

COMMON BUT DIFFERENTIATED RESPONSIBILITIES REGARDING CLIMATE CHANGE. DIFFERENT INTERPRETATIONS WITHIN THE BRAZILIAN NATIONAL CONTEXT

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Abstract

The following paper aims to reconstruct the evolution of this dynamic by tracing the interpretations and reinterpretations of the norm done by Brazilian state actors through the process of localization of the norm in the domestic discourse on climate change in Brazil from 2005 to 2010. The theoretical perspective is based on the literature about norms internalization that attempts to specify the conditions under which international norms find salience in particular domestic contexts.

Two main interpretations coexist within the Brazilian political arena in the period within the entry into force of the Kyoto Protocol until the signature of the Paris agreement that influenced the climate politics in Brazil in that period. The first stand around the norm was a traditional interpretation of the principle defending a position of historical responsibilities that implies that Brazil did not have to take greenhouse gas reduction measures. The second position is a more progressive interpretation of the norm that argues that Brazil, as an emergent country, can and must adopt emissions reductions. The tie between both positions allows us to understand the alleged ups and downs in climate policy in the time frame studied.

Keywords

Climate Change; Brazil; Common but Differentiated Responsibilities; Localization

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Introduction

The principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC from now on) emerges as a fundamental norm of global environmental governance at the interstate level, as a result of the international negotiations that led to the adoption of the United Nations Framework Convention on Climate Change (UNFCCC from now on) in 1992. The traditional interpretation of the norm held that different levels of environmental protection should be expected between developed and emerging or developing countries, or at a minimum, a grace period should be granted to developing countries to address reforms leading to reduce their environmental impact in the medium term. In contrast, mitigation actions should be addressed as soon as possible for developed countries.

The principle's rationale is that Northern states are primarily responsible for past environmental degradation, and they continue to consume an overwhelming proportion of the planet's resources and possess superior technological and financial capabilities to protect the environment. However, many Northern states have refused to accept responsibility for their historical contribution to global environmental degradation. They interpret the principle as imposing only future, not past, responsibilities (Rafiqul Islam, 2015). In this way, the CBDR-RC principle derives from the historical divide between the Global North and Global South on environmental politics and consolidate itself as a compromise between the needs of Northern and Southern countries, recognizing the call to adopt differential norms in certain circumstances given the heterogeneity of the international society (Atapattu, 2015). However, the debates surrounding the adoption of this principle proved unfinished, as some Northern countries, as the United States in particular, sought to cast this principle as a reflection of the North's "superior" technical and financial capacity rather than its duty to provide redress for past harm (Atapattu & Gonzalez, 2015). Despite this debate, the CBDR-RC principle remains a norm of global justice in the international society (Kiessling & Pacheco Alonso, 2019).



Regarding climate change, this norm allowed to establish a division of responsibility between developed and developing countries by defining the former as the main responsible for regulating climate change within environmental governance. With the signature of the Kyoto Protocol in 1997, this norm was institutionalized by establishing that the developed states of the Global North, referred to as Annex I, were those responsible for adopting measures to mitigate climate change. While countries of the Global South (not Annex I) only committed to cooperate within the framework of the climate change negotiations and submit periodical reports to contribute to the UNFCCC goals (Bodansky, Brunée, Rajamani, 2017).

The ambiguity with which the norm was institutionalized within the international arena, precisely the intent of broadening the participation of all countries, led to discussions about the differentiation between the Parties and the way it should be applied. Thus, discussions were held on whether the basis of implementation of the norm should be the changing and dynamic capacities of the countries or the historical contributions regarding GHGs emissions, a debate that has not yet been settled (Bodansky, Brunée, Rajamani, 2017). Being unclear if the CBDR-RC regulates historical responsibilities for past harm on the environmental arena, wealth and technical capacities to diminish the environmental impact, or represent an adaptation of the principle of the common heritage of humankind, all these meanings can coexist in the global discourses regarding the environment.

Since the origin of the principle in the early 90s, this international norm had an exclusively interstate character in consolidating liberal environmentalism as a normative complex of the global governance of climate change (Bernstein, 2001). Brazil was a protagonist in this process by closing ranks in the negotiations with China and India to ensure that they would not adopt legally binding mitigation commitments in the emerging climate governance regime. This alliance laid the foundations for the future work of the G77+China, within the climate negotiations, based on an internal work division where Brazil held the leadership regarding scientific issues.

The performance of G77+China in this scenario was fundamental to lead to a generalized interpretation of the norm that privileged the idea of historical responsibilities and a strong separation between Annex I and non-Annex I countries; and to maintain, among the Global South, the position of not accepting legally binding commitments, based on a rigid identity definition as developing countries. However, at the beginning of the 2000s, global climate governance gained complexity with the emergence and involvement of new actors that led to innovative dynamics within the regime. A paradigmatic case was the process of internalization of the CBDR-RC in the Global South, where the involvement of non-state actors, whether accepting or contesting the content and interpretations of the international norm, shaped the way the principle appeared in the domestic discourse.

The following paper aims to reconstruct the evolution of this dynamic by tracing the interpretations and reinterpretations of the norm done by Brazilian state actors through the process of localization (Acharya, 2004) of the norm in the domestic discourse on climate change in Brazil from 2005 to 2010. The temporal delimitation responds to the entry into force of the Kyoto Protocol in 2005 and the subsequent years through which



the domestic climate governance was consolidated until the sanction of the Climate Change Law in 2009 and the National Climate Change Policy in 2010. As identified in previous research, the proposed temporal delimitation responds to the emergency of a domestic climate change governance arena in Brazil (Kiessling, 2018; 2019; 2021). However, it should be noted that the climate governance scenario in Brazil has undergone drastic detrimental changes, both in its structure and in the ambition and robustness of its regulatory body, especially since the arrival of Bolsonaro to the government in 2018. As before this moment, Brazil led climate action in the region - particularly between 2005 to 2010 -, and the processes developed in this period continue to represent an example to follow in Latin America; this paper focuses on the analysis and reflection on this particular moment in the construction of Brazilian climate governance.

The article is structured in seven sections besides this introduction; the first one frames the theoretical-methodological approach; the second and third ones describe the context of the climate change international negotiations and the discussion of the CBDR-RC in the Brazilian domestic context, respectively. The fourth and fifth sections illustrate the two different interpretations of the norm approached by the Brazilian policymakers. The sixth section presents the empirical discussion that sets forth the article's main argument. Finally, the final reflections that recover the article's main findings are presented.

Theoretical-methodological approach

The theoretical perspective that guides this article is based on the literature about norms internalization that attempts to specify the conditions under which international norms find salience in particular domestic contexts. Kratochwil defines *norms* as speech acts through which communication is established (Koslowski & Kratochwil, 1994). In any case, more operational definitions are usually referred to by the literature, such as standards of appropriate behavior for actors with a given identity (Katzenstein, 1996), prescriptions for action in situations of choice (Cortell & Davis 2000), or in more specific; ideas with varying degrees of abstraction and specification concerning fundamental values, organizational principles or standardized procedures that have gained support from states and global actors, and take place prominently in multiple forums including state policies, laws, treaties or international agreements (Krook & True, 2010).

An essential aspect of the diffusion of international norms is their internalization in particular national contexts. In the internalization process, the international (ideas) are connected with the domestic (identities). Sociology and social psychology define the internalization of norms as a process that transforms the motivations and interests of an agent to comply with social norms, transforming adherence to the norm as a way of avoiding punishment or obtaining rewards into compliance as an end in itself (Andrighetto et al., 2010). Traditionally, in the literature of International Relations, it is indicated that the states are the primary agents "generators of norms" or "acceptors of norms" (Rule-makers vs. Rule-takers). However, with new studies on emergency, consolidation, and internalization processes of international norms (e.g., Argomaniz, 2009, Xiaoyu, 2012), the complexity of these dynamics has begun to be understood.



From an interpretive epistemological approach, ideas, norms, and discourses acquire centrality as objects of analysis. The role of ideas has been recognized in International Relations by authors of various theoretical currents. Two major meta-theoretical approaches inform the studies about norms internalization: rationalism and constructivism (Cortell & Davis, 2000; Boekle, Rittberger, Wagner, 1999; e.g.). From rationalism, it is argued that international norms modify the actors' incentives by providing solutions to coordination problems and reducing transaction costs. In this context, that implies that adherence to international standards will depend on a cost-benefit calculation and the possibilities that the rules provide to maximize the profits of these actors.

On the other hand, in a constructivist sense, it is affirmed that international norms provide a language and a grammar of international politics, constituting the social actors themselves through shaping their identities and interests. For constructivism, social actors are guided by the logic of the appropriate, opposing the assumption rooted in the rationalist tradition where it is supposed that social action is guided only by the logic of the consequence. Rationalists read cost-benefit calculation as the leading guide for social action. At the same time, for constructivists, the logic of what is appropriate implies recognizing that, for the actors, it is more critical that their practices are recognized, by other agents and by themselves, as legitimate and appropriate to a given social context (March & Olsen, 2008). If considerations of "appropriateness" prevail to guide the social agency, the modalities under which climate change is initially framed as a problem that define the "adequate" actions to address it will generate dependent trajectories (David, 2007) of these interpretations, impacting on the discourses and the future policy itself.

The latter implies considering international norms as discursive processes (Krook & True, 2010). Recognizing the discursive dimension of the norms allows us to question the assumption that international norms maintain their essence and meaning unaltered during internalization. Precisely, the integrity of an international norm can be questioned after its rhetorical acceptance (Stevenson, 2013). Thus, internalization processes necessarily imply processes of reinterpretation of the norm based on their dynamism. Two sources of the norm's dynamism can be recognized: external and internal ones. The external dynamism of a norm is generated by the broader universe of existing norms and the conflicts or alignments between them, that is, the competition that is generated around the adoption of a particular norm or another potential alternative competitor, whether in the same thematic area or not (Krook & True, 2010).

The internal dynamism is observed in its potential to establish competition between the different meanings that the adoption of the norm implies itself. On the other hand, the internal dynamism of a norm is defined by the connection made between the international norm and its domestic reception or with the correspondence between said norm and existing domestic norms. In other words, domestic actors are active agents in reinterpreting the content of the norm in their adoption and not merely passive recipients of an international system that modifies them.

To refer to the internal dynamism of international norms, it is necessary to bring up the complementary concept of normative congruence. This concept refers to the



internalization of international norms in national contexts as a dynamic and unpredictable process that oscillates between perceptions of congruence and incongruence between global norms and domestic conditions (Stevenson, 2013: 11). Following Stevenson (2013), the construction of normative congruence can potentially take different forms and incorporate a wide range of state and non-state domestic actors. These actors can (consciously or unconsciously) promote change processes based on their disagreement with the perception of incongruence (or congruence) about the international norms.

On the other hand, the concept of localization seeks to describe how the internalization of international norms occurs in the Global South when the content of that norm has (or is feasible to build) some linkage with preexisting domestic norms, whether they are directly or indirectly related to the topic. A key element is that localization occurs if there is a process of accommodation so that norms can converge with each other. Thus, the localization of norms starts from the paradox that implies both acceptance and contestation of the norm, enabling the construction and (re)construction of normative convergence. Faced with this situation, localization, not the complete acceptance or total rejection, results in most cases of normative response in the Global South domestic contexts (Acharya, 2004). The hypothesis that guides this study is that along the process of localization of the principle of common but differentiated responsibilities in the Brazilian domestic context, Brazilian governmental actors were redefining their interpretations on the subject along the lines of the different ministries that has competence over the issue of climate change¹.

In methodological terms, the following article recognizes the importance of discourse analysis to understand the framing process of international standards. This concept can be defined as a process tending to select aspects of a perceived reality and make them more salient in discourse to promote somehow a specific definition of a problem, its causal interpretation, moral evaluation, and recommendation for its treatment (Stevenson, 2013). The primary sources of this research are semi-structured interviews with state and non-state actors in Brazil, such as diplomats, members of the Ministers of Environment, Science and Technology, NGO activists, people in business, among others; complemented by a review of secondary sources such as official documents and academic articles. Reading the interviews and official documents under a constructivist lens allows us to understand how the agency of social actors of the Brazilian government and state officials is constituted based on ideas and discourses that construct interpretations on the scope and meaning of the international standards that regulate the global climate governance arena. In this sense, the interviewees' words are presented as illustrations or snapshots of major meaning structures related to the modalities under which the social actors embody the CBDR-RC as a valid norm, the prevailing interpretations on the same, and its changes in time.

¹ This article aims to study the localization process of the CBDR-RC in the Brazilian domestic context. In this sense, the executive branch's role in Brazil is mainly explored and its links with other state and non-state actors. For more detail on the processes of internalization of the CRDB-RC in Brazil by non-state actors, see Kiessling (2019; 2021).



Brazil, the CBDR–RC and the international context in the post-Kyoto stage

The CBDR–RC, proposed by the G77+China countries, was a pillar of the Brazilian government's position at the climate negotiations, even before the signing of the UNFCCC. The formulation of this norm responded to a conception of justice within international society; this meant that the countries that had caused the problem should be the main ones responsible for addressing it and helping the less developed countries to adapt to its inevitable impacts. Brazil's conventional position at the international climate change negotiations was based on an interpretation of this norm that denied the possibility of Brazil adopting any mitigation commitments in climate governance. However, changes in the relationship between developed and emerging countries of the Global South in international negotiations undermined the foundations on which this interpretation was based. From 2005 with the entry into force of the Kyoto Protocol, and especially after 2007 at COP13 in Bali, Indonesia, the developed countries began to seriously question a top-down agenda for negotiations, which only established binding commitments to Annex I countries. In this Conference of the Parties, the countries presented a new way of negotiations that reflected the changes in the international system. With the Bali Action Plan, countries recognized that climate change responsibilities are dynamic in the long term. This plan also established a second negotiation route, separated from the Kyoto Protocol, where a working group of developed countries (including the United States) will negotiate future quantified emission reduction commitments (Lessels, 2013; Albuquerque, 2019).

As a result of this breakdown and the subsequent failure of the COP15 in Copenhagen in 2009 to sign a new Kyoto-style binding treaty, the dynamic of the international negotiation agenda is transformed by adopting a bottom-up approach that enables (and requires) all states to submit national mitigation contributions to the UNFCCC.

In this context of a change of global governance between 2005 and 2009, the CBDR–RC is reinterpreted at the international level to abandon interpretations that only associate this concept with the idea of historical responsibilities leading to a clear separation between them Annex I and non Annex I countries. This international process triggered local processes of reinterpretation of this norm insofar as states could legitimately support traditional interpretations in the context of the new configuration of the climate regime (Albuquerque, 2019).

Common but Differentiated Responsibilities in Brazilian post-Kyoto political context

Since the signing of the Kyoto Protocol in 1997, Brazil has consolidated a position in international negotiations that can be characterized as the traditional Brazilian position on climate change (Johnson, 2001, Viola, Franchini, & Lemos Ribeiro, 2012). In general terms, Viola, Franchini, & Lemos Ribeiro (2012) argue that during the negotiation of the Kyoto Protocol, Brazil held five visions that have been key in defining this position:



- Unwavering commitment to the right to development as the framework in which the climate change policy is inserted.
- Defense of the notion of sustainable development to integrate economic processes with environmental defense.
- Brazil's global leadership on climate change.
- Avoid linking climate change with the regulation and preservation of forests and jungles.
- The radical interpretation of the principle of common but differentiated responsibilities.

During the first decade of the 2000s, there was a political change regarding the power and attributions of the ministries linked to the environmental agenda². While at the beginning of 2000, the Ministry of Science and Technology could be recognized as the leading actor, there was a transition in the second half of the decade that placed the Ministry of Environment at the center of the agenda. This transition was linked to the internalization of the CBDR-RC and to disputes over the meaning and interpretations that this norm should have. By 2010, four Ministries led the climate agenda in Brazil; Environment, Finance, Foreign Affairs, and Science and Technology. These four ministries can be briefly classified into two groups:

- On the one hand, those Ministries sought to sustain the status quo in terms of preserving the institutions and practices already established to regulate climate change in Brazil. Here we can locate the Ministry of Foreign Affairs (MFA) and the Ministry of Science and Technology (MST). The first traditionally sought to limit the interference of other Ministries in the definition of the climate policy in Brazil. They defended the identification of Brazil as an emerging developing country, member of the G77+China that should not completely abandon the CBDR-RC even if voluntary commitments were assumed, as they were only demonstrations of predisposition from a developing country to act. The MST, responsible for administering the Clean Development Mechanism (CDM) since the mid-2000s, also accompanied this position. From its scope of action, the Ministry was favorable to preserve the environmental integrity of the mechanism, as one of the pillars of Brazilian foreign policy on the subject (Kiessling, 2018).
- On the other hand, by 2012, the Ministries of the Environment (ME) and Finance (MF) were leading the way to reinterpret the principle. The ME promoted a radical reinterpretation of the norm, oriented to ensure greater levels of commitment, which was supported and accompanied by other social actors such as the private and the third sector. The preferred modality to face these new obligations, which the Ministry

² Although several Ministries in Brazil compete in the framework of the climate change agenda, when the UNFCCC was signed, a tacit alliance was established between Itamaraty and the Ministry of Science and Technology. This alliance would have exclusivity in the definition of Brazilian climate policy (Kiessling, 2018). In that sense, only Itamaraty participated in the formulation of the traditional Brazilian position; as it was considered not only to be the agent who represented more consistently the Brazilian national interest but also the one that had the most significant capabilities to do so (Viola, Franchini, Lemos Ribeiro, 2012).



interpreted would be increasing, was adopting economic instruments much more generalized than solely based on the flexibilization mechanisms foreseen by the Kyoto Protocol (the CDM). Thus, the ME became favorable and promoted mechanisms such as REDD+, among other initiatives. The MF played an important role here, accompanying and generating the practical tools that the logic underlying the speeches of the ME required, conforming to a symbiosis that was going to be visible, from the year 2010, in the figure of Minister Izabella Teixeira.

In both cases, the progressive interpretations of the norm are compatible with the reinterpretations that, in the first years of 2010, were privileging on a global scale, as described in the previous section. The different visions are then presented in the following table:

Table Nº1 - Interpretations of the principle of common but differentiated responsibilities by Ministries in Brazil

	Principle of common but differentiated responsibilities
Traditional interpretation of the principle	Ministry of Foreign Affairs - Ministry of Science and Technology
Progressive interpretation of the principle	Ministry of the Environment - Ministry of Finance

Own Elaboration

The following sections will explore both interpretations in greater detail from this outline.

The traditional interpretation of the principle: the Itamaraty flag

As mentioned above, between 2007 and 2009, categorical differentiation based on annexes was abandoned, not without resistance and contestations, in pursuit of self-differentiation (Bodansky, Brunée, Rajamani, 2017); based on a reinterpretation of the CBDR-RC, which shifts from the focus on historical responsibility towards one focused on the capacities of the countries. With the recognition of this change throughout the negotiation rounds of Bali, Itamaraty identifies that it can not continue adopting a defensive position as it had done with the G77+China in the first round of negotiations of Kyoto. The direct consequence of this recognition is a flexibilization of the conventional position towards the recognition of the importance of the large developing countries in the solution of climate change and the new role of Brazil as a great player in the global economy:

"Developing countries like Brazil must also take action under the Convention"³.

³ Luis Rebelo Fernandes, Executive Secretary of the MST. Excerpt from the speech given at COP 12, 2006.



*"All of us must take bigger and bolder steps to reduce emissions"...
"Responsibilities are and should be differentiated, but we can not forget that
they are also common"⁴.*

*"Our emissions, although they are newer and smaller, also help suffocate and
submerge the only land we have to inhabit"⁵.*

Itamaraty, like the rest of the countries that would later shape the BASIC bloc, was in favor of the two-track negotiation approach that was consolidated at COP13 in Bali (2007) as they recognized that within the second track of the Bali Action Plan, their actions would always be self-determined. This approach would allow Brazil, India, China, and South Africa to increase their contributions voluntarily, responding to domestic pressures, without these contributions being considered binding targets derived from the convention (Lessels, 2013).

These talks between the three large developing countries occurred from the beginning of negotiations within the G77+China. During this period (2005-2009), while recognizing the transformations within the negotiations, Itamaraty closed ranks with India and China to support the voluntary nature of any action Brazil could take. In this context, regular meetings were held with China and India to coordinate even scheduled aspects, such as the delivery dates of the National Communications to the Secretariat of the Convention⁶.

Once BASIC was established, the idea of voluntary contributions constituted in the second track became extremely important to maintain cohesion within the coalition. It meant that a partner country could make voluntary GHGs reductions without compromising the others (Lessels, 2013). This way, the partners could keep the coalition united and maintain an international identity based on their emerging status while allowing margins of action to define domestic policies with a certain autonomy. Thus, with the conformation of BASIC, these countries were able to slow down, or at least reduce, the speed of transformations within the structure of global climate governance. Through this joint action, BASIC members were able to uphold the CBDR-RC, even in the transformation of the commitments from a top-down model to a bottom-up approach (Albuquerque, 2019).

As one respondent points out, the CBDR-RC continued to be a defensive principle despite the transformations:

⁴ Celso Amorin, Minister of Foreign Affairs. Excerpt from a speech given at COP 12, Bali, 2007.

⁵ Carlos Minc, Minister of the Environment, Excerpt from a speech given at COP 14, Poznan, 2008.

⁶ As early as 2004, Brazil, India, and China agreed to deliver their first National Communications of the UNFCCC during COP 10 in Buenos Aires, although the National Communication of Brazil had already been prepared before. Although India did not comply with the stipulated and submitted its communication a few months before the other countries, the idea was that the three would delay the delivery of communications to avoid attention to their domestic situations and domestic policies. Delivering them jointly sought to strengthen their position against a potential claim by the Annex I countries (Lessels, 2013).



*"So at the beginning of those discussions, there was ... the Brazilian government used a lot of that to say that it was not going to do anything, that it was only going to wait for several moments. For example, the Brazilian government sometimes said ... how many developed countries did not publish their emission inventories, we are not going to publish either, how many countries do not send their contributions, those developed countries with Kyoto obligations, we are not going to do either, and over time the Brazilian government became less ... it became a little more flexible, it always remembers that principle, but in a certain way it relaxed a bit ..."*⁷.

From 2005 to 2010, Brazil continued to strengthen its position within the G77+China; where it was still the reference regarding the scientific topics of the negotiations, but also sought to increase its influence by constructing the idea that Brazil, although a developing country, could assist in the transfer of technology and knowledge to the less developed countries within the frame of South-South and regional cooperation programs (Lessels, 2013):

*"(...) (Brazil) was a pioneer in worldwide technological developments of clean energy alternatives such as alcohol-based ethanol fuel. We are willing to share this experience with other countries, especially with our sister developing countries"*⁸.

*"(...) and we are willing to share this technology with other developing countries in Africa, Asia, Latin America, and the Caribbean."*⁹

*"Also, we have been able to create south-south cooperation programs for technology transfer"*¹⁰.

*"We are not going to exclude it (the idea of transferring financing to less developed countries). It is not a problem for Brazil to contribute to other countries. However, it is clear that the main burden can not be on emerging countries"*¹¹.

⁷ Excerpt from the interview with André Rocha Ferretti (Climate Observatory) by videoconference on August 15, 2016.

⁸ Luis Rebelo Fernandes, Secretary-General of the MST, excerpt from the speech given at COP 12, Nairobi, 2006. Citation extracted from Lessels (2013).

⁹ Celso Amorin, Minister of Foreign Affairs, excerpt from the speech given at COP 13, Bali 2007. Citation extracted from Lessels (2013).

¹⁰ Izabella Mônica Teixeira, Minister of the Environment, excerpt from the speech given at COP 16, Cancun 2010. Citation extracted from Lessels (2013).

¹¹ Celso Amorin, Minister of Foreign Affairs, interview with O Globo on October 14, 2009. Citation extracted from Lessels (2013).



At COP 15 in Copenhagen in 2009, Brazil demonstrated a willingness to help finance the adaptation and mitigation programs for the least developed countries. In the words of Luis Inácio Lula da Silva:

"If there is another sacrifice to be made, Brazil is willing to put money also to help other countries. We are willing to participate in the financing if we reach an agreement on a final proposal here at this meeting"¹².

At the same time, the Brazilian government, as a whole, both the MMA and Itamaraty, began to be much more receptive to enabling instances and spaces for the participation of the organized civil society.

In 2009, Brazil announced at COP15 that it would take voluntary mitigation actions to reduce GHGs. Based on this Brazilian decision, some concerns were unleashed within the BASIC coalition and some G77+China countries, as it could lead to a growing demand for more significant efforts from developing countries and substantial pressure on the idea of mandatory goals for BASICs. However, Itamaraty maintained that the voluntary emissions reduction was part of a national decision that was not legally associated with any agreement of the UNFCCC, and therefore, did not imply that the other members of the BASIC coalition should do the same; since the second way opened after Bali could allow this alternative (Lessels, 2013).

However, this definition was not necessarily shared by the entire Brazilian government. Thus, the ME interpretation on the process of adopting voluntary goals can be understood from the words of an interviewee:

"Only here, even that position (the traditional Brazilian position on climate change) in 2005, 2006, had a hegemonic weight in the government, was sustained several times by Lula. With the release of the IPCC report, the documentary by Al Gore, the internal movements, the information that emissions from the developing world, India, China, Brazil came to be equivalent to emissions from the countries of the North, that Brazil went to Copenhagen with a quite expressive change, and arrived with voluntary goals. This has to do with the general political movement of Lula, based on the alignment of China with the US. When China aligns itself with the United States, Lula made an inflection towards Sarkozy and the EU and relaxed at two points in which Brazil was absolutely inflexible: the acceptance of goals and adherence to the proposal of the World Environment Organization that Brazil always resisted until 2006, although with Marina Silva we defended that the government should change its position. Lula changes and becomes the main head of the state in Copenhagen... it was an evolutionary process from 2003 to 2007..."¹³.

¹² Luís Inácio Lula da Silva, President of the Republic of Brazil, 2009, COP 15, Copenhagen. Citation extracted from Lessels (2013).

¹³ Excerpt from the interview conducted by Asher Lessels on October 14, 2011 with a high-ranking official of the Brazilian Ministry of the Environment responsible for leading the Brazilian delegation at COP 9.



In this way, it is observed that within the Brazilian government started to emerge and coexist with the classic interpretation of the CBDR-RC, an approach closer to the position held by civil society at the time (Kiessling, 2019); that would end up questioning Itamaraty's traditional view of Brazil's responsibility in mitigating climate change. This process will be developed in greater detail in the next section.

Progressive interpretation of the principle: the responsibilities we can adopt

From 2003, with the arrival of Marina Silva to the ME, the hegemony of the MFA and the MCT on the subject was broken. New voices are enabled within the sphere of discussion that privileged the environmental aspects of climate change over Itamaraty's traditional interpretation of the issue as a problem of development and energy use (Kiessling, 2018). The participation of other voices in the Brazilian government continued to grow, making a great lip with the Interministerial Committee on Climate Change (ICCC) by decree Nº 6263/07. The ICCC is coordinated by the Civil House of the Presidency of the Republic and consists of seventeen federal agencies structured under an Executive Group (EG) coordinated by the Ministry of Environment and composed of eight ministries and the Brazilian Forum of Climate Changes. The CIM, through the EG, prepared in 2008 and 2009, respectively, the National Plan on Climate Change and the National Policy on Climate Change. Thus, the characterization of the CBDR-RC begins to be reinterpreted within the government itself in a way that focuses its attention on the common character of responsibilities rather than on their differentiated character. This norm begins then to be more proactively addressed (the responsibilities we can adopt) than in a defensive way (historical responsibility) (Kiessling, 2018).

The responsibility transition from the MST to the ME, regarding the lead on the issue, occurred gradually and continued from 2005 to 2009-2010. The Brazilian negotiators at the COPs continued to be MFA officials, even though they intended to sustain the traditional Brazilian position on climate change, despite suffering pressures from both the internal changes that were impacting the official position of the country and the transformations that were taking place within the international negotiations themselves. On the other hand, as indicated by Lessels (2013), the technical team of the MST, little by little, began to lose power and influence within the delegation. As of 2010, the MST nearly no longer participates in decision-making processes on climate change, having closed almost all operations related to the climate agenda. However, the MST kept within his competencies, responsibility regarding the Brazilian National Communications to the UNFCCC, and the CDM projects' management, the regulatory and oversight authority of this matter.

Regarding the ME, as Lessels (2013) indicates, probably for Marina Silva, the most significant concern was not so much the issue of climate change itself, even being Marina, an environmentalist, but that the UNFCCC negotiations were presented as an opportunity to force changes in the country's performance respecting forest management. Marina



Silva was convinced that it was necessary for Brazil to establish a strong linkage between climate and forest openly and to promote the idea that common but differentiated responsibilities did not mean that Brazil had no responsibilities (Lessels, 2013). Thus, in early 2005, the ME had already broken the association and identified climate change exclusively as a matter of energy use. Under Marina's direction, the ME also opened the first ministerial department dedicated to climate change, giving the Ministry capabilities to address policies on the subject.

This change had enormous importance in the subsequent years since, even though the interpretations of the norm within the Brazilian government remained open, a proactive interpretation of the CBDR-RC, associated with the responsibilities that Brazil can assume based on its capabilities, was the protagonist in the governmental debates. To adopt such an interpretation, previously, it required that climate change was framed as a joint responsibility of humanity, where the current capacities of the states are the necessary standard to establish mitigation goals and not their institutionalized status as a developed or developing country.

This position was accompanied by organized civil society and the academy sector working on this problem, who were favorable, along this process of reinterpretation of the norm, to Brazil changing its domestic and foreign policy on climate change to adopt GHGs reduction commitments (Kiessling, 2019). In this sense, it is worth mentioning the existence of a micro-process of intra-case socialization, which did not involve international actors but had a significant impact on the socialization of state actors. With the arrival of Lula da Silva to the Presidency of Brazil, especially the Ministry of Environment began a process of hiring specialized personnel, which to a certain extent, impacted the agendas, policies, vision, and capabilities of the Ministry. As one interviewee indicates:

"... I went there in 2004, more until 2003 (the MMA) had a tiny technical body. (...), with the arrival of Marina Silva, she brought many professionals who acted in the third sector to compose the Ministry team and there she did the first contest, for environmental analysis, she made the contest for (. ..), which was what I did, I worked there, and from there it was starting to build that technical body of the Ministry that did not exist before. And the people who were free in the market to work on that issue are the people who came from the third sector, who were in the third sector and who went to the Ministry to make that transition, to build, to help build that own technical body. Then, not only (the MMA) had many alliances with the private sector and with the third sector, but it had many people who were from the third sector and who had gone to the Ministry to help in that construction..."¹⁴

¹⁴ Excerpt from the interview with Beatriz Martins in São Paulo on September 26, 2016.



Discussion and results

As the domestic discourse on climate change was resignifying and questioning the CBDR–RC's centrality in the interpretation of Itamaraty, this movement was accompanied by the emergence of a growing number of governmental agencies formulating options consistent with the CBDR–RC. As argued in the literature, this signal shows the increasing importance of an international norm in a domestic context (Cortell & Davis, 2000; Kiessling, 2021).

The general objective of the program was to identify, plan, and coordinate the actions and measures that could be undertaken about mitigation and adaptation to climate change. Thus, in the first place, the formulation of the National Climate Change Plan in 2007 should be highlighted. This plan was presented as a relevant framework for integrating and harmonizing public policies concerning the subject. The importance of the plan lies in the assumption that this plan represents a transition in the positioning of the government of Brazil: from an identification of the country as a developing country, not Annex I, to a position defined by the objective of beginning to plan voluntary mitigation and adaptation actions through the identification of economic mitigation opportunities¹⁵.

However, the "postulates of the norm" and their meanings were also contested within the government of Brazil itself, between a vision of climate change as a problem of humanity as a whole, as an economic problem of externalities, and as a national problem of development and use of energy.

At the federal level, a bill was submitted to the Congress of Brazil in 2008 that opened a debate in the congress that began to accelerate towards mid-2009 when the Brazilian government began to signal that it was going to adopt emission reduction targets in Copenhagen¹⁶. This proposal was based on a draft made by the Climate Observatory (*Observatório do Clima*). It was supported by the Executive becoming the basis of the law that was finally sanctioned and even keeping extracts from the original project of the Climate Observatory.

That represents the institutionalization of cooperation mechanisms between state and non-state actors to consolidate the norm in the domestic context. This cooperation preexisted the sanction of climate law. However, it increased significantly between 2007 and 2009 across the convergence of public, private, and third sector actors towards the definition of the demand for an approach of national regulation of climate change that would transcend the interpretation of CBDR–RC as historical responsibilities.

After a negotiation process within the government, the Brazilian Senate approved the National Climate Change Policy on November 25, 2009. By the end of 2009, Carlos Minc managed to organize a series of small meetings where the most important government

¹⁵ The sectors identified as mitigation opportunities will be the basis of the future sectoral plans defined by the National Policy in 2009.

¹⁶ Itamaraty confirms that Brazil will have a goal against global warming. Folha de São Paulo. 08/12/2009 (<https://www1.folha.uol.com.br/ambiente/2009/08/608523-itamaraty-confirma-que-brasil-tera-meta-contra-aquecimento.shtml>). Last online consultation: 09/09/2021.



actors came together to discuss Brazil's possible voluntary reductions of GHG emissions. In these four private meetings in the Planalto Palace in Brasilia were present, among others, Lula, president of the Republic; Dilma Rousseff, Chief of the Civil House of the Presidency; Carlos Minc, Minister of the Environment; Sergio Rezende, Minister of Science and Technology; and Celso Amorim, Minister of Foreign Affairs (Lessels 2013). By the end of the third meeting, the political actors converge in favor of adopting announced voluntary goals. Then, formally, the National Climate Change Policy was approved and sanctioned as a law by the president of the Republic on December 20, 2009¹⁷. This policy announces reductions of between 36.1% and 38.9% concerning the emission levels expected for 2020 in a BAU scenario.

*"We made a commitment, and we approved it in the National Congress, transforming into law the fact that Brazil, until 2020, will reduce greenhouse gas emissions from 36.1% to 38.9% based on what we consider important: change in the Brazilian agriculture system; change in the Brazilian steel system, change, and improvement of our energy matrix, which is already one of the cleanest in the world; and we assume the commitment to reduce the deforestation of the Amazon by 80% until 2020"*¹⁸.

Thus, with the enactment of the law in December 2009, it can be observed that the two indicators that Cortell and Davis (2000) recognize to analyze this institutionalization empirically were met; namely, changes in the national discourse, as well as modifications in institutions and state policies (Cortell & Davis, 2000).

Final thoughts

This article described the modalities under which the Common but Differentiated Responsibilities principle was internalized and localized in Brazilian national politics. It was demonstrated that this norm was adopted early by Brazilian diplomacy to prevent Brazil from adopting binding greenhouse gas reduction targets. In general terms, towards the year 2003, with the arrival of Marina Silva to the Ministry of the Environment, this norm begins to be reinterpreted within the government itself in a way that focuses its attention on the shared nature of responsibilities rather than on its differentiated character. In this sense, more proactive approaches to the principle (the responsibilities we can adopt) started to gain traction versus defensive approaches (historical responsibilities). This reinterpretation of the norm reached a high point in 2009 with the enactment of the climate change law and the adoption of voluntary commitments by the Brazilian government. However, this reinterpretation was not consolidated as hegemonic

¹⁷ President Lula vetoed three articles of the original law in an action that some observers interpreted as a defense of the oil sector (For example https://www1.folha.uol.com.br/ambiente/2009/12/672320_-lula-must-sanction-lei-do-clima-mas-protects-setor-do-petroleo.shtml).

¹⁸ Luis Inácio Lula da Silva, President of the Republic of Brazil, 2009, Excerpt from the speech given at COP 15, Copenhagen. Citation extracted from Lessels (2013).



within the country, mainly due to Itamaraty holding a more rigid interpretation of the norm¹⁹.

Since then, Brazil's climate policy and governance have undergone major changes, mainly due to two significant milestones, the signing and entry into force of the Paris Agreement and the rise to power of Jair Bolsonaro.

With the signing of the Paris Agreement in 2015 and its subsequent entry into force in 2016, the CBDR-RC underwent transformations that reduced its centrality as a guiding principle of global climate governance. However, in the national arena, the debates around the different interpretations of the principle once again became relevant in the elaboration of Brazil's Nationally Determined Contribution.

A few years later, the rise to power of Jair Bolsonaro meant setbacks in the ambition and robustness of Brazilian climate policy. Both in discursive terms and the actions that were taken, the position of the new government on the climate crisis meant the dismantling of environmental regulations, the disappearance of the issue from the government agenda, and the space for leadership in climate action by non-state actors - at the internal level - and from other countries - at the regional level -.

Thus, future research could address the following questions arising from this article: 1) How did the signing of the Paris Agreement influence Brazilian domestic discussions and debates on the CBDR-RC? 2) How did this interpretation of the CBDR-RC by the Ministry of Foreign Affairs influence the possibilities of exercising Brazilian regional leadership on climate change? Furthermore, 3) How did the location impact the arrival to the government of Jair Bolsonaro in Brazil in 2018 and the process of contesting the environmental protection regulations?

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¹⁹ From 2009 to 2012, both interpretations coexisted and remained in dispute in the implementation of the National Climate Change Policy's goals and the elaboration of the sectoral plans, acting as the discursive basis of the future Brazilian proposal of the "concentric circles" in the year 2014.



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