A Behavioural Approach to International Climate Negotiations: An Analysis of Latin American Strategies from Berlin to Paris

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Abstract

The article analyses the strategies of Latin American countries in international climate negotiations, their main determinants and modifications in the last twenty years. It aims at understanding why at the beginning of the negotiation process in the 1990s Latin American countries were reluctant to make GHG mitigation commitments but at present they have all signed the Paris Agreement and are working on implementing their Nationally Determined Contributions (NDCs). Content analysis was performed on Latin American delegates' declarations in UNFCCC Climate Change Conferences (COPs) between 1995 and 2014. The article identifies the economic and governance incentives that have been introduced in the international climate regime to induce behavioural change among developing countries' decision makers, including economic instruments (carbon markets), higher recognition of equity issues within the UNFCCC participation mechanisms, availability of new information, climate finance provision and growing trade restrictions for market access based on the carbon content of exported products.

Keywords

Behavioural Change; Climate Change; International Negotiations; Latin America; Mitigation Commitments; Paris Agreement

Introduction

At the beginning of the climate change negotiation process in the 1990s, developing countries were opposed to making greenhouse gases (GHG) mitigation commitments similar to those made by developed countries within the framework of the Kyoto Protocol. The Kyoto Protocol was the climate treaty signed in 1997 that established quantitative GHG reduction targets for developed countries (the so-called 'Annex I countries'[1]) based on the principle of common but differentiated responsibilities. This principle acknowledges that countries have different capabilities in combating climate change and that the obligation to reduce GHG emissions should fall mostly on developed nations, given their historical responsibility for the current levels of GHG in the atmosphere.

Climate negotiations went on with advances, setbacks and crossroads until the Paris Agreement was finally adopted in 2015 at the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC COP 21). The Paris Agreement aims at keeping global temperature well below 2° C above pre-industrial levels and pursues efforts to limit further temperature increase to 1.5° C. It builds on the voluntary efforts that individual countries, including developing countries, are willing to commit to. These commitments are expressed in the Nationally Determined Contributions (NDCs) that are submitted every five years to the UNFCCC Secretariat.

The research question this article aims to address is what has caused this observed change in developing countries' negotiation strategies regarding participation in the global GHG mitigation effort since the 1990s, with focus on Latin America.

From an international climate policy perspective, this question is relevant to the debate on whether the Paris Agreement has been a multilateral negotiation success or rather a failure. On the one hand, climate negotiations have moved from the discussion of a more ambitious top-down agreement in the 1990s (the Kyoto Protocol), which established a global GHG reduction goal (5.2% compared to 1990 levels by the end of the 2008-2012 first commitment period) and obligated developed nations to accomplish quantitative GHG reduction targets, to the discussion of a bottom-up accord (the Paris Agreement) which is based on the submission of voluntary national contributions based on the mitigation effort each country is willing to commit. On the other hand, the Kyoto Protocol had limited durability and participation while the Paris Agreement is applicable to all countries (including developing countries) and will probably have a greater permanence of efforts over time, since

[1] The term refers to the developed economies that are listed in Annex I to the United Nations Framework Convention on Climate Change (UNFCCC) signed in 1992.

mitigation objectives in each country are embedded within national circumstances and development priorities.

From an economic perspective, the research question is relevant to the discussion on whether the incentives that have been introduced in the international climate regime in the last twenty years have been effective in inducing behavioural change among developing countries' decision-makers.

The ultimate goal of this research is to demonstrate that there has been a break in the negotiation positions of Latin American countries regarding climate change mitigation efforts since the 1990s and analyse the reasons behind it by identifying the global incentive structure that has been created within the international climate regime.

The article begins with a brief outline of the theoretical framework for analysing climate change from an economic perspective and a literature review of the approaches for fostering GHG mitigation and inducing countries' participation in international climate agreements.

The article then documents the shift in Latin American negotiation positions regarding GHG mitigation by analysing the evolution of the oral declarations made by national delegates and Heads of State during the twenty UNFCCC Climate Change Conferences (COPs) held between 1995 and 2014. These declarations have been taken from the *Earth Negotiation Bulletins* (ENB), the daily reports that are published by the International Institute for Sustainable Development (IISD) during United Nations environment and development negotiations. These bulletins are the most complete available source that reports on the debates and the interventions made by country representatives. Content analysis was conducted to analyse the discourse change of Latin American delegates over time and identify the key words related to engagement in climate change mitigation efforts that have been discussed for developing countries and how they have changed as time went by.

Finally, the article identifies and analyses the incentives that have been introduced in the international climate regime since the 1990s in order to achieve global participation in the mitigation effort. These incentives have been both economic (introduction of economic instruments -emission trading schemes- which created the so-called 'carbon markets') and related to global governance mechanisms (higher recognition of equity issues within the UNFCCC participation mechanisms, availability of new information regarding climate impacts and co-benefits of mitigation, North-South compensation schemes -transfersarticulated through the provision of climate finance flows and growing consideration of trade restrictions for market access based on the carbon content of exported products).

Theoretical Framework and Literature Review

In economics, climate change is conceived as the result of a market failure derived from a global negative externality, i.e. a consequence of human activity that affects others without being reflected on market prices (Stern, 2006). Damages caused by the accumulation of GHG in the atmosphere are not included in goods and services prices and therefore are not considered in production decisions. Thus, markets overproduce CO_2-intensive goods and services because GHG emissions costs are not priced in transactions. To restore efficiency in a market with externalities, incentives need to be introduced in order to make GHG emitters internalise the costs they impose on society.

The economic literature groups climate change policy incentives into two broad categories. On the one hand, there are positive and negative incentives provided by different climate policy instruments aimed at modifying individual behaviour. These policy instruments can either be 'command and control' or economic ('market-based'). 'Command and control' instruments impose direct limits and restrictions on emitters (e.g. prohibitions, emission standards or quotas, technological standards), while economic instruments introduce a price linked to the behaviour that is to be discouraged or encouraged (e.g. carbon taxes, subsidies, emission trading systems, payments for environmental services). From a theoretical point of view, carbon taxes and emission trading systems emerge as the optimal policy options to correct climate externalities since they provide price signals that make emitters face appropriate incentives for GHG reduction and technological innovation (Weitzman, 1974; Tietenberg, 1998; Milliman and Prince, 1989; Pizer, 2002; Aldy and Stavins, 2008).

On the other hand, there are incentives provided by global governance mechanisms and the architecture of international agreements aimed at generating behavioural changes in sovereign states. For these incentives to work, involved parties must be motivated by either the derivation of net benefits from collective action or the imposition of sanctions for not participating in an international effort. International agreements must therefore be able to generate changes in perceptions regarding country-level costs and benefits, enforce cooperation and reciprocal trust among participants, generate and spread reliable information and foster learning and communication processes (Ostrom, 2012, 2009; Nemet, 2010; Abbott, 2012; Knieling and Filho, 2013; Meadowcroft, 2009; Barrett, 2003, 2008). In order for international treaties to be effective, efficient and stable, at least three conditions must be met: i) agreements should be rational from an individual perspective (i.e. each country should perceive that it will gain benefits from participating); ii) they should be rational from a collective perspective (i.e. parties as a whole should be better off after the implementation of the agreement); and iii) they should be perceived as equitable and fair (i.e. they should be based on a symmetric distribution of net benefits or, at least, consider international compensations and cross subsidies mechanisms). The instruments that may induce behavioural change through international climate agreements include positive and negative economic incentives (e.g. information provision, financial transfers mechanisms, trade restrictions), provisions for the entry into force of the agreement and enforcement mechanisms (e.g. sanctions or penalties for non-compliance) (Barrett, 2003, 2008).

Climate change is also defined as a social dilemma, i.e. a collective action situation that exhibits conflict between individual and collective interests. In these situations, some authors argue that individual behaviour may affect collective behaviour and lead to cooperation levels higher than expected due to the fact that individuals give positive or negative internal valuations to particular types of action, meaning that they adopt certain moral perspectives to guide their choices towards the direction they internally believe is 'ethically correct', going even beyond the monetary benefits they can directly accrue. This type of individual behaviour affects others' behaviour and expectations, which results in the development of collective shared beliefs about what actions should be implemented and the penalties that should be applied in the case of misbehaviour (Ostrom, 1997; Ostrom et al, 1994). Therefore, to induce behavioural change not only is the provision of new information essential, but the way the information is presented is also key. The presentation of information influences how it is processed because human beings think differently about gains and losses depending on the status quo. Thus, if a decision task is framed in a way that alters the perceived status quo, then choice behaviour can be altered. This means that there are contextual effects, which generally refer to the current and historical settings in which choices are made (McFadden, 1999; Kahneman and Tversky, 1984).

The historical setting of international climate negotiations builds on the past North-South relations concerning international trade and markets. With regards to Latin America, the region has modelled its social and economic structure around external needs since colonial times. Latin American countries have historically identified themselves with the goods they have produced and have developed production patterns according to the mandate of colonial or trade powers. Therefore, economic activity has centred on natural resource exploitation and export (Fajnzylber, 2006; Bulmer-Thomas, 1998; ECLAC, 1988; Gligo and

Morello, 1980; Galeano, 1971). The analysis of the connections between markets and the environment allows for an understanding of why Latin America (and other developing regions) has specialised in the production and export of goods that deplete environmental resources and also explains why global climate change negotiations have emerged and developed as a North-South issue (Chichilnisky, 1994). This means that preconceptions and learned facts (including perceptions about world history) affect the way in which decision makers conceive global geopolitics and power relations regarding climate issues.

Developing countries' decision makers' perceptions of gains and losses associated to participating in an international climate agreement prevalent in the 1990s needed to be modified in order to achieve global participation in the GHG mitigation effort. The following sections analyse the elements that have contributed to modifying these perceptions, after introducing and justifying the data sources and research methods used throughout the research.

Methodology and Data

In order to analyse if there had been a break in the Latin American negotiation strategies regarding GHG mitigation efforts since the 1990s, this article focuses on the countries that were already developing national mitigation actions prior to the adoption of the Paris Agreement in 2015. The aim is to study the evolution of the negotiation positions of those countries that showed a higher comparative performance regarding climate action already in 2014.

Firstly, the database used for selecting these countries is presented together with an explanation of the methodology used for analysing and documenting the change in the diplomatic discourse of Latin American negotiators over time. Then, the methods applied for analysing the words and concepts used in the discussions related to developing countries' participation in the global mitigation effort and for assessing the incentives to foster mitigation and participation in international climate agreements that have been introduced in the international climate architecture since the 1990s are explained.

Change in Latin American Negotiation Strategies Since the 1990s

The database used to identify the countries that were already developing mitigation actions prior to the adoption of the Paris Agreement in 2015 was Ecofys NAMA Database (Ecofys, 2014), which shares information on Nationally Appropriate Mitigation Actions (NAMAs) collected from publicly available information. These NAMAs refer to voluntary national-level mitigation initiatives that can apply for international support. They were first negotiated in 2007 at COP 13 held in Bali, Indonesia. At this COP it was agreed that developing countries would not make mandatory mitigation commitments as developed countries did but would rather implement GHG emission reduction actions that would be voluntary, in line with national economic development priorities and supported by developed countries through financial resources and technological transfer.

According to this database, nine Latin American countries were working on national mitigation actions (NAMAs) up to December 2014: Mexico (22 initiatives), Colombia (13 initiatives), Chile (9 initiatives), Peru (9 initiatives), Dominican Republic (6 initiatives), Uruguay (5 initiatives), Costa Rica (5 initiatives), Argentina (2 initiatives) and Brazil (2 initiatives). It is worth pointing out that this database is currently out-of-date, since the relevant international efforts regarding GHG mitigation in developing countries have moved forward from NAMAs to NDCs. However, the database provides useful information regarding developing countries' mitigation efforts before the adoption of the Paris Agreement in 2015.

To analyse and document the change in the diplomatic discourse over time, quotes related to Latin American negotiators' interventions in discussions on developing countries' participation in the global mitigation effort were extracted from the IISD *Earth Negotiation Bulletins*. It should be mentioned that Latin American countries have historically expressed their positions in climate negotiations grouped together within the G-77/China and other alliances (AOSIS[2], ALBA[3], AILAC[4], among others). This means that many declarations include oral statements made by representatives of the negotiation groups to which they have belonged.

The IISD reports consulted were the *Earth Negotiation Bulletins* (ENB) Volume 12, which report the discussions held under the United Nations Framework Convention on Climate Change (UNFCCC) conferences. The content analysis was conducted on the Summary Issues published for each COP between 1995 and 2014 (IISD 1995, 1996, 1997, 1998, 1999, 2000, 2001a, 2001b, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014). Quotes reflecting the evolution of Latin American negotiatiors' declarations in COPs are presented in Annex.

Words and Concepts Used in the Discussions Related to Developing Countries' Participation in the Global Mitigation Effort

In order to analyse if there had been a change in the terminology that had been used in discussions related to developing countries' participation in the global mitigation effort

[2] "AOSIS" stands for Alliance of Small Island States
[3] "ALBA" stands for Bolivarian Alliance for the Peoples of Our America
[4] "AILAC" stands for Independent Association of Latin America and the Caribbean

through time, a qualitative assessment was first conducted on the IISD ENB bulletins, with special focus on the sections dedicated to mitigation discussions. Most frequent words that emerged in the debates include the concepts of 'mandatory commitments' to reduce GHG emissions, 'voluntary nationally appropriate mitigation actions' ('NAMAs') and 'voluntary contributions'. A word frequency count analysis was then conducted throughout the 1995-2014 IISD ENB in order to assess quantitaively the most used words during each COP. The analysis was conducted on the words 'commitments' (in relation to developing countries' engagement), 'NAMAs' and 'contributions'.

Incentives to Foster Mitigation and Participation in International Climate Agreements

Finally, a qualitative assessment was undertaken in order to analyse whether the incentives that foster mitigation and participation in international climate agreements, as identified in the literature review, have been effectively introduced within the international climate regime. The specific incentives that were looked for and analysed were the following:

1. Economic instruments
2. Increasing consideration of equity and fairness issues regarding developing countries' participation mechanisms in the global mitigation effort
3. Information generation and spread
4. Financial transfers mechanisms
5. Sanctions for misbehaviour

Analysis and Findings

The conducted analysis shows that there has effectively been a change in Latin American negotiation strategies since the 1990s and that incentives to foster mitigation and participation have been introduced in the international climate architecture since the 1990s. These findings are presented below.

Change in Latin American Negotiation Strategies Since the 1990s

Mexico, Chile, Peru, Uruguay, Colombia, Brazil and Dominican Republic, seven out of the nine Latin American countries that were undertaking mitigation actions (NAMAs) already before the adoption of the Paris Agreement in 2015, refused to accept mitigation commitments at the beginning of the climate negotiations in the 1990s. The breaking point in their refusal strategy can be identified in 2007, when the 'NAMA' concept emerged. From then on, these countries began to show a higher willingness to undertake broader national mitigation actions.

Costa Rica and Argentina have somehow been an exception. In 1997-1999 both countries expressed their willingness to make mitigation commitments similar to those made by developed countries within the framework of the Kyoto Protocol. Costa Rica has defended since then a stable position in favor of making voluntary mitigation efforts, while Argentina has moderated its position with the successive government changes.

On the other hand, a group of countries led by Bolivia and comprised mostly in the Bolivarian Alliance for the Peoples of Our America (ALBA) has historically been opposed to making mitigation efforts similar to those of developed countries. Their arguments have been based on the notion that 'developed countries have expropriated more of their share of the Earth's environmental space' (IISD, 2009: 12) and that they should 'honour their climate debt' (IISD, 2009: 16). However, even these countries have finally agreed to sign the Paris Agreement and have submitted NDCs to the UNFCCC.

Quotes of country negotiatiors' interventions in mitigation discussions throughout the years are presented in the Annex, as documented in the 1995-2014 IISD *Earth Negotiation Bulletins* (IISD 1995, 1996, 1997, 1998, 1999, 2000, 2001a, 2001b, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014).

Words and Concepts Used in the Discussions Related to Developing Countries' Participation in the Global Mitigation Effort

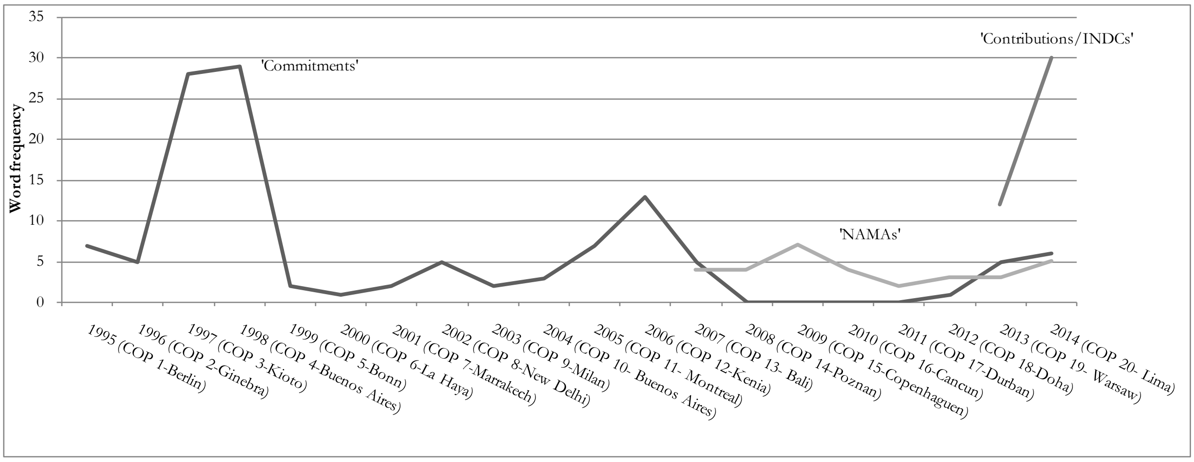
The word frequency count shows that the use of the term 'commitments' (related to developing countries' participation in the global mitigation effort) peaked in the discussions that led to the signature of the Kyoto Protocol in 1997 (COP 3), fell in 1999 and resurged in the negotiations on the post-2012 period that began in 2005. The term then disappeared in 2007 (COP 13-Bali), when it was agreed that developing countries would implement NAMAs, and it reappeared in 2012 in the negotiations aimed at developing a new protocol by 2015 (the Paris Agreement).

The term 'NAMA' emerged in 2007, associated, as it was mentioned above, to voluntary actions based on sustainable development priorities for developing countries.

Finally, during COP 19 held in Warsaw in 2013, an agreement on the term 'contribution' was reached, as a result of a transaction between the terms 'commitment' and 'nationally appropriate mitigation actions', paving the way for the adoption of the Paris Agreement in 2015. Specifically, in 2013 it was agreed that both developed and developing countries would submit Intended Nationally Determined Contributions (INDC) before December 2015, which would communicate the national GHG emission reductions each country would accomplish in the context of their national circumstances and capabilities.

The word 'intended' was introduced because countries were communicating proposed climate actions before the adoption of the Paris Agreement. As countries formally joined the agreement, the term 'intended' was omitted and 'INDCs' were converted into 'NDCs' ('Nationally Determined Contributions') (Figure 1).

Figure 1: Words used in the 1995-2014 Climate Change Conferences (COPs) in discussions on developing countries' participation in the global mitigation effort



Source: Author, based on IISD (1995, 1996, 1997, 1998, 1999, 2000, 2001a, 2001b, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014).

As shown in the quotes presented in Annex, the opposition of most developing countries to undertake mitigation efforts similar to those of developed countries' coincides over time with the discussions based on 'commitments'. After the agreement on the term 'NAMA' was reached at COP 13 (in 2007), a new space for dialogue was opened.

Incentives to Foster Mitigation and Participation in International Climate Agreements

Different types of incentives have been introduced in the international climate architecture that has been created since the 1990s, including economic instruments, increasing consideration of equity and fairness issues within developing countries' participation mechanisms, information generation and proliferation, financial transfer mechanisms and sanctions for misbehaviour, analysed below.

Economic Instruments

The Kyoto Protocol introduced three market-based flexibility mechanisms aimed at providing developed countries with additional means of meeting their GHG reduction targets and encouraging developing countries and the private sector to join the GHG emissions reduction efforts. These mechanisms, which created the so-called 'carbon markets', were: i) Emissions Trading (ET); ii) Clean Development Mechanism (CDM) and iii) Joint Implementation (JI).

Developed countries' GHG reduction targets within the Kyoto Protocol have been expressed as levels of allowed emissions over the 2008-2012 commitment period. ET allows industries in developed countries that had excess allowed emissions to sell them to facilities that are over their targets. Meanwhile, CDM and JI are project-based mechanisms. CDM involves investment in mitigation projects in developing countries that contribute to their sustainable development, while JI enables developed countries to invest in mitigation projects in other developed countries. CDM and JI projects generate credits according to the emissions they avoid or reduce compared to a baseline. The Kyoto Protocol allowed developed countries to partly meet their GHG reduction commitments by buying allowed emissions and CDM and JI certificates. Therefore, a new commodity was created in the form of GHG emission reductions.

One of the most important contributions of carbon markets has been that participants from both developed and developing countries have experienced decision-making in a market context with the commodification of GHG emissions.

With regards to the CDM, over 8,000 projects in renewable energy production, efficient cookstoves, landfill and waste management, and afforestation and reforestation have avoided or reduced 2 billion tonnes of CO_2e and have enabled USD 300 billion investments since 2001. 72% of these projects have been developed in the renewables sector, with wind (31%) and hydro (26%) accounting for the lion's share. Although the countries that have benefitted mostly from the CDM have been big economies already attracting high levels of economic investment, such as China, India, Mexico, Brazil and Korea, 111 developing countries including least developed countries and small island developing states have managed to benefit by undertaking CDM projects. In addition, by allowing companies to develop projects and trade certificates, the CDM has mobilised the private sector and has contributed to creating awareness of the need for climate action. CDM has also enhanced the learning processes of baseline analysis, construction of mitigation and development scenarios and application of methodologies for estimating mitigation potentials and project costs (UNFCCC Secretariat, 2018).

The future of global carbon markets under the Paris Agreement is uncertain, mainly because at present every country, including developing countries, has GHG reduction targets (NDCs) to comply with. Unlike the times of the Kyoto Protocol, when developing countries were eager to sell their emission reductions to buyers in developing countries under the CDM, at present even developing countries have mitigation targets to comply with, which requires them to keep the emission reduction options for themselves. Negotiators are still discussing how to use markets and market mechanisms under the Paris Agreement.

Increasing Consideration of Equity and Fairness Issues Regarding Developing Countries' Participation in the Global Mitigation Effort

Ethical and equity questions regarding climate change responsibility and fairness in the mitigation effort burden-sharing have been central in North-South climate debates since the 1990s. The United Nations Framework Convention on Climate Change (UNFCCC, 1992; Article 4) recognises that developed countries (included in Annex I of the Convention) are expected to take the lead regarding mitigation action, assume a greater share of the burden of the mitigation effort and provide financial resources to developing countries to meet the incremental costs of implementing mitigation measures. However, in practice, Annex I countries have been putting pressure on the more advanced developing states (namely, China, India, Mexico and Brazil) to undertake more ambitious actions. Meanwhile, debates on financial resources provision have developed within different negotiation tracks, although effective paid up resources have never reached the levels required by developing countries. Whether this constitutes a departure from the principles of equity and common but differentiated responsibilities has been a central issue of debate (Schwarte and Massawa, 2009).

Negotiations were at a crossroads, with developed countries trying to make developing countries adopt mitigation commitments and developing countries claiming that this did not respect ethical and fairness principles, until 2007 when the agreement based on the 'NAMA' concept managed to untangle debates. Developing countries would implement more ambitious climate actions but on a voluntary basis and according to their national capacities and development priorities. Furthermore, developing countries would count on new additional finance, technological transfer and capacity building support from developed countries. This agreement based on the concept of 'NAMA' prepared the ground for negotiating, later, further mitigation efforts under the form of 'national voluntary contributions', which finally materialised in the form of NDCs submitted to the UNFCCC within the framework of the Paris Agreement.

In this sense, the Paris Agreement builds on a governance structure that has been perceived as more equitable than the Kyoto Protocol. Not only has it reoriented the international regime towards a 'bottom-up' approach but it also emphasises national flexibility in order to ensure broader participation and accommodates 'national circumstances' and voluntary contributions as a new context for fairness. Thus, the Paris Agreement has managed to provide a different answer to the question of what constitutes an equitable and fair response to climate change (Chan, 2016).

Information Generation and Spread

Prior to climate change conferences, negotiators identify the issues that will likely be discussed, understand their position on each issue, evaluate options and finally determine their priorities across different issues. Therefore, information is key to success in negotiations (Young et al, 2012).

International organisations have made deliberate efforts to generate and disseminate information on the expected impacts of climate change as well as on the synergies that may exist between climate change mitigation and national development goals such as poverty reduction, food and energy security and adaptation to the expected effects of climate change.

The Intergovernmental Panel on Climate Change (IPCC), created in 1988 by the World Meteorological Organisation in partnership with the United Nations Environmental Program (UNEP), has been the leading international scientific body related to climate change research dissemination. The IPCC Assessment Reports (IPCC, 1990; 1995; 2001; 2007a; 2007b; 2007c; 2013; 2014a; 2014b) have played a key role in defining agreements and discussion agendas. Along similar lines, United Nations agencies and other multilateral organizations and development banks have been responsible for the development of international campaigns and agendas (such as the Sustainable Development Goals) and the creation of multiple programs to enhance climate action with focus on providing support to developing countries, such as the REDD+ program, aimed at reducing emissions from deforestation and forest degradation, or the Climate Technology Centre & Network (CTCN), aimed at promoting the transfer of environmentally sound technologies for low carbon and climate resilient development.

The generated information has been communicated with special focus on two issues: i) the expected climate change impacts and the consequences of inaction; ii) the economic, social and environmental co-benefits GHG mitigation may generate specially in developing countries (eg. energy savings and employment generation in new sectors such as renewable energies).

Financial Transfer Mechanisms

A complex international financial architecture has been created to channel financial resources for mitigation and adaptation actions to developing countries. Specially, the creation of the Green Climate Fund (GCF) in 2010 as part of the UNFCCC financial mechanisms incorporated an additional equity mechanism for resource provision through concessional lending instruments, a 50:50 balance between mitigation and adaptation investments and the allocation of 50% of the climate change adaptation funds for particularly vulnerable countries. The GCF's current portfolio has more than 100 projects benefitting more than 300 million people and avoiding the emission of 1.5 billion tCO_2 through the investment of USD 3.5 billion.

Sanctions for Misbehaviour

Although neither the UNFCCC (1992) nor the Kyoto Protocol (1997) or the Paris Agreement (2015) include explicit sanctions for non-accomplishment of mitigation targets or contributions, there is a growing threat of trade sanctions imposition associated to the carbon content of exported products. For example, in 2007 the United States Congress introduced the Lieberman-Warner America's Climate Security Act (S.2191) which included the proposal of applying border tax adjustments (BTAs) to imports from countries that had not taken action comparable to that taken by the United States to limit GHG emissions. Other climate bills such as Bingaman-Specter in 2007, Waxman-Markey in 2009 and Kerry-Boxer in 2009 included similar provisions. With regards to the European Union, it enacted the Renewable Energy Directive (2009/28/EC)in 2009, establishing that imported biofuels must demonstrate GHG emission savings as compared to the fossil fuel they replace and that the raw materials used for production had not been planted in a previously deforested land.

The possibility of extending the evaluation of international suppliers based on the carbon footprint of exported products is of particular concern for developing countries, including Latin America, given the export profile and productive specialisation relatively intensive in natural resources.

Conclusion

Latin American countries have changed their negotiation strategies within the UNFCCC Climate Change Conferences (COPs) regarding their participation in the global mitigation effort in the last twenty years. While they were opposed to making mitigation commitments similar to those undertaken by developed countries within the framework of the Kyoto Protocol in the 1990s, in 2015 they adopted the Paris Agreement and submitted their first Nationally Determined Contributions (NDCs) to the UNFCCC. The NDCs are national documents that articulate the climate actions countries compromise to implement within their territories.

Content analysis conducted on the oral declarations made by Latin American delegates and Heads of State throughout the 1995-2014 UNFCCC COPs, as reported in the IISD *Earth Negotiation Bulletins*, shows a first breaking point in discourse in 2007, when it was agreed that developing countries would not undertake mandatory mitigation commitments but would instead implement voluntary Nationally Appropriate Mitigation Actions (NAMAs), with financial and technological support from developed countries. The agreement on the notion of 'NAMAs' paved the way for agreeing in 2011 that *all* countries would make mitigation efforts under a new protocol that would be developed by 2015. The learning process of developing countries in planning 'national-level voluntary mitigation actions', which depended on continuous support from United Nations agencies and other multilateral organisations, prepared the ground for the emergence of a new bottom-up climate protocol based on voluntary mitigation 'contributions' from all countries (the Paris Agreement).

The change in terminology referring to developing countries' participation in the global mitigation effort, moving forward from the notion of 'commitments' to 'NAMAs' and finally to 'contributions', was accompanied by the introduction of different types of incentives within the international climate regime aimed at inducing perception and behavioural change among developing countries' decision makers. These incentives have been in line with the theoretical recommendations of the economic literature to encourage mitigation efforts and enhance participation in international climate agreements. Five such incentives can be identified.

Firstly, economic instruments were introduced through the inclusion of emission trading mechanisms within the Kyoto Protocol, which gave birth to the so-called 'carbon markets'. Developing countries were able to participate in this first experience of decision-making in a context with market prices for GHG emissions by undertaking mitigation projects under the CDM. Secondly, equity and fairness issues regarding mitigation burden-sharing was given higher consideration within the mechanisms discussed for including developing countries in the global mitigation effort. While Annex I countries put pressure on developing countries to accept mandatory mitigation commitments, agreement was not possible. When a different participation scheme based on voluntary actions with international support was considered, developing countries' participation was finally achieved. Thirdly, deliberate efforts were made by international organisations to generate and spread information related to the impacts and costs of inaction and the development co-benefits that can be associated to mitigation actions, with the IPCC and United Nations agencies playing a key role. Fourthly, an international compensation (transfer) scheme was created through the development of a global climate financial architecture that currently channels most resources for mitigation and adaptation actions to developing countries through the Green Climate Fund (GCF). Finally, sanctions for non-compliance in the form of threats of imposition of trade barriers based on the carbon content of export products began to consolidate at the international level. This has been especially so in the United States and Europe, which are key export markets for Latin American countries.

From an international policy perspective, the main implication of these findings is that it is important to have a retrospective and dynamic look of the international climate process, since the global governance architecture that has been created since the 1990s has been able to foster transformation processes and behavioural change, finally including developing countries in an international climate agreement applicable to *all*. Although the submitted NDCs are insufficient for preventing temperature increases above 2 °C, the Paris Agreement itself is a valuable framework for achieving further reductions in the future, since it establishes provisions for countries submitting new contributions every five years which should represent progressions beyond the previous ones.

After documenting the change in Latin American countries' negotiation positions regarding participation in the global mitigation effort since the 1990s and identifying the economic and governance incentives that have been introduced in the international climate regime, the next research steps involve testing empirically if these incentives have effectively induced the observed behavioural changes among Latin American decision makers. Surveys with negotiators and econometric studies should be conducted to test causality between the introduced incentives and negotiators' perception change regarding costs and benefits of joining an international climate agreement with a more active role.

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Appendix

Evolution of Latin American Delegates' Declarations in Climate Change Conferences (COPs) regarding GHG Mitigation Efforts (COP 1-COP 20 / 1995-2014)

COP 1 (1995) - Berlin, Germany
'The G-77/China stated that [...] the responsibility [for mitigation] should not be transferred from Annex I Parties to non-Annex I Parties [and] [...] stressed the need for a Protocol that imposed commitments only for Annex I parties' (IISD, 1995; page 3).
'Brazil said that [...] the right of developing countries to develop should not be put in risk and that trying to involve developing countries in a hasty manner [...] will not solve the problems [...]. The [Brazilian] delegation does not want to exchange 'smoke for trees' [...] (Ibid: 4-5).
'Colombia said that developing countries should not assume the same obligations as developed countries' (Ibid: 5).
COP 2 (1996) - Geneva, Switzerland
'Delegates from developing countries expressed dissatisfaction with what they considered an attempt by developed countries to shift the weight of implementation [of mitigation measures] from Annex I Parties to non-Annex I Parties [...]. These delegates strongly objected the language that proposed that the mitigation projects carried out in non-Annex I countries should be financed by themselves' (IISD, 1996: 12).
COP 3 (1997) - Kyoto, Japan
'The G-77/China took every opportunity to keep away from any attempt to attract developing countries to accept any element that could be interpreted as new commitments' (IISD, 1997: 2).
'Costa Rica said that the Kyoto Protocol should include […] an active voluntary participation of developing nations' (Ibid: 5).
'Developing countries […] stressed that the Berlin Mandate does not provide for developing countries to take responsibility for what it is, essentially, the result of industrialised countries' actions' (Ibid: 6).
'The G-77/China, supported by [...] Colombia, Nicaragua, Honduras, Chile, Peru, Uruguay, Venezuela, Costa Rica [...] and Argentina, said that the concepts of 'equity' and 'common but differentiated responsibilities' were key for success. The group highlighted the low per capita emissions of developing countries and their priorities regarding economic and social development. This is not the time to address developing countries' commitments but to strengthen developed countries'. The group concluded with a word: 'no' [...]. Brazil said that a declaration from a developed country had implied 'if you do not comply, we do not comply', to which he replied 'until you do not comply, we do not debate' (Ibid: 13).

'Although the Summit achieved the signing of the Kyoto Protocol [...] the ambition to universalise the imperative to reduce global GHG emissions through expanded participation to developing countries holds several steps back' (Ibid: 15).

COP 4 (1998) - Buenos Aires, Argentina

'Argentina [said that] developing countries share some responsibility for climate change and that they have an ethical obligation to ensure sustainable development' (IISD, 1998: 2).

'Brazil warned about the fact that assigning mitigation commitments to developing countries [...] did not seek to promote the principles of the Convention but rather would help some developed countries avoid their existing commitments [...]. China said that [...] the assumption of commitments would destroy the unity of the G-77/China [...]. Colombia suggested discussing the vulnerability of developing nations instead of their commitments' (Ibid: 3).

Cuba [...] opposed to any attempt to force developing countries to assume commitments [...]. Bolivia stressed that the [...] the limits [of Argentina] on their emissions could neither constitute a precedent nor compromise other countries to make similar commitments (Ibid: 11).

Developing countries raised their guard against any attempt to impose new obligations or associated conditionalities [...]. The G-77/China continues to consider it inappropriate to make commitments given the poor performance of Annex I Parties, while developed countries insist that the problem is the lack of global participation, particularly by key developing countries such as China and Brazil' (Ibid: 14).

COP 6 (2000-2001) - The Hague, Netherlands; Bonn, Germany

'The G-77/China rejected the proposal of a 'key Annex I country' to condition the provision of financial assistance to some form of new emissions reduction commitments for developing countries' (IISD, 2000: 3).

COP 7 (2001) - Marrakech, Morocco

'The G-77/China stated that COP 7 [...] was not the appropriate forum to address the issue of new commitments for developing countries [...]. Brazil said that it hoped that negotiations on the second commitment period would take into account the `Brazilian Proposal' based on the responsibility of having caused climate change' (IISD, 2001: 13).

COP 8 (2002) - New Delhi, India

'The usual division between the developed and developing countries' positions on many issues was evident at COP 8 [...]. The Delhi Declaration reaffirms the development and eradication of poverty as top priorities in developing countries and the implementation of the Convention's commitments according to Parties' common but differentiated responsibilities, development priorities and circumstances. It does not call for a dialogue to broaden commitments' (IISD, 2002: 1).

'AOSIS [...] and Mexico noted that Annex I countries were not accomplishing their commitments and that their emissions were increasing. Considering this, they [...] questioned how some Annex I countries could propose that developing countries should make commitments to reduce emissions. [...] Venezuela [...] opposed starting a discussion on commitments for developing countries [...]. The

G-77/China opposed to any text that could imply new commitments for non-Annex I countries [...]. Claiming its right to develop, Cuba opposed to new commitments for developing countries' (Ibid: 12).

COP 10 (2004) - Buenos Aires, Argentina

'Long negotiations were held on the complex and sensitive issue of how the parties would get involved in making commitments to fight climate change in the post-2012 period. The Kyoto Protocol, according to its Article 3.9, requires that Parties should begin to consider the post-2012 period in year 2005[...]. Argentina proposed, and the Parties agreed, to incorporate a text stating that [...] the Seminar would not initiate any negotiations leading to new commitments for developing countries (IISD, 2004: 14).

COP 11 (2005) - Montreal, Canada

'Reaffirming that no new commitments for non-Annex I Parties would be introduced under the Protocol, the G-77/China proposal called for the creation of an ad hoc working group to consider future commitments for Annex I countries' (IISD, 2005: 13).

COP 12 (2006) - Nairobi, Kenya

'It seems that the conditions for the participation of the main developing countries are not yet given (IISD, 2006: 17).

'According to most observers, two issues must be solved first: historical emissions and the 'fair' (or acceptable) distribution of future emissions. In this context, the meaning of `fair' will ultimately depend on political agreement. And, in any case, the only consensus at this point seems to be that there will be no possible commitments until developed countries show that they take seriously the idea of fighting climate change in the context of common but differentiated responsibilities' (IISD, 2006: 20).

COP 13 (2007) - Bali, Indonesia

"The text on developed and developing countries' mitigation efforts was especially controversial [...]. While the United States, Canada and others sought stronger language to refer to developing countries' commitments, the G-77/China opposed and, instead, tried to focus on language that referred to commitments for Annex I Parties [...]. *The agreement did not seem possible, but then the Parties finally agreed on a proposal from India and another developing country on a text that refers to adequate mitigation actions at the national level to be implemented in developing Parties in the context of sustainable development, supported by technology transfer and possibly by financial flows and capacity building and developed in a way that could be measured, reported and verified'* (IISD, 2007: 15).

'For the first time it established a negotiating agenda that included discussions on mitigation for both developed and developing countries (Ibid: 19).

COP 14 (2008) - Poznan, Poland

'The Parties discussed the idea of establishing a registry of mitigation actions undertaken in developing countries. Brazil stated that the registry should match actions with needed and offered resources [...]. India stressed that there should not be reviews of the adequacy of developing countries' actions' (IISD, 2008: 13). 'Costa Rica […] declared her intention to achieve carbon neutrality by 2021' (Ibid: 17).

COP 15 (2009) - Copenhagen, Denmark

'It was agreed that non-Annex I parties will implement mitigation actions' (IISD, 2009: 10)

'A small number of developing countries, with Venezuela, Bolivia, Cuba and Nicaragua at the forefront, expressed strong objections to what they described as a 'non-transparent and non-democratic' negotiation process and quit the Copenhagen Accord' (Ibid: 29).

COP 16 (2010) - Cancun, Mexico

'The Mexican President of the COP [...] emphasised that the Cancun Conference is not the end but the beginning of a new phase of cooperation based on the conviction that everyone is responsible for the environment and the rest of humanity' (IISD, 2010: 16).

'Regarding the appropriate national mitigation actions of the developing country Parties, the COP agreed that they will carry out NAMAs in order to achieve a deviation in the expected emissions trajectories in 2020. It also agreed that developed countries will provide support for the preparation and implementation of NAMAs. A NAMA registry will be established to put together financial, technological and capacity-building support with NAMAs seeking international assistance' (Ibid: 18).

COP 17 (2011) - Durban, South Africa

'Bolivia expressed its concern because the requirements that are being imposed on developed and developing countries are very similar' (IISD, 2011: 16).

COP 18 (2012) - Doha, Qatar

'BASIC countries (Brazil, South Africa, India and China) said that [...] group members promised a 'proactive approach' to deal with climate change in the future' (IISD, 2012: 5).

COP 19 (2013) - Warsaw, Poland

'Colombia, on behalf of AILAC, called for action within the framework of the respective capacities and taking into consideration the priorities of all parties [...] (IISD, 2013: 14).

'Regretting lack of ambition, Mexico emphasized its national efforts independently of an international agreement and the need to face actions without negotiating the future of the planet' (Ibid: 27).

'It seems that the 2015 agreement is resulting in a purely 'bottom-up' arrangement where each state delineates the scope and nature of its contribution [...]. This leaves unresolved fundamental questions, such as the legal nature of the 2015 agreement and the means to differentiate commitments in an agreement 'applicable to all' (Ibid: 29).