in the signing of the Bonn Convention, in which the French government agreed that MDPA salt discharges would be reduced to 120 kilograms per second. The remaining salt (40 kilograms per second) would be disposed of either by subsoil injections or by topsoil stacking in Alsace. However neither of these solutions was enacted, as the

French perceived these alternatives as harmful to the French environment, and opposed the agreement. This opposition gave birth to the French Social Movement (FSM).

To understand the development of the FSM, one must look at the French perspective. As the French government agreed to injecting or stacking the excessive salt, the population of Alsace claimed that none of the alternatives to dumping were environmentally acceptable, as they carried risks to the Alsatian subsoil. Both stacking and injecting the salt were indeed thought to have the potential to contaminate the “Grande Oolithe,” supposedly the largest European underground freshwater layer. The link between saline pollution, the MDPA and groundwater quality was easy to make as in the 1930s, the company had already fouled groundwater so severely that the water supply from the Rhine had to be interrupted for several months in the whole region. Fears that a similar catastrophe would recur were strong, particularly among older citizens. Communities near the potential injection sites were therefore the first to oppose the dumping alternatives: through the creation of “NIMBY” (Not In My Back Yard) structures, they started to defend their interests. Yet this local opposition soon transformed into a regional one.

Indeed, soon after the signature of the Bonn Convention in 1976, a regional association against the injections of chlorides called “ADIS”—*Association de Défense contre les Injections de Saumures et de sauvegarde des ressources de la Haute-Alsace*—emerged in May 1978. Its well-organized protest strategies soon won the attention and support of most of the mayors in the whole Alsace region: whether for truly environmental reasons or for political motives, the mayors indeed wished to protect their municipalities from groundwater pollution. The key role of this organization in the geographical extension of the protest movement is evident: in the movement’s beginning, only about 20 municipalities were concerned with the chloride issue; whereas after ADIS emerged, offering a structured protest group, more than 150 municipalities banded together for the cause.

The FSM’s second geographical transition, from regional to national, was then managed by a single person who made the issue a political and national affair. This political entrepreneur was one of the leading members of ADIS and a French Member of Parliament (MP). By voicing local concern in parliament—a national arena—this key actor alerted the entire French political class to the local injection problem. His political mediation was particularly successful as it garnered support from all major political groups within days. Even the center-right party (then in power) soon joined the club in opposition to the injections. What had been a local environmental issue thus became a major national debate. The chloride issue made several appearances on the front pages of all major French newspapers and was featured on televised evening news.

As these descriptions show, the power bases and the extension mode of the two NSMs (the French one and the Dutch one) were different. The French Social Movement developed along a geographical line: it grew out of a popularly supported local issue, then reached the regional level, and finally, through politics, the national level. The Dutch Social Movement instead grew along a social and professional line: first, farmers and waterworks people constituted the core of the movement; then ecologists became involved; and finally, with the help of the media, it convinced public opinion. Yet in spite of these differences, the DSM and the FSM did share four common features. First, both fulfilled the four criteria characteristic of social movements outlined above.<sup>7</sup> Second, in spite of differences in their initial support bases and in their evolution mode, their aggregation processes followed the same path:

- The actors most affected by environmental damage protest, and form the core of the emerging social movement (Dutch farmers and waterworkers, Alsatian communities).
- Other actors, not directly affected, yet concerned by the adverse effects of the problem, join the emerging movement when the core group spreads word of the situation (French and Dutch environmentalists, Alsatian local elected officials).
- Using news media, the movements are backed by broader support groups, and eventually by general public opinion.
- Protests become so strong and the pressure so intense, that the cause is taken up by political parties and, eventually, by national governments.

Another common feature that the two movements shared is that both NSMs evolved dialectically: the FSM largely evolved in response to the DSM, and vice versa. The last and most important common feature is that in both cases, NSM segments managed to put the transborder chloride issue on their respective national agendas through joint and complementary actions, and from there onto the international agenda.

This shows how important social actors, not only individually but also collectively, may be in transborder environmental problems. One of the hypotheses of this study is thus affirmed: interaction between different social actors has to be taken into account as much as their individual strategies, as group dynamics can have tremendous influence on transborder environmental cases. Another hypothesis was that social actors may involve themselves at the very beginning of critical situations, not merely in managing them later.

Most of the literature on transborder environmental issues is concerned with the final stage of transborder pollution problems—management. Whether these analyses focus on state-related entities or on civil society, their basic assumption is the same: actors play a significant role at the denouement of the problem. For instance, studies that focus on states concentrate on regime theories to explain the management rationales at work (Young 1997; Bernauer 1995, 1997). Their point is to see how governments and/or administrations get together to manage the pollution problem, and which financial and/or legal agreements they make to solve it. Analyses of the Rhine chloride pollution problem have typically followed that trend, examining the international management aspects of the situation. Bernauer for instance “focuses on three types of phenomena: the existence or nonexistence of international river management institutions (IRMIs) and their geographical distribution; the features and functions of international river management; and the performance of institutions designed to manage international rivers” (1997: 158). Studies that focus on strategies used by civil society usually examine “civil management” issues as well, concentrating on governance schemes to discover how and why nonstate actors behave to solve transborder environmental crises. Using this perspective, many case studies try to see how NGOs improve bilateral cooperation by creating “diplomatic niches” (Manno 1994), how citizen groups from different countries get together to solve common problems, or how private companies cooperate to improve environmental conditions (Hocking 1993). In the chloride case, Bernauer and Moser found that to avoid further transborder troubles “many ... big chemical companies [on the Rhine] ... are no longer passive and reluctant targets of environmental regulations ... it appears that they have increasingly cut back on their emissions in anticipation of future legislation” (1996: 407).

These analytical perspectives are absolutely crucial to understanding social dynamics. However, because they are predominant and focus on the sole management part of the story, they might lead to the impression that actors, particularly nonstate actors, merely assume management functions. By doing so, they might gloss over the fact that social actors may, in some cases, be involved as well at prior stages (such as agenda setting) or in “negative management” activities (such as blocking solutions to transborder pollution issues). A thorough comprehension of the role of actors, and in particular social actors, in transborder pollution problems therefore requires a look “upstream”, that is, at the dynamics at work at the very beginning of the decision-making process.

The chloride issue shows that many nonstate actors were involved as early as the stage of the agenda-setting of the problem. By definition, social movements emerge to denounce events that seem unfair. Their purpose is not to settle, but to spot a problem and to draw political attention to it. Thus, social movements, and most social segments they are composed of, typically intervene at the agenda-setting phase of the problem, as stated in the definition. In addition to this early involvement in the policy-making process, social actors may intervene to block rather than to facilitate management of the problem. In the Rhine case, the

French and Dutch social movements indeed built powerful and efficient blocking strategies that they managed to dominate the Franco-Dutch diplomatic agenda—as the 1979 diplomatic crisis demonstrates.

The reasons for the 1979 crisis lay in the escalating opposition of the two social movements' claims. To understand the increasing tension between the two countries, one has to look back to the events of 1976. That year, the French government agreed to slow down the salt dumping when it signed the Bonn Convention. However, domestic protests against the Bonn Convention became so strong that in September 1977, the French government was forced to pull back from enacting a decree for ratification of the Convention. It was defeated by its own majority. The Dutch government, the Dutch people, and concerned organizations were disappointed by this first withdrawal.

A year later, the French government made a new attempt to fulfill the agreement, but had to step back once more. The decree for ratification was sent back by the government to the Senate for further study—the typical way of delaying sensitive issues. Tensions rose in Holland. Meanwhile, the leading Alsatian Member of Parliament whose “environmental” activism has been mentioned above, edited and distributed to the congress a new report that underlined the dangers of injecting the salt in the subsoil. This caused the government's third defeat as it tried to present the decree for ratification of the Bonn Convention to the parliament on December 5, 1979. Seeing that the Convention had no chance of being ratified, the French government removed the project from the parliamentary agenda, which meant really the burial of the Convention.

The Dutch government had long been patient with these numerous delays. Public frustration and anger had been growing since 1972, and by 1979 political tensions in Holland had become so intense that this last diplomatic “betrayal” was deemed unacceptable by the Dutch public opinion. As a result, The Hague recalled its ambassador from Paris, thereby putting a hold on Dutch-French relations “for an undetermined period of time” according to official explanations. This decision was a direct consequence of pressure exerted on the Dutch government by various segments of the social movement, such as lobbies and interest groups (farmers and waterworkers), ecologists (the Reinwater Foundation), the media, and judging by newspaper headlines and polls, a broad section of the Dutch public. Since it coincided with a crucial period for European unification (several new countries joined the European Community in 1979 and the European Parliament was just born), this was considered a very serious crisis in European diplomatic history. Indeed, such a diplomatic clash had not occurred in Europe since World War II. This event hence affirms the importance of social movements in transborder issues, and stresses both their agenda-setting and blocking capacities. In the chloride issue, both capacities actually seemed to result from their strategic ability to use the political and symbolic dimensions of borders. Can borders then still be considered to have merely a structural role in the emergence and development of transborder environmental issues ?

## Reconsidering Borders

In transborder environmental issues, and especially water pollution issues, boundaries are traditionally interpreted in two rather contradictory ways. First, they are perceived as being “permissive” factors, facilitating the emergence of environmental problems. Second, they are perceived as being “complication” factors, impeding resolution of transborder problems. If, as will be seen, the chloride issue corroborates these two aspects of borders, it also puts forward a third way to apprehend them in the context of transborder pollution issues, namely as strategic factors for social actors.

To begin with the “permissive” function of borders, it is generally thought that “human consumption of scarce resources, such as water, often produces negative externalities <sup>8</sup> [and that] such externalities are particularly likely to occur in the case of shared natural resources” (Bernauer 1997: 161). A boundary—that is, a delimitation between national jurisdictions—may be an incentive to pollute, as the polluter may not be liable for externalities that occur across the border. In cases of river pollution, the border’s causal role in pollution cases is obvious: as long as an industry can get rid of unwanted byproducts by dumping them into a river without having to pay the price of environmental externalities, it is rational for it to do so. The border is thus a clear permissive factor for international river pollution, increasing the likelihood of “the tragedy of the commons” (Badie and Smouts 1994; Le Prestre 1997). This may result in “the collapse of fisheries, the collapse of irrigated agriculture along transboundary rivers, or a shortage of drinking water” (Bernauer 1997: 162).

This is precisely what happened in the chloride issue. Given its proximity to the Rhine, dumping waste salt in the river was the most rational thing for the MDPA to do since it was cheaper than any other waste management technique available, all the more since the MDPA was not legally liable for the pollution in Holland (at least not when they began the dumping). In the absence of any legally binding authority, the environmental price of the pollution was thus solely borne by the victims of the pollution. Hence it is true that “like rivers, externalities often flow in one direction: from upstream downward” (Bernauer 1997: 162). In a national context, it is likely that the legislator, in response to the victims’ outcries, would have enacted remedial policies, either by creating financial incentives or by enforcing preventive or curative laws. In this international context, and in the name of sovereignty,<sup>9</sup> the French government decided not to rule against the polluter, so the usual principle (“the polluter pays”) did not apply. The border could almost be seen here as a legal incentive for firms to keep on being “free-riders”.<sup>10</sup>

This encourages the idea that borders are not only permissive factors, but also causal factors for transborder river pollution. Most analysts actually see borders engendering conflict : “externalities and the associated problems of overuse of freshwater are often major sources of conflict among riparian countries” (Bernauer

1997: 162). Some actually claim that the chances for a transborder environmental conflict to arise “are more severe if: 1) the quantity and quality of water available to the riparians is low, and no other sources are available at acceptable cost; 2) the entitlements of the riparians are ill-defined, not defined, or contested; and 3) externalities and their impact are clearly discernible and direct” (Bernauer 1997: 162). Each of these points happens to be corroborated by the chloride issue.<sup>11</sup>

Still other studies highlight the fact that border regions are peripheral, and as such, are not given the necessary attention by governmental authorities, encouraging environmental negligence. Some scholars also stress the fact that transborder pollution might be a consequence of intensive cross-border production, trade, and subsequent settlement (cf. *maquiladora* case studies). Although these two points are relevant to many pollution cases, they are not in the chloride issue for two reasons. First, the Rhine is not itself a territorial border between France and the Netherlands.<sup>12</sup> Rather, it is a geographical link between two nonadjacent territorial entities. Thus the “peripheral” and “contiguity” implications of borders are not relevant. Second, Holland and France are not of symmetrical status, so that the latter argument loses its validity.

On the other hand, borders can be complication factors that impede the resolution of the pollution issue at stake. Generally, cooperation between sovereign actors who represent antagonistic national interests proves more complex than cooperation between “internal” actors who, though they may not agree, are subject to a common authority in the end. Collaboration between internal forces therefore usually succeeds, one way or another, whereas as Bernauer underlines, “the international nature of freshwater problems, and consequently, the need for international cooperation, often introduces additional difficulties” (1997: 157).

Such cooperation difficulties recurrently occurred in the chloride case. The best example of it is the international negotiations that were held to finance the salt evacuation once it had been decided that the French would inject the salt. As the French government agreed to reduce salt discharges into the Rhine, it asked for financial contributions from all other riparian states since France was only one of the saline polluters. Germany and France agreed to pay 30 percent each, Switzerland assumed 6 percent, and Holland the remaining 34 percent of the costs. Although this financial scheme was set in 1972, and approved in 1976 by the parties, it took many years before common financing procedures were worked out. Some governments refused to pay before seeing that France was really beginning the injection program, and the French did not want to start the actual evacuation before money was made available. By thus delaying the evacuation of salt, the joint-financing program harmed the effective management of the pollution problem more than it helped, as for years the MDPA went right on discharging chlorides at the same high rate, arguing that it was justified in doing so since international agreement could not be reached. When examining the function of the border, the aim of most authors (see Bernauer and Moser 1996) is understandably to examine how national governments, local administrations, or even civil society (NGOs,

interest groups, and companies) try to overcome the obstacle of the border by creating bilateral institutions or informal governance systems.

But in addition to these analysis, another aspect of borders should be considered: in addition to increasing the chances that an environmental problem will emerge (permissive function) and decreasing the likelihood that it will be resolved (complication function), borders indeed might interfere with environmental issues due to the strategic function actors might give them. This function confers borders a very different role in transborder pollution issues, at least for two reasons. First, that role is continuous and not punctual : it comes into play during the whole duration of the issue, from the problem's emergence to its resolution. This differs from the permissive role of borders, which comes into play only at the emergence of the problem, as well as from its blocking role, which occurs only during the resolution phase. Second, this function confers an instrumental function to borders (versus a structural one). In this perspective, social actors have a proactive, not a reactive relation to the border: they use borders rather than being subjected to them.

Typically though, social movements are not supposed to interact with borders. Instead, they are supposed to act only internally, leaving advocacy of their interests at the international level solely to the state. Most authors indeed believe that "to make contact, Social Movements and world politics require some kind of mediating agent ... [and therefore] the State has to mediate with other States" (Walker 1994: 670). However, in some cases social movements may act by themselves in "world politics," using borders to build up their own "diplomatic" strategies. This process is quite evidently at work in the chloride case.

To begin with the analysis of this phenomenon, one must start with social actors' perception of borders. Advancing the hypothesis that NSMs "use" borders as strategic tools first implies that at least some of their segments are aware of borders' political meanings and strategic usefulness. As explained above, a social movement is by definition an actor that is not border related but issue related: traditionally, it organizes its advocacy to fit the problem, no matter where it lies. Logically, in the case of a transborder environmental problem, the emergence of a social movement should be structured around the environmental issue, not along the border. In the chloride case, however, two different environmental problems were put forward by opposing social movements : pollution caused by salt discharges (for the Dutch) vs. pollution caused by injections (for the French). This contradicts the idea that social actors are not concerned with borders: in any given transborder issue for instance, these actors cannot avoid to acknowledge the existence of borders as borders are precisely at the core of the conflict. Still, one could argue that "national" social movements act within the boundaries of their own nations, using their government as intermediary at the international level. If that were the case, they could be said to be border-bound in their emergence, yet border-blind as far as their strategy building is concerned. However this theoretical statement proves wrong in the chloride case.



Indeed, in this case study, social movements had international rationales and perpetrated both direct and indirect international actions, often using the border as an asset to build their “diplomatic” strategies. The Dutch and French social movements’ segments actually built three types of “diplomacies”: international, symbolic, and transnational ones. For the sake of clarification, “international” diplomacies mean here any NSM strategy targeting state-related entities, such as foreign states or intergovernmental organizations (IGOs). According to international law, these strategies are deviant since the only “normal” dialogue partner for a state on the international level is another state (or IGO). “Symbolic” diplomacies, as we will see, mean social actors’ discourses that use frontiers in such a way that they parody state diplomacy. “Transnational” diplomacies then mean any NSM strategy that targets other social foreign actors.

“International” strategies were numerous in the chloride case. Many segments of the French Social Movement, for instance, established contact with Dutch or European officials between 1972 and 1984. During this time span, the FSM did not want the chlorides to be injected into the French subsoil, whereas the French government badly wanted the injections to be made in order to be in compliance with its international agreements with Holland. Because they were ignored on the French side and excluded from the international decision-making process related to this topic, some segments of the FSM decided to “go international” themselves. Their objective was thereby to present their position directly to their opponents and to European Community (EC) decision makers. Three main types of these “international paradiplomacies” were actually involved.

First, “direct dialogue” procedures were invented. In 1984, the ADIS extended an “official” invitation to several Dutch ministers “for them to realize the environmental disaster that injections would cause to the Alsacian environment” (*L’Alsace* 1981). The Dutch ministers came, and returned the invitation six month later, inviting “an Alsacian delegation, composed of union-representatives, Alsacian ecologists and mayors, so that they could realize the damages caused to the Dutch by the salt emanating from the MDPA” (*L’Alsace* 1982). An official dialogue was thus established between the Dutch government and a panel of the most powerful representatives of the FSM. That dialogue was solely based on the initiative of one segment of the French Social Movement. The French government, supposedly the official intermediary between the two actors, was thereby bypassed (and actually not too happy about it ) by the FSM’s “direct” diplomacy.

The second “international” paradiplomatic strategy invented by NSMs is that of recourse to “third parties.” Several attempts were made by segments of both the Dutch and the French NSMs to use international institutions to contact officials from third countries (in this case, Germany or Switzerland) in order to gain their support. The Council of Europe, the European Commission, and the European Parliament were all used for this purpose. The Dutch IAWR, for example, opposed dumping and favored injections. To advocate its

position, it lobbied German delegations in most European institutions to draw their attention to the potential adverse effect of chlorides on German waterworks. This “linkage” strategy aimed to convince the German delegation to intervene in favor of the Dutch in further international negotiations. Similarly on the French side, delegates from ADIS often tried to lobby official delegations in international meetings in order to interfere with official discourse. Their purpose was to gain support by providing third country delegations with alternative sources of information that stressed the environmental damage linked with injections.

The third type of “international” paradiplomatic strategies that occurred in the chloride case resembles “good offices” procedures, as defined by international law (see Nguyen Quoc Dinh, Dailler, and Pellet 1994). In 1980, for instance, an Alsatian interest group called CIMAB (*Communauté d’Intérêts Moyenne Alsace-Breslau*) contacted the Ecumenical Council to see what could be done to plead their cause at the international level. As a result, a Franco-German Christian delegation was sent to talk to the Dutch delegation to the International Commission for the Protection of the Rhine (ICPR). Similarly, on October 23, 1982, at the request of several Alsatian interest groups, the International Ecumenical Secretariat delegation to the Council of Europe went to Germany to alert its government to the environmental dangers of chloride injections in the Alsace region. Here again, a linkage strategy was attempted, as the delegation stressed the risks that injections would mean for the German environment. On a much smaller scale, both the 1980 and 1982 strategies are reminiscent of the “good offices” provided by the Vatican in conflict prevention.

These three types of NSM strategies bring forth the idea that sometimes NSMs “behave like states” to advocate their causes on the international scene. Indeed, they mimic “direct diplomacy” strategies, use “mediation,” and appeal to “good offices” arbitration. As a matter of fact, all of these strategies are described by international law as being the typical means used by states to prevent (or solve) conflicts. This leads to the conclusion that NSM segments may have the same relationship to the border as states when they want to overcome a conflict. That in turn means two things: that they may have the same perception of borders as states, and that they may employ similar strategies to work around them.

Either notion contradicts the idea that social actors, and informal social movements specifically, do not deal with borders because they cannot take them into account. As seen above, NSMs, in spite of their informal, noninstitutionalized, non-border-bound nature, are not border blind. On the contrary, they seem to be “border conscious,” even “border-oriented,” because some of their segments integrate borders into their action strategy.

Some “symbolic” diplomatic strategies used by NSMs further corroborate this idea. For instance, some NSM segments have made several explicit references to international law and to war, two themes that are typically the attribute of States. By doing so, they sought to make borders the central issue in their

advocacy campaigns. Using the symbolic rhetoric of war, the Alsatian ADIS for instance organized a “resistance” movement against the Dutch “enemy.” To lay a symbolic siege against Dutch “aggression,” ADIS members took possession of a bunker located on the Maginot line, the most famous French line of defense against Germany during World War I. Even today, the French refer to the symbol of the Maginot line as the last barrier against foreign invasion... This war-like occupation lasted 286 consecutive days, 24 hours a day. It was supported by most other segments of the movement, who referred to it as a very successful action.<sup>13</sup> This symbolic action became extremely popular in the region, especially with the press : the opponents’ actions were often given frontpage coverage, including pictures of the bunker.<sup>14</sup> National media soon took it up, and even the international press became interested—at least two articles appeared in the *New York Times*. By using this war rhetoric, the ADIS clearly inscribed the FSM’s action within state boundaries, using the border to stress the nationalistic dimension of their protest. The symbolism was well rendered in newspapers, as articles referred more and more frequently to “the salt war” (*la guerre du sel*). It is clear from this example that several segments of the French Social Movement were not only conscious of the symbolic power of the border, but manipulated it very effectively.

The Dutch Social Movement (DSM) on the “other side” also used the symbolism of the border, albeit in a different manner. Their ploy was international law. The Reinwater Foundation created an “International Water Court” to judge chloride polluters in the same manner an international court of justice would. The court had no actual legal power, so its judgments remained merely symbolic. Yet it used real lawyers, real judges, and powerful infrastructures, including television transmission systems and computer facilities. The enterprise had a great influence on the media, and thus, on public opinion—partly because the event was well orchestrated and tailor made for mass media consumption. Another reason for its success was the emotional charge linked with the event. The “trial” lasted several weeks, and interest from the Dutch public rose with the cumulating evidence of French responsibility. Again the border was used consciously, this time by the Dutch Social Movement.

On yet another level, the Rhine case study also shows that both NSMs had “transnational” diplomacies whose targets were foreign social actors. These transnational undertakings included boycotts. The Reinwater Foundation indeed threatened that if Alsatian farmers and wine producers kept up their opposition to the salt injections, they would urge the Dutch people to stop purchasing Alsatian products. Although the final economic effect on Alsatian exports was not impressive, the effect of this maneuver on French public opinion was considerable. It had an even greater effect on Dutch public opinion: polls showed that a majority of the Dutch was ready to support the boycott. Even the Dutch government encouraged this transnational boycott, albeit in a subtle and indirect manner. The Hague eventually threatened to try the trick at the international level—to boycott French goods, and upcoming armament imports in particular. The mimetic effect in this case was unusual, as governments imitated the NSM strategies !

Another example of transnational diplomacies may be found in the publicity strategies instigated by the main protagonists. For instance, the Dutch IAWR published information booklets about the adverse environmental and economic effects of the chloride pollution.<sup>15</sup> These brochures, published in French, German, and English, were propaganda aimed at shaping public opinion in the entire Rhine region. They almost always pointed at the MDPA as being solely responsible for the saline pollution, even though the MDPA was actually responsible for only 40 percent of it. This strategy worked well, at least internally: Dutch history and geography schoolbooks took the IAWR information, and often stated that “the MDPA were the principal polluter of the Rhine”, which made France Holland’s big environmental enemy. The MDPA counterattacked with publications that accused the IAWR of disseminating false information. These new brochures, translated into the same three languages, were distributed to the same targets—schools, municipalities, and media—for purposes of “debriefing.” As the March 2, 1982 issue of *L’Alsace* put it, “*La guerre des brochures*” (the brochure war) was launched in the transnational world.

Yet another example of transnational diplomacy is to be found in the MDPA’s linkage strategy. Although a state-owned company, the MDPA instigated this strategy without the knowledge of the French government. In 1984, the MDPA faced a troublesome situation: while the French government, under increasing international pressure, requested that test drillings be made, increasingly violent local Alsatian opposition hindered the drilling. The situation seemed desperate for the MDPA. A solution was suddenly found by an MDPA engineer. He suggested that the injections be made, not at the locations initially planned, but instead... a few meters from the German border ! Moreover, the drilling should not be done vertically, but diagonally, so that the 1,800-meter-deep injections would end up in German subsoil. This smart move was thought to change Germany’s position on the injections. The sites chosen by the French engineer for the diagonal injections were very sensitive (and sensible) locations: they were to be made right next to German thermal sources. Saline pollution of the subsoil aquifer there would have ruined the entire region’s economy. This linkage strategy worked out well, as it caused the German government to drastically change its position in international negotiations. Bonn suddenly asked Paris to stop, or at least to alter, the injection program.

This plan would never have worked if local social actors had not pursued the linkage strategy at the microlevel. Given their public position, the state-owned MDPA could not admit publicly that they were trying to blackmail the Germans with such an enterprise. To threaten the Germans, they needed the mediation of French social actors, who had no political liability. This mediation was actually quite easy to provoke. As they moved the injection site, the MDPA knew that protest actions would move along with the problem. French mayors, ecologists, and media did indeed spontaneously organize protest actions. To give more

weight to their claims, the protesters informed their German counterparts of the kinds of environmental threats they would face if the injections were done in the border region—and it worked.

These examples show that social segments, be they firms, environmentalists, politicians, or other local actors, are well aware of the political dimension of the border, and that they know how to use it as a strategic resource to achieve their ambitions—in international as well as symbolic and transnational ways. Three conclusions about the role of borders in transborder environmental issues can hence be made at this point. First, borders play not only structural roles (permissive and blocking) in the emergence and resolution phases of an environmental problem, but also conjunctive and strategic roles throughout the policy-making process—from the agenda setting to the resolution phase. This “strategic” dimension depends both on the actors’ perception of the advantages associated with using the border, and on the actors’ skills and resources. Second, social actors—although informal and not border bound—are not border blind, but border conscious, and even potentially border-oriented, for they reify the border to achieve their goals in many ways. Third, the concept of “paradiplomacy” suggested by Ganster, Sweedler, Scott, and Dieter-Eberwein (1997) should be amended. It was proposed to explain subnational foreign policy strategies in transborder issues. The starting point of this concept was the finding that:

*... regions are emerging from the paternalistic control of the state, defining their own policy interests and, more and more, engaging in their own form of foreign policy by establishing transboundary problem-solving dialogues ... . Subnational paradiplomacy, the generally informal avenue through which regions articulate and promote their interests internationally, has thus begun to take root in transboundary situations (Duchacek 1986). This allows border regions not only to establish an international local-government dialogue but also to promote transboundary problem-solving mechanisms that serve basic regional needs (Ganster et al. 1997: 7).*

The concept of “subnational diplomacy” needs be widened to include all social actors’ “diplomatic” strategies, while dissociating the notion of subnational diplomacy from that of subnational paradiplomacy. While subnational public actors build paradiplomacies in border regions, private actors may also have foreign policy ambitions regarding transborder environmental issues. Therefore, perhaps the notion of “subnational diplomacy” should be reserved for public subnational actors, such as local authorities (such as states), while the concept of “subnational paradiplomacy” should be reserved for private actors (such as NGOs, interest groups, social movements, and so on). The challenge, then, is to see what kinds of relationships paradiplomacies may have with official diplomacies, both in legitimacy and efficiency. Ganster, Sweedler, Scott, and Dieter-Eberwein also raised the problem of the paradoxical relation between subnational diplomacy and state diplomacy:

*While locally driven transboundary and interregional cooperation can help nations link up, the supporting role of central governments should not be underestimated. This, at the same time, represents a basic contradiction: nation states have, as yet, not been able to not devise administrative and legal mechanisms for dealing with subnational foreign policy ... . The apparent contradiction between intensifying subnational paradiplomacy and the persistence of national authority—a paradox of state power—is central to the issue of transboundary cooperation. No viable alternatives to the nation state as an organizer of political, social, and economic life exist. What is required, then, is a reconciliation of national-sovereignty concerns and national-policy prerogatives with the desire and need of subnational governments to conduct their own brand of foreign policy. For this reason, utilitarian concepts, based on arguments of administrative efficiency, environmental protection and the promotion of citizen's welfare have frequently been employed to legitimize attempts to institutionalize transboundary cooperation (1997: 9–10).*

If this legitimization through regimes and/or institutionalization is effective for reconciling national and subnational diplomacies, it is unlikely to reconcile diplomacies and paradiplomacies because in many cases the two work towards divergent goals. As shown earlier, paradiplomatic strategies often emerge when social actors disapprove of the direction taken by official diplomacies. Paradiplomacies are then put in place to bypass or overcome the official diplomacies. The two diplomacies, however, are not always opposed; in some cases, paradiplomacies are intended to reinforce official positions. In the chloride case, that often proved true on the Dutch side, as Dutch official positions backed up (and were also supported by) the DSM's own strategies. For example, the symbolic International Water Court with its impressive logistics was only rendered possible by heavy (yet confidential) funding from the Dutch government. How, then, can the relationship between the two often contradictory, but sometimes also complementary, diplomatic rationales be described? Is there a generic rule to understand this relationship? Does it have an influence on the efficiency of paradiplomacies?

From the chloride case study, it appears that this relationship between the two kinds of diplomacies depends on two main factors: (1) whether the social movement segments tend toward international or transnational strategies; and (2) whether they are backed by their home state or are in opposition to it. By crossing these two parameters, we may identify the following four standard situations:

Table 2. Relationship between Official diplomacies and Paradiplomacies

Type of Paradiplomacy Relationship between Official Diplomacy and Paradiplomacy	International	Transnational
Conflictual	1. Confrontation	2. Short-circuit
Consensual	3. Substitution	4. Complementary

In the first of the four situations outlined in the table above, the relationship between the two diplomacies is conflictual. This was typical of many segments of the FSM (see earlier discussions of the French “direct” diplomacy, “good-offices,” and “third-party mediation”). However the official diplomacy was not seriously threatened by the FSM’s paradiplomacy: it actually seems that at the international level, where states predominate, paradiplomacy is most often not a serious rival to state diplomacy. In the second case it is assumed that paradiplomacies may be efficient if they manage to capture the media’s attention. In that case, paradiplomacy may be a serious threat to the credibility of official diplomacy. In the third case, the “diplomatic” capacity of the NSM is likely to be efficient, as it is backed by its own state’s official diplomacy. This support gives social actors the means to access (and eventually convince) many official dialogue partners, such as IGOs or other delegations. The only drawback for social movements’ paradiplomacy in this case is that both its political and its strategic autonomy are reduced. Obtaining official support and funding is indeed likely to push many segments to obey official recommendations and follow governmental strategies. In the fourth situation, official diplomacy and paradiplomacy complement each other. Paradiplomatic strategies are likely to have the best chance of success in this configuration, as they benefit from both official support and strategic autonomy. Yet here again, political autonomy may be reduced. Thus, in some cases, borders may have very complex (and potentially contradictory) effects on transborder environmental issues. Borders not only create structural conditions that abet and perpetuate environmental harm in transborder regions, but they may also be used by social actors in diplomatic strategy-building.

One could wonder why social actors are so ingenious and inventive in dealing with these transborder environmental issues. In existing analyses, the nature of the social actors’ environmental motivations has not really been questioned so far. Throughout this case study though, it became clear that social actors were working only sometimes to defend their environment. Just how “green” were the French and the Dutch Social Movements? To determine why the movements mounted these paradiplomacies, the true nature of so-called “environmental” claims must be examined.

## Reconsidering the Environment

*On the international level, ecological justifications have always been put forward by all categories of opponents. But the environmental arguments did not stand. Every one, in fact, had its real motivations on the one hand, and its ecological pretexts on the other.*

Henri Schreiber, former head of the MDPA department for environmental affairs, made this declaration about the abuse of “environmental justifications” in a 1996 interview with the author. Given his professional position, the assertion could be suspected of being biased. However, a thorough analysis of the “environmental” motivations involved in the chloride issue shows that Schreiber was right in many respects. Although some of the subnational actors truly had environmental motivations, for most of the leaders of the two social movements, the issues at stake were everything but environmental. Yet all actors used environmental “referentials” to maximize their negotiation power (Jobert and Müller 1984). Labeling the issues as “environmental” was perceived as a rallying cry, and was often used to mask unrelated political rationales. In some cases, the environment was also used to disguise economic and/or social rationales. These devious uses of environmental claims can best be revealed by deconstructing certain events in the chloride case.

The archetype of political misuse of environmental arguments in the chloride issue took place on May 29, 1979 during a parliamentary session of the Council of Europe that was specifically dedicated to chloride pollution of the Rhine River. Because of social and political pressures, the French government had by then already withdrawn twice (in 1977 and 1978) the decree for ratification of the Bonn Convention from the agenda, and to alleviate the political tensions between France and the Netherlands, the Council of Europe decided to examine the case. Most national, subnational, and international representatives interested in the issue were present at this session—from French mayors to Dutch environmentalists, as every group involved in the conflict sent delegates to Strasbourg. However, their motivations were not driven solely by environmental rationales: some of the subnational delegates had very clear political (*not* environmental) reasons for being there.

Before going into further detail, it should be stressed that attending that session was an excellent opportunity for public and private subnational actors to gain political power for several reasons. First, the session was an excellent way for these actors to become known to the “outside” world—that is, by subnational or national delegates from other countries involved in the issue. Second, and perhaps more importantly, the session was also an excellent opportunity for subnational actors to establish contact with the “inside” world—that is, with other subnational actors or national delegates (ministers, heads of administrative departments, and so on). And third, the session provided a prime means for subnational actors to get publicity from international media, since more than 30 journalists from several countries



attended the session. Indubitably, going “green” at this occasion was an excellent way for any subnational social actor to target a broad audience, which in turn was an effective means for gaining power.

One of the leading members of the French ADIS, who happened to be a Member of the French Parliament, perfectly understood this opportunity to get a large political audience. Yet he did not use it to defend the Alsatian environment against the salt injections. Instead, he took advantage of it to launch a political attack against the French government. For French politicians, the whole chloride issue was indeed first and foremost a way to challenge the government; their eventual aim was to force the leading political party to resign, or at least to face a significant political defeat. That is why, paradoxically, the French ADIS delegate stood up to defend the Dutch stance against the French government’s position. The attack was actually so aggressive that a Dutch diplomat stood up to publicly defended the French government ! The media made this internal dissension within France an international affair. By doing so, they further weakened the French government, which was precisely the MP’s objective. He himself admitted, in a March 1996 interview, that by intervening in this session he had “hoped to destabilize the government. The fact that the attack was done publicly at the international level, in front of the international opinion, was done on purpose, and was supposed to help discredit the government both internally and internationally.” Another French politician who attended the Council of Europe session further confirmed that, in this case “... the international context was far from being neutral. It gave more weight to everybody’s claims, for the audience was larger ...”. The MP thus managed to transfer the battle line from the French/Dutch conflict to a French government/French Parliament conflict. It is clear from this example that, at least for some actors, the environment was not of primary concern in the chloride debate. Their concerns were political, and the chloride issue was a pretext to express their dissatisfaction with the government’s administration. The international audience was just a means to voice and amplify this conflict.

This phenomenon actually recalls the “two-level-game” played by states (Putnam 1993).<sup>16</sup> Indeed, this example clearly shows how and why subnational actors may use environmental arguments on the international level to achieve political goals on the internal level. Social actors, as States, may have two sets of goals, one internal, and the other external. In their case, however, the principle is inverted: Subnational actors use the pressure potential they gain on the international scene to increase their pressure potential on the national level (whereas states have the reverse attitude). Meanwhile, they use the protest capacity they build up on an internal basis to access the international scene.

Further down the green line, other “environmental” arguments served economic interests in the chloride case. One French union representative who participated in the same session of the Council of Europe confirmed for instance that his group “took advantage of the international dimension of the conflict ... . To us, the environment was not really the matter, but protesting against the injections was an opportunity to voice

our ambitions, which were to save jobs in the region by creating a salt mine.” As long as environmental concerns promoted their economic interests, most Alsatian union representatives and politicians actually supported the fight against the injections, using pro-environmental rhetoric. However, as soon as the two interests diverged, these actors came back to their initial positions and became once more environmentally indifferent. When the idea of a salt mine arose in the late-1970s, Alsatian politicians suddenly cast off their “green” agendas to promote development of a huge salt facility that would have been a disaster for the Alsatian environment they had so strongly defended for years. At the same time, the European “salt cartel” (comprising of German, French, and Dutch companies), silent until then on this issue, suddenly joined the social protest, officially for “environmental” reasons. It aided the launch of “green” national press campaigns against the creation of an Alsatian salt mine. The truth is, the cartel was opposed to any new competitor entering the salt market. Clearly in this case environmental arguments have often been used to mask economic ones.

Economic rationales were even more compelling to the Dutch. Dutch farmers openly asserted that their interests were primarily economic, and that public support was easier to get when protests were lead under environmental auspices. Another indication of the economics underlying Dutch environmental claims is the type of legal arguments used in the several lawsuits that the waterworks people, farmers, and horticulturists filed against the MDPA. These arguments were exclusively economic, focusing on Dutch losses because of the saline pollution. Yet in interviews, the victims usually pointed first at environmental damage, and mentioned economic losses only second.

This is a typical case of using the environment as a banner to gain popular support through the media. Some scholars who focus on public policy analyses call this a “referential building” process (Jobert and Müller 1984). The principle is simple: social actors whose only clout lies in their protest capacity try to gain support from other social actors (including media and public opinion) in order to increase their pressure potential. To garner the broadest possible support for their cause, they tend to use the most appealing slogan they can think of. The slogan may or may not be a true reflection of their real concerns. The point is to choose the right catchword, the argument most likely to make people feel concerned for the issue and lend support to the cause. It so happens in the chloride case that environmental slogans were often chosen for their ability to structure protest.

In the end, there is even cause to wonder whether environmental concerns mattered to anyone in the chloride affair. Indeed, two more issues call into further question the authenticity of the “green” aspect of the subnational actors’ claims. The first is that the entire Alsatian protest against injections was organized along fake environmental arguments. The ADIS protested the injections on the grounds that they would pollute Europe’s biggest subsoil potable aquifer, the “Grande Oolithe.” This argument was actually an

obfuscation. The injections were indeed to be made in a subsoil layer, but into a nonpotable aquifer layer 1,800 meters below the surface. The real potable aquifer layer lies only 50 meters below the surface, and is separated from the target layer by 1,750 meters of solid, waterproof limestone. There was, therefore, almost no risk of contamination. Several ecologists and various local political protagonists were aware of this difference between the two aquifer layers. However, they still decided to fight to “save the Oolithe,” because they knew that under this banner they could gather much support from the local population—and the strategy worked. The same actors (ADIS members, ecologists, and politicians) even tried to “sell” the Oolithe argument during the May 1979 Council of Europe session. However, the attempt failed since the attendees with technical counter-expertise reports at their disposal noticed the swindle.

The second issue that further calls into question the authenticity of environmental claims is that the international solution reached in 1986 satisfied most of the protagonists who had been fighting “for the environment” in spite of the fact that this solution was actually the worst possible for the environment. It consisted of an agreement to stack the salt discharge in Alsace on top of a mere plastic cover. This solution was a real threat to the potable aquifer, as percolation risks were considerable: saline leakage was very likely to occur and pollute the potable water that was lying only 50 meters below the stacks. Although the risks were real this time for both the French and the German environment, not a single opponent showed up at public inquiries to protest the solution. Environmental concerns seemed to have faded away. In addition to questioning the “environmental honesty” of the leaders of the movement, one might also question the degree of public concern. It is as if the whole protest movement, the press, public opinion, and other groups participating in the FSM were only temporarily interested in the quality of their environment. As long as it was a “hot” political issue, the environment was of real concern. But the final outcome of the Rhine issue shows how low environmental concerns truly weighed in the balance in the end.

This by no means suggests that none of the protagonists’ environmental motives were sincere. At some point, both the Alsatian and the Dutch public opinion, several ecologists and perhaps the media truly fought for environmental rationales. However, these genuine environmental concerns remained limited both in scope and time, lasting only as long as they were driven by political leaders or the media. Many of the social movements’ leaders were dishonest and used the environment as a political vector to gain audience and power to achieve other unrelated goals.

The three main points underlined here—the social nature of the actors, the strategic role of borders, and the questionable truthfulness of environmental claims—could be specific to the Rhine case, as most other studies on transborder environmental issues do not mention them. It may be though that other cases do present certain similarities to the Rhine case. In order to ascertain this, and eventually develop some theoretical conclusions from these observations, more attention should perhaps be given to social actors,

and particularly to emergent informal social groups (such as social movements) in further analyses of transborder environmental issues. Attention to these should help determine with more accuracy the factors involved in the emergence, development, and management of transborder environmental affairs.

#### Endnotes

1. See Scott 1989, 1993; Hansen 1992; Martínez 1986; Strassolo and Delli Zotti 1982; and Anderson 1982.
2. Bernauer and Moser describe municipalities as “nonstate actors”; in this paper, however, municipalities are defined as state-related entities. Although they are not a direct representative of the state, municipalities are endowed with some of the regal attributes of a state. They have both administrative and public functions, differentiating them from civil society and/or private entities such as NGOs, interest groups, and so on, which are here classified as nonstate actors.
3. In addition, epistemological criticisms could be made about these theoretical attempts to transpose the NSM theory at the international level (see Finger and Princen 1994).
4. German mines discharge 135 kilograms per second, and Swiss mines 20 kilograms per second.
5. The Reinwater Foundation was mentioned four times more often than French environmental NGOs in the international press. Even French newspapers published articles on the Dutch NGO, as did other international newspapers (such as the *New York Times*). Globally, public opinion favored the Dutch cause over the French.
6. In 1979, for instance, a poll done for the Reinwater Foundation by an independent institute shows that a majority of Dutch citizens declared hostility toward the French in general, and to Alsatian people in particular.
7. The four criteria read as follows:
  - “They consist of informal interaction networks.” (We have seen that the two sides were loosely connected. If highly structured actors—such as NGOs—intervened, then more informal actors—such as public opinion—also gave support. All such entities were loosely connected by informal information and communications, such as informal meetings or common undertakings. But alliances shift according to changing interests. French unions, for instance, first supported the FSM, then stopped supporting the

fight against injections and abandoned environmental rhetoric as soon as the creation of a saline came into consideration.)

- “They share common beliefs; and a common definition of the problem.” (The broad support gathered on the one hand by the ADIS “resistance” movement, and on the other hand by the symbolic Water Tribunal, show that the problem was perceived in common terms on both sides of the border.)
- “Their action is based on protest; they emerge to denounce events that seem unfair or that they disagree with.” (Examples throughout this section show that the FSM was created to protest injections and, as discussed later, to work against the French government. Similarly, the DSM was created to fight saline pollution and French attitudes.)
- “Their action largely occurs outside institutions.” (Segments of the FSM and the DSM did use lobbying strategies, but many of their actions occurred outside usual formal negotiation arenas; they protested each others’ positions using the media to draw attention to spectacular noninstitutional negotiation events.)

8. That is, costs that one actor imposes on other actors.

9. Compare with the Harmon doctrine, which avers the unlimited sovereignty of riparian countries over their natural resources (Bernauer 1997: 164).

10. In fact, legal recourse remained unavailable to Dutch victims until an international jurisdiction, the European Court of Justice, was apprised of the case. It finally established the right of victims to take legal action against any European Union polluter in either the polluting or the victim country (Romy 1990).

11. The first point is undoubtedly true for the Dutch, as they rely on the Rhine for 70 percent of both their drinking and irrigation water. This means that they have almost no alternative to the Rhine since all other accessible water sources (such as the North Sea) are salty. The second point is also verified, as the environmental claims made by the different riparian states have been going on for many decades with no tangible results. The efforts of cooperating institutions only began to show effective results in the late 1970s. The salt issue was particularly hard to settle, in spite of much institutional discussion. The third point is corroborated by the chloride issue, since the MDPA was the most important and most visible point-source of salt pollution. Its harmful effects on the Dutch environment were obvious and quantifiable, regardless of what other polluters did contribute to it. The MDPA was thus a perfect target for Dutch claims. The case

study matches the three analytical points, demonstrating that the border might indeed have been a “maximal” exacerbation factor in the chloride conflict.

12. There is no geographic borderline between France and Holland, but the Rhine connects the two countries, with France upstream and Holland downstream. Pollution caused by one country that affects another may thus be understood as “transborder” pollution, even if the “border” is more over time than over space, allowing the case of the Rhine to fit into this study.

13. Author's impression from semi-directive interviews.

14. Including significant regional newspapers such as *Les Dernières Nouvelles d'Alsace*, *L'Alsace*, and *Le Quotidien du Maire*.

15. The first booklet, entitled “Salty Water, Rusty Pipes,” was published by IAWR in 1982.

16. This well-known theoretical concept stresses the bargaining strategy used concomitantly by governments at the national and international levels. Its underlying principle is that, in order to gain latitude in one arena while bargaining in the other, governments alternately stress the national and international pressures they face.

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