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Environmental paradiplomacy: the engagement of the Brazilian state
of São Paulo in international environmental relations

Joana Setzer

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ABSTRACT

This study analyses the international environmental relations undertaken by subnational governments, a phenomenon conceptualised as *environmental paradiplomacy*. Research on paradiplomacy examines subnational governments' international relations without considering their engagement with environmental issues, while multilevel governance (MLG) theory focuses on the rescaling of governance of environmental problems without addressing subnational engagement in international relations. Combining paradiplomacy studies and MLG theory, the thesis develops an original conceptual framework to investigate a leading example of environmental paradiplomacy.

The conceptual framework is applied to the case of the state of São Paulo, a regional government in Brazil that, since the 1970s, has strongly engaged in international environmental activities. In contrast with other findings on paradiplomacy, the state of São Paulo engages in international relations not only as a way of challenging, but also of collaborating with the national government. The major empirical data informing the thesis was gathered through participant observation and semi-structured interviews with key figures involved with environmental governance in the state and at the national level, as well as representatives from NGOs, universities, the private sector and foreign policy-makers.

The study furthers the understanding of paradiplomacy offering analytical insight into: (1) how subnational governments engage in transnational relations; (2) the reasons driving them to undertake paradiplomacy; and (3) the outcomes of their actions. It also contributes more generally to research on global environmental governance, offering new theoretical insights on the roles of subnational governments and the changing relationships between different levels of government in national and international policymaking.

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ACRONYMS AND ABBREVIATIONS

ABC - Brazilian Agency for Cooperation

AFEPA - Special Advisory Board for Federative and Parliamentary Affairs (*Assessoria Especial de Assuntos Federativos e Parlamentares*)

Alamys - Latin American Association of Metros and Subways

ARF - Federative Relations Advisory Board (*Assessoria de Relações Federativas*)

BID - Inter-American Development Bank

C2C - city to city cooperation

CAQDAS - Computer-Assisted Qualitative Data Analysis Software

CBD - Convention on Biological Diversity

CETESB - São Paulo's Environmental Agency

CoMET - Community of Metros

COP - Conference of the Parties

EPA - US Environmental Protection Agency

ETS - Emissions Trading Schemes

FDI - Foreign Direct Investment

FOGAR - Forum of Regional Governments and Global Associations of Regions

GCF - Governors' Climate and Forests Taskforce

GDP – Gross Domestic Product

GEF - Global Environmental Facility

GHG – Greenhouse Gas

HDI - Human Development Index

IBRD - International Bank for Reconstruction and Development

ICLEI - Local Governments for Sustainability

IGO - Intergovernmental Organisation

INGO - international non-governmental organisation

INPE - Brazilian Space Agency

IPCC - Intergovernmental Panel on Climate Change

IR - International Relations

JICA - Japan International Cooperation Agency

MCT - Brazilian Ministry of Science and Technology

MEAs - Multilateral Environmental Agreements

MERCOSUR – Common Southern Market (*Mercado Comum do Sul*)

MLG - Multilevel governance

MMA - Brazilian Ministry of Environment

MNCs - Multinational corporations

MOU – Memorandum of Understanding

MRE/Itamaraty - Brazilian Ministry of Foreign Affairs

NEG-ECP - New England Governors and the Eastern Canadian Premiers

NGOs - Non-governmental organizations

Nrg4SD - Network of Regional Governments for Sustainable Development

NSAs - Non-Nation State Actors

PACA - French region of Provence-Alpes-Cote d'Azur

PAHO - Pan American Health Organization

PEC – Proposal of Amendment to the Constitution (*Proposta de Emenda a Constituição*)

POPs - Persistent Organic Pollutants

PROCLIMA - São Paulo's Global Climate Change Program

PROZONESP - São Paulo's Ozone Layer Protection Program

PSDB - Party of Brazilian Social Democracy

PT - Brazilian Labour Party

PV – Green Party in Brazil

R20 – Regions of Climate Action

REDD - Reducing Emissions from Deforestation and Degradation

RGGI - Regional Greenhouse Gas Initiative

Rio 1992 - United Nations Conference on Environment and Development (UNCED)

SAF - Division for Federative Affairs (*Subchefia de Assuntos Federativos*)

SG – Subnational government

SMA - São Paulo's Environmental Secretariat

SP - São Paulo state

TDA – US Agency of Commerce

UBA - German Federal Environmental Agency

UITP - International Association of Public Transport

UN – United Nations

UNDP - United Nations Development Programme

UNEP - United Nations Environment Programme

UNFCCC - United Nations Framework Convention on Climate Change

WCI - Midwestern Accord and the Western Climate Initiative

WHO - World Health Organization

WRF - World Regions Forum

WWC - World Water Council

CHAPTER 1: INTRODUCTION

1.1. GLOBAL ENVIRONMENTAL PROBLEMS AND THEIR MULTILEVEL GOVERNANCE

In the past decades conventional State structures have been challenged by the transboundary nature of global environmental problems (Andonova & Mitchell, 2010; Biermann et al., 2009; Falkner, 2013; O'Neill, 2009). Global environmental problems such as biodiversity loss and climate change have distinguishing characteristics: they adhere to ecosystems, and not to political boundaries. Moreover, they have "multiple interdependent causes and need coordinated forms of social organization and institutions for their effective resolution" (Andonova & Mitchell, 2010, p. 526; Geels, 2011; While et al., 2010). In this context, it is understood that global solutions are not the only way to cope with global environmental problems (Bulkeley & Newell, 2010; Hoffmann, 2011; Ostrom, 2010), and that agency is no longer exclusive to the State (Acuto, 2013a; Raustiala, 1997a; Schroeder, 2010). Rather, a number of non-State actors now join, influence and transform domestic and international environmental politics.

Within the social science literature, considerable attention has been given to the role of multinational corporations, non-governmental organisations, scientists, and national government officials in shaping environmental politics. All these non-State actors who engage in transnational relations are now widely recognised as 'transnational actors' (Abbott, 2012; Andonova et al., 2009; Risse, 2002; Stripple & Pattberg, 2010). In addition to these actors, subnational governments around the world are also engaging in transnational activities and addressing global environmental problems.

This observation concerns a state of affairs which is not necessarily obvious or given. First, by definition, subnational governments usually conduct subnational activities and address environmental problems which affect their constituencies. Second, in many countries subnational governments are undertaking transnational activities without an actual legal framework authorizing such initiatives. Nevertheless, not only are subnational governments tackling problems that are generally within the auspices of the central government with the international community, they are also acting transnationally.

However, the participation of subnational governments - and particularly regional governments - in global environmental governance has largely been overlooked. Scholars drawing upon multilevel governance (MLG) frameworks examine subnational action to address climate change. Although related to the object of this study, the MLG literature, as noted below, focuses on cities' attempts to establish climate action and their participation in transnational networks, and therefore is not broad enough to

explain the engagement of regional governments in the governance of global environmental problems. More specific literature on paradiplomacy characterises subnational governments' international relations. However, this literature fails to provide a robust theoretical foundation with which to analyse the international agenda of subnational governments, and only a few works on paradiplomacy consider their environmental activities.

The aim of this study is to address this gap and analyse the international environmental relations undertaken by regional governments, from both a domestic and an international perspective. This phenomenon is conceptualised as *environmental paradiplomacy*. The three overarching questions guiding this research are: **(1) How does environmental paradiplomacy evolve?; (2) What are the causes of environmental paradiplomacy; and (3) what are the consequences of the international environmental relations undertaken by subnational governments**?

The understanding and exploration of these questions involves an interdisciplinary account of studies in the fields of Geography, Law and International Relations (IR). The hypotheses are tested through a case study. The choice of the Brazilian state of São Paulo[1] for this research relates to the fact that this subnational government has developed a particularly substantial international environmental agenda, and it has done this not only as a way of challenging, but also collaborating with the national government. The case selection also has a personal motivation - for many years I worked as an environmental lawyer in São Paulo, and I was involved in projects involving the adoption of climate legislation by subnational governments in Brazil.[2]

The main purpose of this Chapter is to provide a background to environmental paradiplomacy. Section 1.2 provides an overview of the actors (subnational governments), their sphere of action (transnational), and the topic that is the object of the study (global environmental problems); it also clarifies the key concepts employed in the analysis. The research aim and the research questions that guide the study are then identified in Section 1.3. The thematic and geographical scope of the study is made explicit in Section 1.4, which also briefly introduces the case study used in the thesis. The theoretical, empirical and policy relevance of the study are presented in Section 1.5. Finally, the structure of the thesis is provided in Section 1.6.

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[1] Throughout this thesis, 'state' in lower case refers to a subnational government (e.g. the state of São Paulo), whereas 'State' with a capital letter refers to the central government or the nation-State (e.g. Brazil). See Section 1.4 bellow for further information on the state of Sao Paulo.

[2] More on the case selection in Chapter 3.

1.2. DEFINING THE SCOPE AND KEY TERMS

The thesis analyses the phenomenon of *environmental paradiplomacy*, which consists of *subnational governments*, acting *transnationally*, to address *global environmental problems*. I argue that for environmental paradiplomacy to occur, it has to meet three criteria; in this Section I define each one of these criteria. First, the main actors involved have to be governmental, from a level below the nation-State ('subnational governments' - Subsection 1.2.1). Second, their action – horizontal and vertical - has to occur across jurisdictional boundaries ('acting transnationally' - Subsection 1.2.2). Third, subnational governments' action across boundaries has to be directed at addressing environmental problems that are both local in their causes and global in their consequences ('global environmental problems' - Subsection 1.2.3). After defining each one of these three criteria, I consider the concepts of 'diplomacy' and 'paradiplomacy' being used, and I suggest a concept for 'environmental paradiplomacy' (Subsection 1.2.4).

1.2.1. The actors

While acknowledging that multinational corporations (MNCs), non-governmental organisations (NGOs), scientists and national governments play an influential and increasingly significant role in environmental governance and policymaking (Andonova & Mitchell, 2010; Biermann et al., 2009; Lemos & Agrawal, 2006; Newell et al., 2012; O'Neill, 2009; Young, 1997), this study focuses on another distinct group of actors: *subnational government officials*. For the case study chosen, this group of actors consists mostly of members of the executive branch of the administration of the state of São Paulo; more specifically, civil servants and appointed representatives working at the Governor's cabinet, for the state Secretary for the Environment (SMA), and for São Paulo's environmental agency (CETESB). On the national level these actors interact with officials working at different ministries (e.g. Ministry of Environment, Ministry of Foreign Affairs/Itamaraty[3]) and the Presidency of the Republic, as well as with national corporations, NGOs and scientists. On the international level, officials from the state of São Paulo interact with other national and subnational authorities, as well as with MNCs, NGOs and scientists.

The choice of subnational governments as the key actors of this study is underpinned by the idea that even in an 'era of governance', *governments* continue to play a central role (Baker & Eckerberg, 2008; Jordan, 2008; Jordan et al., 2005). As Van den Brande et al. (2012, p. 5) argue: first, most multi-actor interactions still rely on governments to initiate actions, formulate priorities, coordinate efforts or legitimate their decisions. Second, governments are the only actors in multi-actor governance that have a legitimate democratic mandate to represent collective interests and be held accountable

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[3] The Ministry of Foreign Affairs is commonly referred to as *the Itamaraty*, after the building which hosts the Ministry (originally in Rio de Janeiro, and currently in Brasilia).

for it. Third, without governments it is impossible to promote changes in all the societal processes that are targeted by sustainable development.

The analysis specifically concerns *subnational governments*. However, the term itself requires some clarification. In fact, subnational governments are not unitary actors, and the term encompasses different units depending on the source and context that it is used. For instance, countries differ in their governmental architectures and in the levels of government. From a central government at the highest level, an intermediate level of government and small jurisdictions at the lowest level, government architectures varies from one (e.g. Singapore) to six layers of government (e.g. Russia), (Geys & Konrad, 2010).

This study recognises subnational government as the "coherent territorial entity situated between local and national levels, with a capacity for authoritative decision-making" (Marks et al., 2008, p. 113). The term applies to the first immediate level of government below the national and above the local. It involves regional governments such as states, provinces, domains, territories, länder, cantons, autonomous communities, oblasts, etc., depending on the country. Subnational governments are also distinct from 'local authorities', which include all levels of government below the subnational. The differences between local and regional authorities are increasingly acknowledged by international policymakers. For example, the Convention on Biological Diversity (CBD), in the Decision X/22 adopted by the 10th Conference of the Parties (COP), stated that:

> For the purposes of this document, "local authorities" include all levels of government below the subnational, national or federal level (prefectures, districts, counties, municipalities, cities, towns, communes, etc.), while the term "subnational governments" (states, provinces, domains, territories, regional governments) applies only to the first immediate level of government below the national (CBD, 2010).[4]

In a context where environmental problems need to be simultaneously tackled at the global, national, subnational and local levels, there are at least six reasons justifying the choice of subnational governments as a case study for this thesis.

1) Subnational governments' position between the local and the national levels puts them in a privileged place to deal with environmental issues. In relation to the national government, subnational governments have a comparative advantage in terms of knowing the needs and reality of their citizens (Posner, 2010), having the technical knowledge of environmental issues (Rabe, 2008a), and being able to adapt general policies to specific circumstances (Doremus & Hanemann,

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[4] This is the text of the first footnote of Decision X/22, and subnational governments played a role in defining its content (see Chapter 7, Subsection 7.4.3).

2008). In relation to local authorities, subnational governments encompass both urban and non-urban realities, a larger population, and have more significant budgets and responsibilities.

2) Subnational governments can foster technological innovation (Adelman & Engel, 2008). Although some argue that the national level might be the most efficient locus for scientific inquiry because of scale economies in research and possibility to centralise information (Esty, 1996), subnational governments are in a better position to operate as laboratories for regulatory agendas (Doremus & Hanemann, 2008).

3) Once the nation-State enters an international agreement, generally subnational governments are responsible for its implementation. The same is true for local authorities (Betsill & Bulkeley, 2004, 2006, 2007; Bulkeley, 2005, 2010; Puppim de Oliveira, 2009). Yet, subnational governments are particularly able to put international environmental rules into effect through the implementation of subnational policies and regulation (Van den Brande et al., 2011). Depending on the distribution of powers within countries, subnational governments are the primary implementers of policies, programs, legislation and fiscal mechanisms in the areas of energy, environment, transport and land-use (Bruyninckx et al., 2012; Chen et al., 2010; Lutsey & Sperling, 2008).

4) Subnational governments are becoming increasingly active in global environmental governance. Alongside with other non-State actors, they try to influence international environmental policy and decision-making (Bruyninckx et al., 2012; Van den Brande et al., 2011).

5) Subnational governments' engagement in the governance of global environmental problems has received less academic attention than local governments.[5]

6) In the Brazilian case, states engage not only in international relations, but also in (para)diplomatic activities, establishing direct contact with the national diplomats and with the global governance of climate change and biodiversity. Their international environmental agenda is, thus, broader and more robust than those of cities.

However, when looking at MLG systems, units of government should not be considered independently or separately. As subnational governments are situated between the local and the national governments, they are impacted on and impact these other levels of governance. Considering the case study of this thesis, the state of São Paulo affects and is affected by the national level, as well as by the local governments which it comprises - 645 cities, including the city of São Paulo, its capital. The city of São Paulo has a population of more than 11 million people and is also engaged in the governance

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[5] This argument will be further developed in the next Chapter (Subsection 2.2.3).

of global environmental problems.[6] Moreover, the state administration is based within the city of São Paulo; that is, the Governor, the Secretaries of the state, and most of CETESB and SMA bureaucrats live and work in the city of São Paulo. Therefore, while the focus is placed in one particular regional government, the study also takes into consideration, implicitly and explicitly, its interactions with lower and higher levels of government.

1.2.2. Their sphere of action

The second criterion that frames this study relates to the sphere of action in which subnational governments engage. For the purpose of this research, the sphere of action analysed is the *transnational sphere*. The word 'transnational', is an alternative to the word 'non-State' that has been coined by academics in order to assert that international relations are not limited to State actors. 'Transnationalism' is a concept that describes a movement that occurs across national borders, and which transcends the specific workings of the nation-State (Gregory et al., 2009, p. 773). Moreover, 'transnational relations' have been defined as the "regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organization" (Risse, 1995, p. 3).[7]

Subnational governments access the transnational sphere as they engage in international relations. International relations are generally understood as the political issues that take place between States and beyond their borders (Gregory et al., 2009). In this conception, States are bounded and sovereign, unitary, and represent the primary actors on the international stage. Perceived shortcomings in international decision-making on various global problems have called sovereign governments into question as the exclusive political authorities for regulating transboundary risk and harm (Held, 2000; Young, 1997). These issues include safeguarding peace, protecting human rights, promoting economic and social progress, as well as dealing with environmental problems, international terrorism and AIDS.

Subnational governments act transnationally by crossing jurisdictional boundaries, and by dealing with international or transnational actors. When acting transnationally, subnational governments can be categorized as *hybrid actors* (Hocking, 1994). They are governmental actors, yet not completely sovereign entities; they are simultaneously governmental (on the domestic level) and non-State (on the international level).[8]

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[6] The city of Sao Paulo has an IR department; is a member of transnational networks; enacted a municipal climate change law with binding reduction targets; and it participates of UNFCCC conferences as a member of the Brazilian delegation.

[7] The literature on transnationalism is examined in the next Chapter, Subsection 2.2.1.

[8] Hybrid actors in paradiplomatic activities are different from hybrid partnerships in governance arrangements. Hybrid partnerships involve public-private and social-private partnerships of business, NGOs, youth farmers, scientific communities, local governments and trade unions (Bäckstrand, 2008; Lemos & Agrawal, 2006).

Therefore, when acting across borders subnational governments are qualitatively different from States. At the same time, as institutional-territorial entities, they do not fit into the transnational world of non-State actors (Lecours, 2002, p. 109). For instance, in contrast to NGOs, subnational governments cannot readily use strategies of demonstration, advocacy or political/economic pressure to get involved in world politics (Lecours, 2002, p. 94). Subnational governments acting transnationally also differ from the transnational networks that represent them in the international arena, such as ICLEI Local Governments for Sustainability (ICLEI), C40 Cities Climate Leadership Group (C40), the Network for Regional Governments for Sustainable Development (Nrg4SD), the Climate Group, and R20 Regions of Climate Action (R20). In regard to these networks, it is possible to question, for example, whether they have the capacity to be regulators (Heyvaert, 2013b), as well as their legitimacy, as they are not elected by citizens (Resnik et al., 2008).

1.2.3. The problem they are addressing

While the international activities undertaken by subnational governments involve other topics such as trade, tourism, university exchanges, agriculture and shared government databases (e.g. Fry, 1990; Hocking, 1994; McMillan, 2012), this analysis is concentrated on environmental issues, in particular, the governance of *global environmental problems*. 'Global environmental problems', also referred to as 'new environmental problems' have particular scale and complexity. The most common examples are climate change, biodiversity, and resource depletion. All of them "have a significant global dimension, and yet their exploitation is often local or regional in nature and highly dependent on the interplay of local and global factors" (Andonova & Mitchell, 2010, p. 264).

Global environmental problems gained prominence on the political agenda in the 1990s and early 2000s. For their scale and complexity, these problems differ from environmental problems of the 1970s and 1980s, such as water pollution, acid rain, air pollution and waste problems. This difference can also be understood in terms of the different ways that exist to address the problems. As Geels suggest, "while many of these problems could be addressed with end-of-pipe solutions (e.g. catalysts in cars, scrubbers on power stations) or clean technologies, new environmental problems such as climate change are more difficult to address and will require social as well as technical changes" (Geels, 2011, p. 13).

The activity of subnational governments is concerned with local and cross-border problems such as air or water pollution and has a distinct nature compared to actions aimed at addressing global environmental problems. Environmental paradiplomacy is particularly clear in the issue of climate change, where subnational governments not only establish local and regional policies to address its causes and consequences, but

also establish new institutional structures, working in groups and cooperating across national borders.

1.2.4. Diplomacy, paradiplomacy and environmental paradiplomacy

As mentioned, this study argues that, for it to occur, *environmental paradiplomacy* has to meet three criteria – the main actors involved have to be subnational governments, their action has to occur transnationally, and it has to be directed at addressing global environmental problems. The concept of environmental paradiplomacy is new, and it will be presented in this Introduction and developed throughout the thesis. It is relevant now to clarify the concepts of 'diplomacy' and 'paradiplomacy' that are examined in the study.

The concept of diplomacy is contested. Generally, diplomacy tends to be a synonym for foreign policy; in a more narrow sense it refers to the practices of professional diplomats (Jonsson, 2002, p. 213). There are also broader understandings of diplomacy. Hamilton and Langhorne (2011), for example, define it as "the peaceful conduct of relations amongst political entities, their principals and accredited agents" (p.1). Sharp (1999, p. 51) understands diplomacy as "a human condition that precedes and transcends the experience of living in the sovereign, territorial states of the past few hundred years". Common functions of diplomacy are: *representation* (i.e. 'acting on behalf of') and *communication*. Other functions include information exchange; negotiation; protection of citizens' commercial and legal interests; promotion of economic, cultural and scientific relations; and policy preparation.

Recent developments in the literature on diplomacy involve the discussion on 'old' and 'new' diplomacy (Hocking, 1998), and the changing purposes of diplomacy (Hocking et al., 2012). One significant change consists of the increasing number and types of international actors who participate in the diplomatic agenda:

> Not only has the total number of States more than tripled since 1945, but new types of actors have come to participate in international relations. Multilateral diplomacy or conference diplomacy has become a hallmark of the twentieth century, and diplomats are increasingly engaged in building coalitions with international organisations of forming contact groups outside existing multilateral fora (Jonsson, 2002, p. 216).

However, whilst international in nature, much of this non-State actor activity has different functions and objectives from those of diplomacy (Hocking et al., 2012). At the same time, the involvement of a growing range of non-State actors is fundamentally changing the environment in which the shaping and execution of international and domestic policy occurs.

Within this context, the concept of 'paradiplomacy' was introduced to describe the involvement of subnational governments in international relations. As Cornago (2010b) argues, such involvement occurs through the establishment of formal and informal ties with foreign public or private entities, with the objective of promoting development in its social, economic, cultural or political dimensions. Alongside the term 'paradiplomacy', the international relations of subnational governments has been referred to as 'trans-sovereign contacts of subnational governments' (Duchacek, 1988), 'micro-diplomatic relations' (Rutan, 1988), 'intermestic' (Manning, 1977), 'multilayered diplomacy' (Hocking, 1993a), 'constituent diplomacy' (Kincaid, 1990; McMillan, 2012), among other terms. Despite the divergences, all these terms share in common an interest in subnational or non-central governments' direct and indirect involvement in international affairs.[9]

The term 'environmental paradiplomacy' is defined in this study *as subnational governments' involvement in international relations, undertaken at the national and/or international level, through and/or independent of the national government, aiming to address global environmental problems*.[10]

1.3. RESEARCH AIM AND RESEARCH QUESTIONS

The aim of this research is to contribute to the field of multilevel environmental governance, providing new insights on the international environmental relations undertaken by subnational governments. The study is concerned with how environmental paradiplomacy evolves, as well as its drivers and outcomes. In order to uncover this process, the Brazilian state of São Paulo was chosen as a case study.

For clarification, the research questions and hypotheses examined in the study are presented below. Each of these three questions and hypotheses will be applied to case study of the state of São Paulo in Chapters 5, 6, 7 and 8 (see also Appendix 1).

> **Research Question 1**[11]
> How does environmental paradiplomacy evolve in the state of São Paulo?
> **Hypothesis 1**
> Environmental paradiplomacy evolves through the international activities undertaken by subnational governments to address environmental problems across borders and scales.

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[9] The following Chapter reviews the literature on paradiplomacy, and develops the discussion about the concept.

[10] Chaloux (2010) and Chaloux & Paquin (2012) refer to 'environmental paradiplomacy' and 'green paradiplomacy', however without defining these terms. An earlier attempt to conceptualise 'environmental paradiplomacy' is found in Rei, Setzer and Cunha (2012). See next Chapter, Subsection 2.2.1.

[11] Research question 1 is subdivided into two sub-questions (1A and 1B), both addressed in Chapter 5.

Research Question 2

Why does the state of São Paulo undertake an international agenda to deal with global environmental problems?

Hypothesis 2

Environmental paradiplomacy in São Paulo is driven by a combination of global and domestic factors - the characteristics of the problem; aspects related to the decline of the State; and aspects of Brazilian federalism.

Research Question 3

What are the results of São Paulo's international environmental agenda?

Hypothesis 3

Environmental paradiplomacy in São Paulo expands the government's capacity to address global environmental problems, and through it the state influences higher levels of governance.

1.4. CASE STUDY: THE BRAZILIAN STATE OF SÃO PAULO

In this thesis the theoretical framework is empirically applied to one case study: the state of São Paulo. The state of São Paulo is a regional government located in the South-eastern Brazil (Figure 1-1). The state is one of the twenty-seven Brazilian federated units situated between the national level (the Brazilian federal government) and the local level (the municipalities).[12] The state of São Paulo is the 12th largest state of Brazil, comprising of 3% of the country's surface. It consists of 645 municipalities, which are grouped into three metropolitan regions, thirteen administrative regions, and forty-one government regions (Figure 1-2). The Metropolitan Region of São Paulo, known as Greater São Paulo, comprises the Municipality of São Paulo, the capital of the state, and other 38 municipalities, forming a continuous urban area which houses over 20 million people. It is the largest urban centre of Brazil and South America, and the sixth largest urban area in the world.

The state of São Paulo has a population of 42 million people, around 20% of the national population. It is the economic centre of the country, concentrating 42% of the industries and 33% of the national Gross Domestic Product (GDP), (SEADE, 2010a). Its size, population and economy are also larger than several countries. For instance, the state is slightly larger in area than the UK, while its economy and population are the size of Argentina's. Services comprise the majority of the state's economic activity, responding for 69% of its GDP, followed by industry (29%) and agriculture (2%). The service sector is important also for the national economy: São Paulo generates more than 50% of total

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[12] The Federative Republic of Brazil comprises twenty-seven federative units, being twenty-six states and the federal district, where the federal capital, Brasília, is located.

Brazilian financial activity, 46% in information technology (IT) services, and 42% in health and education (SEADE, 2010b).

Figure 1-1 Map of South America – highlighted are Brazil and the state of São Paulo
Source: http://www.zeemaps.com/map?group=553103&location=Brazil&add=1#

Figure 1-2 Political-administrative map of the state of São Paulo
Source: SEADE (2006)

Overall, the state has a strong international focus. The exports of the state in 2009 totalled US$43 billion, 28% of Brazilian exports. Of those, 90% were industrialized products, including high added-value ones, such as airplanes and air vehicles, mobile phone terminals and automobiles, and 10% of primary products or of low added-value, such as derivatives of sugarcane, beef and orange juice. The destination of the exports of São Paulo was mainly the European Union (EU), responsible for 18% of the imports, followed by Mercosur (16%), the Latin American Integration Association (15%), Asia and the Middle East (13%), and the US (12%), (CETESB, 2011, p. 15). Moreover, in 2010 the state received about 40% of the national inflow of direct foreign investments (São Paulo, 2010).

Overall, due to its economic, social and political importance, the state of São Paulo has a privileged position in the Brazilian context. However, together with the highest GDP, the second largest per capita GDP, the third best Human Development Index (HDI) ranking, and the largest industrial production in Brazil, São Paulo concentrates some of the country's worst socioeconomic problems. The state suffers from enormous social disparities, which are related to limited wealth distribution, unequal access to public services and common goods. São Paulo, thus, follows the national indicators of a typical developing country, where most of the population's basic needs have yet to be met, infrastructure is still incipient and substantial improvements are required.

However, in terms of its international environmental activities, the main object of this study, the state of São Paulo may well be unprecedented in its breadth and extent. Since the late 1970s the state has been establishing international environmental relations. Initially these consisted mostly of decentralised cooperation initiatives with international organisations or other subnational governments across borders. In the mid-1990s the state started expanding its international presence to reach stronger diplomatic roles, such as engagement in the agenda-setting and negotiation phases of international environmental negotiations.[13]

Most of this international environmental activity has been developed within the international relations divisions of the state Environmental Secretariat (SMA) and of São Paulo's Environmental Agency (CETESB). The SMA was created in 1986 to promote the preservation and improvement of environmental quality in the state of São Paulo. Among its attributions are the elaboration and implementation of the state's environmental policy. In 2008 the SMA had its structure reorganised (Decree 53,027, of May 26, 2008). Since then the Secretariat also became responsible for analysing public policies that have an impact on the environment, as well as articulating and coordinating plans and actions involving environmental issues. The SMA also participates in processes of environmental licensing and inspection, promoting environmental education and recovery of natural resources. It operates through ten

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[13] Each one of these activities will be examined in detail in Chapter 4.

issue areas (water, soil, waste, green economy, environmental planning, biodiversity, environmental monitoring, fauna, air, and environmental licensing), dispersed in more than sixty-five projects/programs (SMA, 2012, 2013).

CETESB was created in 1968 as the state sanitation company. Five years later it was formally founded as a state-owned company, part of the Secretariat of Public Works, responsible for monitoring water pollution and sanitary engineering (Law 118, of June 29, 1973). In 1976 CETESB also became responsible for controlling air pollution, and was legally authorized to establish emission and quality standards (Law 997 of May 31, 1976, and Decree 8,468 of September 8, 1976). In 1987 CETESB became part of the newly created SMA (Decree 26.942, of April 1st, 1987). In 2009 CETESB was significantly restructured, and received new responsibilities, previously divided between other state agencies and entities (state Law 13,542 of May 8, 2009). Today, CETESB is responsible for three main activities: pollution control (e.g. licensing and inspecting sources of pollution; defining environmental indicators and standards; acting in chemical emergencies); environmental monitoring (e.g. monitoring the environmental quality of water, air and soil); and technology transfer (e.g. establishing partnerships for technical, scientific and financial cooperation). It has almost 2,500 employees, fifty-one decentralised units in the state, and seven laboratories (CETESB, 2012).

In addition to promoting and monitoring environmental quality in the state, since the mid-1990s SMA and CETESB have been involved with the governance of global environmental problems. São Paulo's engagement with global problems is not an isolated enterprise. Studies provide evidence that there is a relationship between global environmental norms and domestic environmental protection (Frank et al., 2000). Similarly, São Paulo's concern with the global environment is in pace with the political agenda of other governments around the world. Different analysis of trends observed in environmental governance show that global environmental problems such as climate change, biodiversity and resource depletion gained prominence on the political agenda of governments worldwide in the 1990s and early 2000s (Geels, 2011, p. 13; While et al., 2010).

Climate change, in particular, is a prominent policy area for São Paulo. This activity began in 1995, with the creation of a climate change program (PROCLIMA) within the special division for global environmental problems. In the years that followed, the state's programme became a national institutional reference (Biderman, 2011, p. 229). The state promoted seminars and publications; it also prepared a guide for calculating methane emissions and an inventory of methane emissions for the Ministry of Science and Technology (Coelho & Guardabassi, 2007; SMA, 2011). In November 2009 the state enacted its own climate change policy, ahead of the federal government regulation, and

established a mandatory and economy-wide GHG reduction target.[14] In 2011 the state published its First Direct and Indirect Greenhouse Gases (GHG) Anthropogenic Emissions Inventory, covering the period between 1990 and 2008 (CETESB, 2011).[15]

The climate agenda also promoted a number of opportunities for the state to cooperate transnationally with other subnational and national governments across borders (Cunha et al., 2007). For example, in December 2005 SMA, CETESB and the California Environmental Protection Agency (EPA) signed a Memorandum of Understanding (MOU) to promote climate change mitigation with a focus on transportation and technical cooperation in the areas of renewable energy sources, environmental improvement, climate change and biodiversity. In July 2008 CETESB signed a Cooperation Project with the UK's Foreign and Commonwealth Office, which resulted in the elaboration of the state's first GHG Inventory. The state's leading approach to environmental policy and climate change also allowed it to become a member of specialised networks, such as the Nrg4SD and the Climate Group.[16]

1.5. RELEVANCE

Dedicating a thesis to the study of the international environmental relations undertaken by a subnational government allows for an in-depth exploration of this topic. Environmental paradiplomacy is both a new phenomenon and a largely unexplored research topic. Since commencing this research, there have been only a few studies investigating the international environmental initiatives undertaken by subnational governments (Bruyninckx et al., 2012; Eatmon, 2009; Happaerts et al., 2010, 2011). This Section introduces the theoretical, empirical and policy relevance of the thesis.

In terms of its theoretical contributions, the study advances previous research on the engagement of subnational governments in international environmental relations. So far, research on paradiplomacy has examined subnational governments' international relations without considering their engagement with environmental issues, while MLG theory has focused on the rescaling of governance of environmental problems without addressing subnational engagement in international relations. The thesis combines the paradiplomacy literature and MLG theory, offering analytical insight into the processes, rationale and the outcomes of the international environmental initiatives established by subnational governments.

[14] The political system of the state follows the federal one, divided into executive, legislative and judicial powers, respectively represented by the Governor, the state Assembly and the Court of Justice. The state has its own state Constitution, and it also legislates through state laws, decrees, and resolutions.
[15] The inventory was coordinated by PROCLIMA and made in compliance with the methods approved by the Intergovernmental Panel on Climate Changes (IPCC) and in the federal inventory.
[16] The nrg4SD is the first network for regional government at the global level; it was launched at the 2002 Johannesburg World Summit, and has 48 members in 27 countries (Nrg4SD, 2012b). The Climate Group is an NGO working internationally with companies, states, regions, cities and public figures to a low carbon future (Climate Group, 2013).

Empirically, the choice of the case study is relevant both because of the type of international activities led by São Paulo, and because there are no existing empirical studies on this state's international environmental relations. This is also the first empirical study of environmental paradiplomacy in a subnational government within a developing country.

In terms of policy relevance, the study allows for an exploration of the desirability of environmental paradiplomacy and its outcomes. For instance, can environmental paradiplomacy make environmental policymaking more, less, or equally legitimate and effective? Is environmental paradiplomacy part of the ensemble of solutions needed to address to current problems of conventional international policymaking? Should we encourage environmental paradiplomacy or should we rather restrict it? The study does not claim that environmental paradiplomacy is as effective and inclusive as the international law. Nor is it claimed that paradiplomacy will replace traditional diplomacy. Rather, I claim that the efforts of parallel diplomacy can alter established relationships between subnational, national and international actors, and may ultimately improve environmental policymaking.

1.6. STRUCTURE OF THE THESIS

The thesis is composed of nine Chapters.

Chapter 1 is an introduction to, and an outline of, the thesis. It provides a background to environmental paradiplomacy, clarifying the main theoretical considerations and the key concepts employed in the analysis. It also sets out the rationale of the study, the research aim and research questions, as well as the context of the case study. The overarching research question concerns the motivation subnational governments have to engage in international environmental relations, the process of emergence, and its outcomes. The introductory Chapter describes the relevance of the study and concludes by outlining of the thesis structure.

Chapter 2 presents the theoretical background to the study. First, the literature on non-State actors' participation in IR, federalism, and global environmental governance is reviewed and evaluated. The purpose of this review is to map the main theoretical issues and themes in the research area, as well as to uncover the main research gaps. It is shown that the existing literature provides elements, but not a comprehensive theoretical framework, to explore subnational governments' international environmental activities. Second, based on the literature review, the Chapter outlines a two-tier analytical framework based on the literature on paradiplomacy and MLG theory. The last part of the Chapter provides an analytical framework that combines these two streams and also proposes a concept of environmental paradiplomacy.

In Chapter 3 the methodological approach of the research is presented. The Chapter discusses the research design and the methods of data collection used: the single case study, participant observation, interviews and document data analysis. Special attention is given to the peculiarities of interviewing elites and the analysis of the interview data. The Chapter concludes by making explicit the methodological limitations of the study.

The subsequent two Chapters (Chapters 4 and 5) focus on the processes through which subnational governments undertake an international agenda to address global environmental problems. The main objective of these Chapters is to uncover how the state of São Paulo develops its international environmental agenda and becomes active in the international environmental scene. Chapter 4 identifies five types of international environmental activities in which the state of São Paulo engages, and suggests a new typology for paradiplomatic activity, consisting of *collaboration* and *coalition* initiatives. Chapter 5 advances the examination of how environmental paradiplomacy evolves in the state of São Paulo, considering what scales are involved, and assessing whether this subnational government can move across scales.

Chapter 6 examines the motivations for environmental paradiplomacy. The first part identifies the different reasons provided by the bodies of research from which the thesis draws. The second part of the Chapter explores the global and the domestic determinants for environmental paradiplomacy in the state of São Paulo. It is argued that São Paulo's international environmental agenda is driven by the state's history of leadership in environmental policymaking. This finding is contrasted with two alternative explanatory factors found in the MLG literature. The Chapter ends with a consideration of the individuals driving environmental paradiplomacy in the state.

Chapter 7 discusses the outcomes of environmental paradiplomacy undertaken by the state of São Paulo. It explores the changes to the state's capacity to address global environmental problems, and its capacity to influence other governmental actors through its international agenda. It is suggested that São Paulo's environmental paradiplomacy has a distinctive character of promoting new legislation in the state.

Chapter 8 infers further theoretical implications of the international relations undertaken by the state of São Paulo. It is argued that São Paulo's environmental paradiplomacy results in a change of patterns, in different – if not new – types of political relationship, which emphasise enhanced channels of communication between the subnational, the national, and the international, and reinforce the image of rescaling discussed in Chapter 5.

Chapter 9 concludes by summarizing the theoretical and empirical contributions of the research. Policy recommendations are made. Limitations of the study and areas of potential future research are identified. The original contributions of the study are highlighted.

CHAPTER 2: LITERATURE REVIEW & ANALYTICAL FRAMEWORK

2.1. INTRODUCTION

This Chapter examines how, in the last four decades, our understanding of the international relations conducted by subnational governments have been diffused across different disciplines, theories, and approaches. As mentioned in the Introduction, three spheres are involved in the analysis of environmental paradiplomacy: the actors (subnational governments), the scale of their action (transnational), and the topic that they are dealing with (environment). Reflecting these spheres, the Chapter reviews the theoretical and empirical studies on three streams of literature (1) non-State actors' participation in IR (accounting for the international sphere), (2) federalism (accounting for the subnational government element), and (3) global environmental governance (accounting for the environmental aspect).

A full survey of each of these bodies of literature is outside the scope of this thesis. Instead, I examine how each one of these theoretical perspectives, to a different extent, explains the international environmental activities undertaken by subnational governments across borders. In the intersection between the literatures on (1) non-State actors' participation in IR and (2) federalism, I highlight the more specific concept of *paradiplomacy*. Within (3) the global environmental governance literature I draw special attention to the *MLG approach*.

This *literature review* suggests that the existing literature on non-State actors' participation in IR, federalism and global environmental governance provides elements, but not a comprehensive theoretical framework to explore subnational governments' international environmental agenda. It is argued that the MLG approach, combined with the concept of paradiplomacy, offers a more specific and applicable *analytical framework* to study the international environmental agenda undertaken by subnational governments (see Figure 2-1). Despite some limitations, the current literature within these two streams explains, in complementary ways, the international environmental relations maintained by subnational governments.

Literature review

Non-state actors in IR

Federalism

Global environmental governance

Analytical framework

Paradiplomacy

MLG
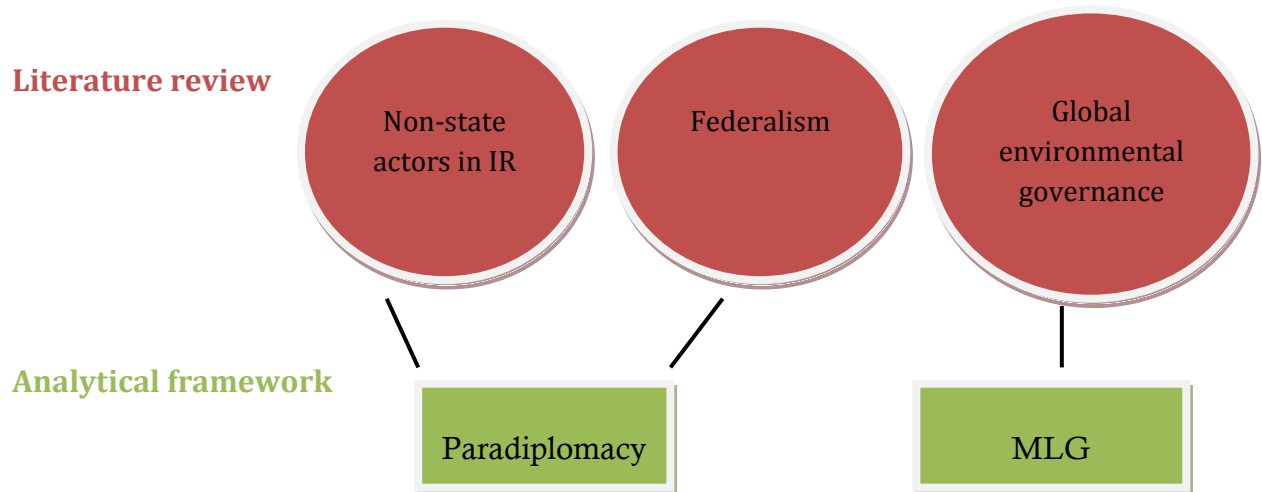
Figure 2-1 Subnational governments' international environmental agenda: literature review and analytical framework
Source: Author

Following this introduction, Section 2.2 presents a review of the literature on non-State actors in IR (Subsection 2.2.1), federalism (Subsection 2.2.2) and global environmental governance (Subsection 2.2.3). At the end of each Subsection, the Chapter addresses the limitations of the current literature in explaining the international environmental agenda undertaken by subnational governments. This literature review also distinguishes environmental paradiplomacy from other types of non-State actor participation in global environmental governance. In Section 2.3, the Chapter offers an original analytical framework, which combines the concept of paradiplomacy with the MLG approach. This final section also proposes a concept of environmental paradiplomacy. A summary and a short conclusion are presented in Section 2.4.

2.2. LITERATURE REVIEW: THE INTERNATIONAL ENVIRONMENTAL AGENDA OF SUBNATIONAL GOVERNMENTS

There have been a number of calls for "improved theoretical tools to analyse, correlate, and explain the international agenda in which so many subnational governments now engage" (Aguirre, 1999, p. 189). Yet, a theory of the international environmental relations undertaken by subnational governments is yet to be developed. As Cornago (2010a, p. 91) stated on the scholarship in this field:

> This topic is commonly approached in narrowly formal or policy-oriented terms, but when contemplated through other lenses it reveals a deeper political significance. It shows unexpected yet important functional adjustments and symbolic struggles to which the modern diplomatic system has to respond...

Among the studies that have attempted to develop a framework to understand the international activity of regions and the role of subnational governments in addressing global problems, this Chapter considers three streams of literature:

1. Non-State actors' participation in IR

2. Federalism

3. Global environmental governance

Each one of these perspectives sheds light on subnational governments' international environmental agenda in different ways. For each I outline their theoretical claims, and then examine some of the limitations they face in explaining subnational governments' international environmental agenda (environmental paradiplomacy).

In summary, most scholars interested in (1) the participation of non-State actors in IR use (i) a *transnationalist* lens to explore the role of NGOs and transnational advocacy networks. Yet, because the focus of this literature is on non-governmental actors and their transnational networks, its framework does not cover subnational governments. It is, therefore, necessary to move to theories which focus on governmental actors. With this specific end, a smaller number of internationalists have used the concept of (ii) *paradiplomacy* to analyse subnational governments' international agenda. However, this scholarship fails to provide a robust theoretical foundation with which to analyse the international agenda of subnational governments, and few works on paradiplomacy reflect upon environmental aspects. This argument is developed in Subsection 2.2.1.

Keeping a focus on governmental actors, (2) federalist scholars have developed a framework to analyse the relationship between different levels of government. Within this theoretical framework, another small group of scholars researching federalism has investigated (i) the *international agenda of subnational governments*, again with limited theoretical foundations and without consideration of an international environmental agenda. The environmental aspect is present in recent federalist scholarship interested in (ii) *environment and climate change regionalism*, particularly in federal countries such as the US and Canada. These scholars, however, place attention mostly on the domestic, rather than on the international aspects of such action. This argument is developed in Subsection 2.2.2.

The third strand, present in the (3) global governance literature, considers the environmental aspect of the governance strategies adopted by subnational governments. This is the case of works on both the (i) *MLG* and the (ii) *multilevel climate and environmental governance* literature. But the governance scholarship, I argue, is Eurocentric and its analysis is too narrow towards cities and transnational networks; in addition, it offers limited consideration of the legal and institutional boundaries that subnational governments face in rescaling processes. This argument is developed in Subsection 2.2.3.

Three characteristics of each one of these streams of literature are summarised in Table 2-1 below - whether the scholarship considers the international aspect of the initiatives, the role of subnational governments, and the environmental component. As it can be observed, none of the three strands or the six approaches examined within them considers simultaneously the three components that are required to understand environmental paradiplomacy. Another common limitation in all these literatures is that they generally do not consider the case of governments in developing countries.

Strands of literature	Approaches	International aspect	Subnational governments	Environmental aspect
Non-State actors in IR	Transnationalism	✔		✔
	Paradiplomacy	✔	✔	
Federalism	Federated units in IR	✔	✔	
	Climate regionalism		✔	✔
Global Environmental Governance	MLG		✔	✔
	Multilevel climate and environmental governance		✔	✔

Table 2-1 Summary of the conceptual framework of the thesis
Source: Author

2.2.1. Non-State actors in IR

Acknowledging subnational governments' presence in IR flows from a recognition of the increased participation of non-State actors in the international sphere, and that State-centric approaches are insufficient to explain the presence of these actors in the international arena. After the Second World War, and particularly in the 1960s, multilateral international regimes emerged in world politics, and non-State actors from the private sector, NGOs and academia increased their global influence (O'Neill et al., 2004). This reality was quickly depicted by scholars who were interested in the nature, the role and the impact of non-State actors in IR. Within the study of non-State actors in IR, I proceed with a closer engagement with two debates that are most relevant for this research: (i) transnationalism, and (ii) paradiplomacy.

Transnationalism

Research on *transnational relations* is often driven by the proliferation of non-State actors, as well as by the dissatisfaction with the focus of IR scholars on States and Intergovernmental Organizations (Andonova & Mitchell, 2010; Betsill, 2006). Keohane and Nye (1971) were among the first ones to call attention to the cross-border interactions of non-State actors. They defined transnational relations as the "contacts, coalitions, and interactions across state boundaries that are not controlled by the central foreign policy organs of governments" (p. xi). This definition included all types of interactions taking place transnationally, including those carried out by the Catholic Church, by MNCs and by NGOs. Keohane and Nye (1974) also distinguished transnational relations from *transgovernmental relations*, defined as "sets of direct interactions among sub-units of different governments that are not controlled or closely guided by the policies of the cabinets or chief executives of those governments" (p.42).

In the 1990s there was a dramatic increase in the number of transnational activities. This was motivated by the widespread use of new communication technologies, by the end of the Cold War, and by the continuing proliferation of non-State actors. A second wave of research on transnationalism emerged, and scholars recognised that transnational relations permeated world politics in almost every issue-area. Risse-Kappen (1995, p. 3) conceptualized transnational relations as the "regular interactions across national boundaries when at least one actor is a non-State agent or does not operate on behalf of a national government or an intergovernmental organization". Theoretical and empirical attention was placed on transnational actors and their discourses. Transnational actors broadly included grassroots organizations, scientific associations, special interest groups, academics (or epistemic communities), businesses, trade associations, environmentalists, individuals the media, religious organizations, independence movements, subnational governments, political parties, foundations and consumer groups.[17]

One of the most prolific areas where scholars observed transnational relations was in the environmental realm, most recently in the area of climate change policy. Here, the term 'transnational' denotes the cross-border scope of the interactions, as well as the fact that non-State actors are involved as producers or recipients of environmental harms (Mason, 2008). In this field, a number of far-reaching claims have been made regarding the ability of non-State actors such as NGOs, scientists and businesses to influence the environmental policy process (Abbott, 2012; Betsill & Corell, 2007; Bulkeley & Newell, 2010; Falkner, 2008; Haas, 1989; Hoffmann, 2011; Newell, 2000).

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[17] Narrowing the concept, three general categories of transnational actors are considered in transnationalist scholarly work (Betsill, 2006): NGOs, multinational corporations, and transnational networks. Transnational networks include transnational advocacy networks (Keck & Sikkink, 1998), epistemic communities (Haas, 1992), social movements (Hochstetler, 2002) and transnational networks of subnational governments (Betsill & Bulkeley, 2004).

These works expanded our understanding of the development of transnational climate governance, and the influence that non-governmental actors place over international environmental negotiations.

In parallel with the work on transnationalism, transgovernmentalism also advanced in the late 1990s. Raustiala (1997b, 2002) identified the involvement of specialized domestic officials who directly interact with each other, often with minimal supervision by foreign ministries, as 'transgovernmentality'. Following his work, Slaughter (2004) observed an intricate web of transgovernmental networks, a 'new world order' comprised of vertical and horizontal networks of governmental officials interacting with each other and with disaggregated international organizations. Her analysis examined how networks of government officials increasingly exchange information and coordinate activity to address common problems on a global scale. Through transgovernmental networks, regulators, legislators and judges and other actors across national boundaries carry out various aspects of global governance (Slaughter, 2004; Slaughter & Hale, 2010).

The proliferation of governmental networks was described in different ways by other scholars. Some refer to 'minilateralism' (Bäckstrand, 2008; Kellow, 2006). Krotz (2007) developed the idea of 'parapublic underpinnings of international relations', to explain the state-financed exchanges, municipal partnerships, and a host of institutes and associations connecting French and Germans. For Baker (2009, p. 200), transgovernmentalism remind us that the national behaviour cannot simply be understood in terms of a crude reading of a unitary national interest and unwavering efforts to promote that interest.

Paradiplomacy

Drawing from the work on transnational and transgovernmental relations, in the 1980s another concept was developed specifically to describe the international relations conducted by subnational, regional, local or non-central governments. In this research the participation of such subnational actors in the international arena was named *paradiplomacy*.

On the one hand, the first works on paradiplomacy directly related to Keohane and Nye's (1971, 1974) attempt to counter the traditional realist approach in international relations (see, for example, Latouche, 1988). By arguing that regions possess sovereignty on particular issues (Duchacek, 1988, 1990) studies on paradiplomacy also challenged the realist definition of sovereignty as unitary and resting with the national government. As with transnationalism, paradiplomacy was based on the idea that the region (a type of non-State actor) was emerging as an international actor within the context of a broader re-configuration of international politics.

On the other hand, since its emergence the research on paradiplomacy has differed from the approach found in the transnationalist school. While scholars working within the transnationalist paradigm focused on State behaviour in contrast to markets, social movements, and NGOs, studies of paradiplomacy were concerned with representing subnational governments as a third element inbetween the State/non-State divide. For Keating (1999), the State/non-State categories are not all-encompassing, and regional governments have to be considered international actors. For Lecours (2002), regions constitute a 'third world' of world politics, adding a sphere to Rosenau's two worlds of world politics.[18] In his words:

> Paradiplomacy involves a 'slice' of domestic politics projecting itself onto the international scene without the medium of the state, and indeed sometimes in the face of considerable resistance from national institutions. In this sense, it blurs the external-internal dichotomy rather than simply connecting them (Lecours, 2002, p. 109).

From an initial link with transnationalism, over the past thirty years research in paradiplomacy discreetly evolved into a separate body of literature that deals with non-State actors in international relations, specifically with subnational presence.

Tracing the evolution of the concept, in 1986 Duchacek used the term 'microdiplomacy' or 'regional microdiplomacy' to describe regional relations across borders (e.g. the US and Canada, or the US and Mexico). Following this work Duchacek, Latouche and Stevenson (1988) edited a book on 'perforated sovereignties' to discuss how and why provinces, states, cantons, and large municipalities increasingly seek access to foreign sources of wealth and technological information. Soldatos (1990) then suggested the term 'paradiplomacy' to identify the diverse form of non-State diplomacy undertaken by subnational governments. The next contributions to this literature were given by Brian Hocking in the book 'Localizing foreign policy' (Hocking, 1993a) and in an edited book entitled 'Foreign relations and federal states' (Hocking, 1993b). A few years later an exploration of why regions 'go abroad' was the focus of another multi-authored book, edited by Francisco Aldecoa and Michael Keating (1999a).

Other collective works published in English continued advancing this discussion in the 2000s. Lachapelle and Paquin (2005) argue that paradiplomacy is being expanded mostly as a consequence of globalization the weakening of the nation-State, but also by nationalism, and processes of internationalization.[19] A book edited by Michelmann (2009) brings a comparative perspective on the constitutional powers that sub-units of federal governments need to conduct foreign affairs,[20] and a special issue of The Hague

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[18] In Rosenau's theory, one world of politics is composed of States and the other one of non-State actors.

[19] Paquin (2004), published in French, suggests an explanatory framework for paradiplomacy.

[20] The analysis covers twelve federal countries: Argentina, Australia, Austria, Belgium, Canada, Germany, India, Malaysia, South Africa, Spain, Switzerland, and the United States. It takes into consideration both regularized and informal practices undertaken.

Journal of Diplomacy (2010a) was dedicated to the topic. Among the contributions, Cornago (2010, p. 11) argues that sub-state governments' activism is rapidly growing across the world, to a point where it is possible to see a worldwide "normalization of sub-state diplomacy". Beyond the classic examples of Quebec, the Basque Country or Flanders, subnational diplomacy can be found in every continent. Bueno da Silva (2010), for instance, collected examples of paradiplomatic activity in Japan, Germany, the UK, France, Italy, Spain, Belgium, Canada and Austria, as well as China, India, Russia, Mexico, Argentina and South Africa. In 2011 a journal dedicated to paradiplomacy, with contributions in Spanish and English, was launched with the objective of contributing to the construction of a conceptual framework regarding the international agenda of subnational governments and decentralised cooperation (TIP, 2011).

In Brazil, a growing number of scholars are discussing the participation of Brazilian subnational governments in international policy. In the early 2000s Vigevani carried an extensive research project about Brazilian paradiplomacy[21], which resulted in the publication of a series of books and journal articles (2002; 2004; 2006). Brigadão (2005) surveyed all twenty-six Brazilian states and concluded that between 1983 and 2005 more than 70% had some kind of international relations department responsible from simple ceremonial activities to more complex foreign trade relationships. Other relevant works are Saraiva's (2004) analysis of Brazilian federalism and subnational foreign activity, Nunes' (2005; Salomón & Nunes, 2007) work about the paradiplomatic activity in the state of Rio Grande do Sul, Lessa's (2007) analysis of the legality of bilateral agreements signed by seven Brazilian states, Castelo Branco's (2008) examination of the legality of the agreements entered by subnational governments. Also worth mentioning is Rodrigues' (2006, 2008; 2009) thesis and other publications on Brazilian federative diplomacy, as well as a book by Andrade e Barros (2010a) which highlights the historical context of Brazilian paradiplomacy and the attempts to institutionalise it within the political and legal system.

In many of these works, there has been an on-going opposition to the term 'paradiplomacy' because of its origin in the notion of 'parallel diplomacy'. Consequently, a number of scholars have suggested alternative terminologies to describe subnational engagement in international relations. Kinkaid (1990, p. 54), for example, argued that 'constituent diplomacy' was a less pejorative term to describe subnational international activity: "…terms such as micro-diplomacy and paradiplomacy imply that constituent diplomacy is inferior to nation-State diplomacy and exhibits a nation-State bias". The same term ('constituent diplomacy') is preferred by McMillan (2012) as

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[21] The research project "Strategic management of subnational governments face to processes of globalisation and integration in Latin America" was carried out between 1999 and 2005. More details and a complete list of publications that resulted from this project can be found in CEDEC's website (http://www.cedec.org.br/pesquisas.asp?idControl=6gu2p1tO3PME1Vo5iokxSTjlvXBbt6eAKxa4538QIQrVFZ36VqZAhbXmb0gs88SC9AO5J4NRn96ZkhH8BIDRWdCEP2UuM9xUNAdnpesquisas.asp?pesq=current&page=pesq&subpage=gpesq_pesq&cod_pesquisa=108).

"'paradiplomacy' and 'subnational diplomacy' minimize the degree to which actors below the level of the nation- state are involved with foreign relations" (p.189).

Hocking also vigorously rejected the term paradiplomacy. For him, the term only emphasizes a potential conflict between subnational and national governments. Instead, he suggested the concepts of 'multilayered diplomacy' (1993a) and, later, of 'catalytic diplomacy' (1996). Similarly, Pluijm (2007, p. 9) argued that the term paradiplomacy is "is unfortunate and rather inappropriate, given that state and city actors do not necessarily 'ride' along different diplomatic routes, but rather along the same route although in a different car". In the special issue organised by Crieckmans for The Hague Journal of Diplomacy (2010a), most authors employ the term 'sub-state diplomacy'.

In Brazil, a number of scholars use the term *paradiplomacia* ('paradiplomacy') to describe subnational international initiatives undertaken by both Brazilian states and municipalities (Bogea, 2001; Branco, 2008; Brigadão, 2005; Lessa, 2007; Rei, Cunha, et al., 2012; Rei, Setzer, et al., 2012; Rodrigues, 2006, 2008; Rodrigues et al., 2009). As in other countries, there is also some discussion on the adequacy of this term. Andrade e Barros (2010a), for example, argues that 'international public decentralized cooperation' or simply 'decentralized cooperation' should be used instead of paradiplomacy.[22] The Brazilian government, in its turn, uses the term 'federative diplomacy', which tries to emphasise the decentralisation of diplomacy as a trend deriving from the government's foreign relations.[23]

Despite the common discussions regarding the validity and adequacy of the term, a widely accepted definition of paradiplomacy was given by Cornago:[24]

> sub-state governments' involvement in international relations, through the establishment of formal and informal contacts, either permanent or ad hoc, with foreign public or private entities, with the aim to promote socio-economic, cultural or political issues, as well as any other foreign dimension of their own constitutional competences (Cornago, 1999, p. 40).

In this thesis, the involvement of subnational governments in international relations and diplomatic activities is regarded as related, yet relatively independent from, diplomacy.[25] That is, the activities undertaken by subnational governments are part of a complex diplomatic environment, but there are differences between what subnational representatives and national diplomats can do. Consequently, the international relations in which subnational governments engage in can run in parallel to traditional

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[22] Yet, there is some confusion there, as decentralised cooperation only covers one type of activity in which subnational governments engage in (see Chapter 4).

[23] The institutionalisation of subnational diplomacy by the Brazilian federal government is examined in Chapter 6 and 8.

[24] However, later Cornago (2010) preferred the term 'sub-state diplomacy' to paradiplomacy.

[25] In the introductory Chapter of this thesis I present a definition of traditional diplomacy.

diplomacy without contradicting it. Therefore, the term 'paradiplomacy' is not understood here as synonymous with conflicting relations between national and subnational government representatives. Rather, it will be argued in this study, paradiplomacy can develop in parallel to national diplomacy, leading to more cooperation than conflict.

Limits to explaining environmental paradiplomacy

Generally, subnational engagement in international relations could be conceptualized as a kind of transnational or transgovernmental activity. In this case the terms 'transnational' and 'transgovernmental' denote the fact that the interactions involve non-State actors (though always governmental), as well as the cross-border and global scope of these interactions. However, there are two main limitations to the extent to which the transnationalist and transgovernmentalist frameworks can explain the international environmental agenda undertaken by subnational governments.

First, studies on transnationalism do not consider the activities carried out by subnational governments. Instead, transnationalism places attention onto NGOs, epistemic communities, and transnational advocacy networks. For example, in his study of transnational actors Risse (2002) includes MNCs, NGOs, epistemic communities and advocacy networks – and not subnational governments – as "transnational actors that operate in institutional environments which are largely determined by the domestic structures of nation-States" (p. 261).[26] Furthermore, none of these works considered the challenges of subnational political representation in the international realm. Subnational governments are only considered as they join transnational networks. As Okereke et al (2009) point out, while the transnationalist scholarship challenged the way the nation-State was seen by realists, it emphasized private actors and NGOs. When researching environmental policy, transnationalist scholars tend to underestimate the great importance of the State (E. Fisher, 2012).

Transgovernmentalism expanded the analysis to governmental actors, yet kept a narrow focus on the national level. For instance, Keohane and Nye (1974, p. 47) were interested in sub-units of different governments ("lower-level bureaucracies, as opposed to those of top leadership"), Raustiala (2002) examined "specialized domestic officials directly interacting with each other, often with minimal supervision by foreign ministers". Slaughter (2004) focused on networks of government officials (police investigators, financial regulators, judges and legislators). In all these cases, however, the actors operate at the national level of governments. McMillan (2008) identified this limitation, arguing that even scholars such as Putnam, who acknowledge the two-level

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[26] In their edited book 'NGO Diplomacy', Betsill and Corell (2007) propose an analytical framework to assess NGO influence over international environmental negotiations. They conclude that NGO influence has two impacts - participation in international negotiations and the subsequent effects on the behaviour of other actors (Betsill and Corell 2007). There is no equivalent attempt to assess the impact of subnational diplomacy.

game, have not expanded the definition of transgovernmental actors to the subnational level. Baker (2009, p. 195) adds that transgovernmentalist research has been rarely applied in empirical research, with only a few political scientists having revised it for the contemporary era.

Second, transnationalist and transgovernmentalist scholars have a narrow focus on networks. Transnational networks of subnational governments might help 'localizing global issues and globalizing of local issues' (Andonova & Mitchell, 2010). Yet, transnational networks are only one aspect of subnational governments' international agenda, and paradiplomacy often occurs independently of networks. Independently of networks, subnational governments meet leaders of other subnational governments; act in the agenda-setting process that anticipates Multilateral Environmental Agreements (MEAs); and attend UN Conferences joining their respective national delegations.[27] These accounts, however, are not encompassed by transnationalism, which focuses on horizontal links within the transnational realms, and not on vertical links and their effects in the domestic sphere.

Third, there has been not enough attention to the implications of transnational governance in developing countries. Although there are theoretical frameworks for studies of transnational governance in the developing world (Martinez-Diaz & Woods, 2009), developing countries and transnational governance are not considered together in the environmental domain (Held et al., 2012).

In short, the definition of transnational and transgovernmental actors within the literature does not address subnational level foreign activity. The focus of this scholarship on government networks cannot account for the roles and motivations for subnational bureaucrats to engage in foreign policy. And there is a lack of consideration of developing countries and transnational governance in the environmental domain.

Countering some of these limitations, work on *paradiplomacy* provides a specific lens by which to examine subnational governments' international agenda. However, the literature on paradiplomacy is still scarce and the contributions made are modest. Five limitations can be pointed to in relation to this body of literature in providing an adequate theoretical framework to explain subnational governments' international environmental relations.

First, so far the paradiplomacy literature has failed to make a lasting impact in academic research. Not only with internationalists in general, but specialists in diplomatic studies have only exceptionally considered sub-state interventions in the international realm as noteworthy (Cornago, 2010a, p. 12). The "paradiplomatic activities of non-central governments like federal states or regions have only been object of niche studies in the early 1990s" (Acuto, 2013b, p. 2). The reasons behind this trend, according to Paul

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[27] This point will be further developed in Chapter 4.

(2002), are: the limited interest of internationalists in the implications of subnational practices for the operation of the global political economy; the understanding that subnational governments have limited importance for global processes; and the conventional wisdom that the global makes the local without reciprocal local effects upon the global. From the early days research in this field, scholars have noticed that subnational cross-border relations were less intensely studied than the formal international relations between national governments. For Rutan (1988, p. 163), this was because "these micro-diplomatic relationships lack the glamour, the impact, and most often the importance of international relations of the first rank".

Second, most of the research on paradiplomacy has been heavily case-oriented (Criekemans, 2010b; Lecours, 2002). Typical contributions document the international presence of a region, and the focus of its foreign policy. Examples of paradiplomacy have been found in Western federations or federal-like states, and the investigations consist of single or comparative case studies of subnational governments in Canada, Germany, Belgium, Australia, the US and Spain (see, for example, Balthazar, 1999; Beland & Lecours, 2006; Criekemans, 2010b; Huijgh, 2010; Keating, 1997; Lecours & Moreno, 2003; Paquin, 2010; Van den Brande et al., 2011). A more recent body of research also started analysing subnational diplomacy in developing countries (Schiavon, 2010). This scholarly work commonly uses case studies to explain the existence and the nature of the international activity of a certain region.

Third, and related to the previous point, the work on paradiplomacy suffers from a weak theoretical basis. While most studies focus on the characteristics of paradiplomatic efforts of one particular region, there is little effort in grounding the study into a theoretical perspective that could lead to a more general framework. As Lecours (2002, p. 94) points out, the effort in explaining the "existence and nature of a region's international activity is rarely guided by general theoretical considerations and corresponds primarily to the identification of casual factors specific to a region". This scholarship has also not offered a general theoretical perspective that can explain how subnational governments acquired international agency (Bursens & Deforche, 2010). This is partly due to the inward-looking nature of a great deal of the literature on paradiplomacy, which mainly focuses on a relatively small number of cases (Duran, 2011, p. 341), usually of subnational governments that have separatist intentions.

A fourth problem is the limited scope of the initiatives examined by the paradiplomacy research. While the concept of paradiplomacy refers to the international activity of regional governments, the empirical work on this concept is still limited. For instance, most studies focus on how regional governments sign international agreements, develop representations abroad, conduct trade missions, seek foreign investment. Yet,

there are other international activities that subnational governments engage in that remain unexplored by this body of research.[28]

Lastly, so far only a small number of researchers have focused on subnational governments' participation in international environmental affairs and international environmental decision-making processes. One of the first examples is Hocking's (1996) study on the international campaign by Canadian provinces to overcome criticisms in Europe of its tree-cutting practices and effluent produced by its pulp mills. More recently, Eatmon (2009) and Chaloux (2010) used the paradiplomatic approach to explain the international implications of the adoption of climate policy and legislation by American states. Yet, their work is limited to cases of transborder and transregional paradiplomacy, that is, to climate initiatives along the borders of the US and Canada or the US and Mexico, and to initiatives that have already been understood under the concept of climate change regionalism.[29] Rei et al (2012) study the role of the Nrg4SD in helping to establish subnational governments' participation in the governance of climate change, and suggest what seems to be a first concept for environmental paradiplomacy. Finally, Bruyninckx et al (2012) analyse the involvement of subnational governments in international environmental decision-making.

Despite these limitations, the concept of paradiplomacy is still analytically useful to explore the international activity of subnational governments, and it will be used in this study in a way that addresses some of its limitations. Section 2.3.1 advances their work by suggesting an analytical framework for environmental paradiplomacy.

2.2.2. Federalism

The second strand of literature - *federalism* – is interested in the question of levels and governmental hierarchies. As a constitutional theory, federalism understands that the sovereign State is constituted by both subnational and national entities. Piattoni (2010, p. 206) considers two fundamental characteristics of federalism. First, that sovereignty is shared equally by federal and federated units, independently of whether the federal structure is centripetal (as in the US and Switzerland) or centrifugal (as in Belgium). Second, that to preserve this equilibrium, these units exchange guarantees that are normally written in a constitution. A fundamental element of this constitutional balance is the provision that the federal or the federated units cannot upset the balance without the agreement of all other subjects.

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[28] See Chapter 4.
[29] The initiatives examined by Eatmon are the Climate Change Action Plan of the New England Governor's Conferences and the Easter Canadian Premiers (NEG-ECP), the Regional Greenhouse Gas Initiative (RGGI), the Western Climate Initiative (WCI), and the Midwestern Greenhouse Gas Reduction Accord. Chaloux's analysis focuses on the NEG-ECP. These initiatives will be again mentioned in the next Section, when I present the federalist approach to climate regionalism.

Federalism is therefore a particularly apt theoretical framework within which to discuss the international agenda of subnational governments. It provides singular attention to the problem of reconciling the involvement of subnational levels in international policymaking with that of already constituted national levels of government. Within the study of federalism, two sub-trends are particularly relevant for the research in this thesis: those works which have studied (i) the participation of federated units in the international arena; and (ii) the engagement of federated units in climate action and transnational networks of subnational governments.

Federated units in the international arena

Since the 1970s, subnational governments in federal systems have been involved in foreign relations (Michelmann, 2009). As a result, a considerable amount of research on subnational governments' international activities has appeared in the literature of federalism (McMillan, 2012). Drawing from federalist theories, scholars explain power sharing among and within national and subnational governments (Beland & Lecours, 2006; Brown et al., 2006; Criekemans, 2010b; Sridharan, 2003).

Studying the involvement of American governors in matters of international affairs, Kincaid (1984) argues that the governors are prompted by economic and political concerns. For him, "the opening of direct contacts with foreign nations represents an extension of the governor's role as a 'diplomat' in the domestic intergovernmental system" (p.101). In similar lines, Fry (1990) focuses on how provinces and states actively promote trade and investment and operate offices abroad to pursue these goals. Kline (1999) further suggests that subnational involvement in transnational and transgovernmental relations must be understood within political and economic aspects of foreign relations.

A number of scholars writing on paradiplomacy also drew upon federalist theory, and used federated units as their empirical case studies. Looking at the spectrum of paradiplomatic activities in federal countries, Duchacek (1990) suggested three types of paradiplomacy - regional, transregional, and global. *Regional paradiplomacy* refers to cross-border interactions between subnational governments (e.g. cooperative initiatives in the American-Canadian or Franco-Swiss borders). *Transregional paradiplomacy* refers to contacts between subnational governments that are non-neighboring but whose national governments are (e.g. Quebec's missions in Texas). Finally, *global paradiplomacy* involves direct contacts between subnational governments from non-contiguous countries (e.g. Quebec's missions in Paris and Brussels).

Within this strand of literature, another related concept is that of 'cooperative federalism'. Cooperative federalism is based on the idea that the federal government and subnational governments both legislate in the same sphere. In this way, they

complement each other in solving a social problem (Schütze, 2009). Cooperative federalism was commonly called on by environmentalists in the 1970s to promote federal government action and responsive state and local cooperation to combat pollution in the US (Kincaid, 1990; Sheberle, 2004). Zimmerman (2001) confirmed that although competitive and conflictive at times, the relations between the nation-State and the federated states are generally cooperative in nature. In Kincaid's (2002) analysis, the engagement of subnational governments in international relations "increases possibilities for inter-governmental and inter-jurisdictional cooperation, just as it increases possibilities for conflict, especially where domestic inter-governmental relations are already conflictual" (p.158). [30]

Environmental and climate change regionalism

Scholars also draw from federalist theories to explore the engagement of federated units in environmental and climate change action. This literature investigates a "dynamic, political, multilevel context in which local, state, provincial, and federal actors formulate economic, environmental, and energy policies within their worn jurisdictions" (Selin & VanDeveer, 2011, p. 296).

For decades *environmental regionalism* has been in place in the protection of shared environmental resources. In North America, by the 1970s, Canadian provinces and American states had established over 700 transborder agreements, of which 29% were related to environmental protection of natural resources (VanNijnatten, 2006). Equivalent regional environmental arrangements have also been identified in other parts of the world, such as in Central and Eastern Europe around transboundary air pollution (Andonova & Van Deveer, 2011; Haas, 1989; Levy, 1995), and in the Amazonian region over rainforests (Garcia, 2011). In common, these cases deal with situations where an ecosystem or resource spans the borders of two or more countries (Andonova & Mitchell, 2010; McAllister, 2009).

Climate change regionalism is a more recent phenomenon, and it involves subnational governments taking the lead in adopting climate action. Several examples come from the US. In these cases, federalism is understood as the characteristics which allows subnational governments to partially offset national inaction (Harrison, 2007).[31] Climate change cooperation across the Canadian-American border is also object of interest. A number of studies examine regional initiatives such the Conference of New England Governors and Eastern Canadian Premiers (NEG-ECP), the Western Climate Initiative (WCI), the Midwestern Greenhouse Accord, and the Regional Greenhouse Gas Initiative (RGGI) (Byrne et al., 2007; Selin & VanDeveer, 2005). Studies explore the

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[30] Chapter 8 discusses the extent to which the international agenda of Brazilian subnational governments affects its cooperative federalist structure.

[31] At the same time, it has been recognized that not all states in federalist countries experience the same level of success (Rabe, 2007). For instance, in Canada federalism had a negative force in climate policy, with the most influential provinces protecting GHG-intensive industries (Harrison, 2007).

drivers for the formation of such initiatives, as well as their outcomes (Engel, 2005; Olmsted, 2008; Rabe, 2009; Sunstein, 2007).

Theories of federalism are also used by legal scholars to understand power sharing in situations of multiple jurisdictions and decentralisation. Osofsky's work provides important pathways for thinking about the legal significance of subnational climate networks. She suggests that formal legal reform or the expanded recognition of cities' capacity to influence formal international processes could contribute to international efforts to address climate change (Osofsky, 2010; Osofsky & Levit, 2008). Along similar lines, Engel (2007) examines the wide range of subnational networks working on climate change, and Resnik et al (2008) argue for their constructive role in shaping federal policy. Carlson (2008) describes an American context of 'iterative federalism', where the federal government is secondary, and states produce innovative programs to reduce GHG. Yet, Kysar and Meyler (2008) highlight the constitutional limitations to the foreign affairs activities of subnational governments.[32]

Limits to explaining environmental paradiplomacy

Scholars from a federalist stand have advanced the processes and causes of the international activities of subnational states and governors. However, systematic analysis is lacking (McMillan, 2012). The main question the federalist approach addresses is what subnational governments are doing. Yet, there is limited consideration of the meaning of this new capability in foreign affairs, and of diplomacy no longer being a monopoly of the central government (Aguirre, 1999). It falls short, thus, in articulating a critical discourse about federalism with the broader diplomatic and international consequences of subnational diplomacy. In addition, scholars working in this field have not given empirical attention to the environmental component in subnational governments' international agenda.[33]

The federalist approach to subnational environmental and climate regionalism is also limited in explaining environmental paradiplomacy. First, scholars place great attention on domestic aspects of the initiatives, but rarely extend their analysis to international environmental politics. As Selin and VanDeveer (2012) argue "federalist research tends to ignore the international level of governance" (p. 342). Second, studies on environmental regionalism tend to cover cases of subnational governments cooperating on environmental topics that are merely cross-border. Similarly, studies on climate change regionalism examine cooperation between subnational governments that are situated in a same continent, often ignoring the transnational aspect of the regional compacts (Byrne et al., 2007). Rabe (2009) recognized that in addition to cooperative initiatives between states that share the responsibility for an ecosystem, a multistate

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[32] Chapter 6 develops the idea of domestic/constitutional limits to subnational governments' international relations.

[33] This is a similar point to the one made in relation to the literature on paradiplomacy (Subsection 2.2.1),

approach could include states that are not contiguous. Yet, such analysis is not further developed.

2.2.3. Global environmental governance

So far this literature review has examined a body of literature that emerged in reaction to the increased participation of non-State actors in IR, and another body of literature that deals with governmental hierarchies at a domestic level. The third part of this literature review looks at a literature that is concerned with the engagement of multiple actors in environmental policymaking. The *global environmental governance* literature emerged in the 2000s, with scholarly works examining the presence of non-State actors in the practice of global environmental politics and governance.[34] This literature emphasizes the importance of both "the ecological and the institutional linkages across the scales at which environmental problems occur and are addressed" (Andonova & Mitchell, 2010, p. 256).

Within the global environmental literature, the participation of a large number of actors and networks in environmental governance processes has been analyzed (i) as a *multilevel governance process*, and more recently (ii) as a matter of *multilevel climate and environmental governance*. While each is distinct in its focus, a common thread running through both of these accounts is their analysis of the way in which interactions at multiple levels help to constitute governance, and the ever-more-important role of cities in those dynamics. Both sub-trends will be examined in this section.

Multilevel governance process

The debate on MLG was initiated by Gary Mark's (1992) seminal article on decision-making dynamics within the EU. Through this lens, the EU was viewed as a *multilevel structure* of *governance*, dominated by horizontal and vertical linkages among national and subnational actors. Since then, MLG became an *approach* widely used by scholars researching European integration and IR to understand the spatial reallocation of authority from the centralized state (Hooghe & Marks, 2003; Pierre & Peters, 2000; Rhodes, 2007). More recently MLG begun to be considered a *theory* that:

> …denotes a diverse set of arrangements, a panoply of systems of coordination and negotiation among formally independent but functionally interdependent entities that stand in complex relations to one another and that, through coordination and negotiation, keep redefining these relations (Piattoni, 2010, p. 26).

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[34] *Global environmental governance* has been defined as "the norms, rules, laws, expectation, and structures established to guide behavior according to a set of public purposes" (Andonova & Mitchell, 2010, p. 257).

In an attempt to define the theoretical space within which empirical instances of intergovernmental relations emerged, Hooghe and Marks (2003) distinguished two coexistent types of MLG. Type I, represented as a vertical dimension, is based on federalist relationships between central government and subnational governments. Type II, represented as a horizontal dimension, is dominated by networks and the jurisdictions operate at numerous territorial scales. In other words, while the first emphasizes the links between administrative units, the second deals with interactions between public and private actors. In the same paper, they call attention to the advantages of MLG systems. For instance, they argue that the dispersion of governance across multiple jurisdictions is more flexible and efficient than concentration of governance in one jurisdiction. Moreover, centralized governments can explore economies of scale, but they are not well suited to accommodate diversity, and might impose a single policy on diverse ecological systems or territorially heterogeneous populations.

The MLG theory encompasses fundamental aspects for understanding the engagement of subnational governments in IR. First, as Piattoni (2010, p. 19) puts it, the 'multilevel' aspect of the theory envisions subnational governments' capacity to open the centre-periphery gate and to cross the domestic-foreign divide. The 'governance' part of the theory, in its turn, allows subnational governments to become part of the daily politics of the EU. Second, and related to the first point, the MLG theory accepts the idea that decision making competences are shared by actors at different levels, and not monopolized by the national government (Hooghe & Marks, 1997). And third, the MLG theory envisions political spheres as interconnected (Kohler-Koch & Larat, 2009). This scenario allows subnational actors to act both in national and supranational arenas, creating transnational associations in the process.[35] Subnational actors also try to influence policy and decision-making at the international level (Hooghe, 1996). As a result, national governments do not monopolize links between actors, but are one among a variety of actors contesting decisions that are made at a variety of levels.

With the input of geographers, the spatial aspect of the MLG approach was further developed to reflect a move of the authority of governments upwards (to regional and international organizations), downwards (to subnational governments, including regions and cities), and outwards (to international corporations, NGOs and other private and quasi-private bodies). Empirically it was used to examine transnational interactions among world cities and their implications. Sassen (2002), for example, explores the ways in which economic globalization and the emergence of new information and communication technologies have made world cities key nodes for cross-border networks and resource concentration.

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[35] This idea relates to the notions of transnational and transgovernmental relations examined in Subsection 2.2.1.

A related approach in the geography of scale literature considers whether different governmental levels are themselves networks, with scholars such as Cox (1998) arguing that local spaces are comprised both of core local interactions and multilevel ones. Drawing from theorizations over the concept of scale, MLG scholars understand that spatially fixed conceptions of scale are insufficient for understanding processes of our present society. Recognising that scale is socially and politically constructed, this body of literature has called for a *non-spatial concept of scale* to recognise the change in the roles of supranational, subnational, and non-State actors (Betsill & Bulkeley, 2006; Bulkeley, 2005).[36]

Multilevel environmental and climate governance

Since the mid-1990s authors have also been using the MLG approach to understand current trends in the development of environmental and climate change governance (Bulkeley, 2010). Normatively, MLG becomes a response to the mounting complexity and multilayered nature of environmental problems (Buizer et al., 2011). Analytically, the MLG approach helps to shed light on the various actors and scales involved in environmental and climate governance (Bulkeley, 2005). Consequently, environmental and climate governance is said to occur in a MLG process across multiple arenas of governance and at different scales, which includes large regions, subnational regions, municipalities and communities (Betsill & Bulkeley, 2006).

Among the various actors and scales, cities are presented as a crucial scale for tackling global climate change. Scholars draw upon MLG frameworks to understand cities' efforts in promoting environmental and climate change policies, as well as to their involvement in policymaking across different levels of government (Andonova et al., 2009; Betsill & Bulkeley, 2004; Rabe, 2007, 2008b; Selin & VanDeveer, 2007; Setzer, 2009; Toly, 2011). Multilevel climate governance, therefore, provides opportunities for subnational actors and transnational networks to act at the city level (Bulkeley, 2010, p. 240).

The literature on climate governance places special attention to the role of transnational networks of cities. These networks are said to allow subnational governments to be "involved with something that reaches beyond their own boundaries" (Newell et al., 2012, p. 372). Much of the attention surrounding local climate protection is associated with ICLEI (Betsill, 2006; Bulkeley & Betsill, 2003; Davies, 2005; Holgate, 2007; Kousky & Schneider, 2003; Romero-Lankao, 2007; Schroeder & Bulkeley, 2009; Setzer, 2009; Toly, 2008)[37], and the C40 (Acuto, 2013b; Betsill & Bulkeley, 2007; Engle & Lemos, 2010; Gore, 2010). Some scholars examine how these networks are created and maintained (Betsill & Bulkeley, 2004). Others consider the extent to which they foster

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[36] A conceptualisation of scale in geography and on MLG scholarship can be found in Chapter 5.
[37] ICLEI's CCP (Cities for Climate Protection Campaign) Program was replaced in June 2012 by the Green Climate Cities Campaign.

policy learning and change (Betsill & Bulkeley, 2007; Gustavsson et al., 2009; Krause, 2012; Lidskog & Elander, 2010). Some argue that transnational networks help local governments adopting GHG emission reduction strategies (Andonova, 2008; Selin & VanDeveer, 2009). Others, still, suggest that their impact is network specific (Krause, 2012).[38] Altogether, the actual impact of these networks on member-city actions has not been clearly established.

This literature on multilevel climate and environmental governance is complemented by scholarship that looks at bottom-up action as a form of *polycentric climate change governance*. In this view, international negotiations are one piece of a complex puzzle, and small scale governments can help build the trust and commitment needed to overcome collective action failures. The most important scholar in this trend, Elinor Ostrom (2010), argues, that a polycentric approach encourages experimental efforts at multiple levels, as well as the development of methods for assessing the benefits and costs of particular strategies adopted.

Another relevant contribution to this literature is found in the idea of rescaling environmental governance. Andonova and Mitchell's (2010) paper, in particular, demonstrates that environmental politics has been rescaled in terms of the *level* at which they take place, the *actors* that are engaged in them, and the *linkages* between environmental and non-environmental issues. Arguing that the rescaling observed in global environmental governance occurs both in practice and theory, their work interweaves rescaling processes, environmental politics and governance. The framework they propose will be discussed in this Chapter (Section 2.3.2), and a discussion around the rescaling of environmental governance can be found in Chapter 5.

Limits to explaining environmental paradiplomacy

Despite its many contributions, when it comes to understanding the engagement of subnational governments in IR, the existing literature on MLG and multilevel climate governance is problematic for three main reasons.

First, the MLG literature cannot fully capture the international environmental activity of subnational governments. One aspect is that the relationships that are promoted in the context of MLG Type II governance have distinct characteristics from the relationships involved in environmental paradiplomacy. Hooghe and Marks (2010) describe three jurisdictions that are covered by MLG Type II. Yet, none of these covers environmental paradiplomacy. The first jurisdiction, termed 'national/international frontier', includes bilateral or multilateral agreements, international governmental organizations and public-private partnerships that try to tie national governments into authoritative

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[38] Krause (2012) analyses American cities' involvement in transnational networks, and argues that ICLEI membership causes small to moderate increases in cities' GHG-relevant activity, whereas the Conference of Mayors' Climate Protection Agreement has no such effect.

transnational jurisdictions. The second jurisdiction, termed 'cross-border regions', refers to governance arrangements that extend over national borders in order to solve particular collective action problems (e.g. in the US/Mexican and US/Canadian borders). And the third jurisdiction of type II governance, termed 'local level', refers to cases of partnerships between service providers within levels of local government. Not encompassed by these jurisdictions, environmental paradiplomacy involves cooperation between regions, and regions that do not necessarily share borders.

Another difference between both concepts regards the participation of non-governmental actors. The involvement of non-governmental actors is one of the conditions for a given policymaking process to be considered an instance of MLG (Piattoni, 2010). These actors can be from trade unions and employers' associations as well as NGOs and civil society organizations. Yet, most times environmental paradiplomacy involves only governmental actors. Therefore, although the 'multi-level' aspect is present in paradiplomacy, connecting the supranational, national, and subnational, the 'governance' aspect is not required, once the initiatives involve solely governmental actors.

Even the more specific work on multilevel climate and environmental governance, which in many aspects resembles the idea of environmental paradiplomacy, cannot fully explain the international activities undertaken by subnational governments in addressing global environmental problems. As Eatmon (2009, p. 153) argues, the existing literature on climate governance has given less attention to 'atypical non-State actors' such as subnational governments, than to the 'private' non-State actors. When local governments are considered, the discussion focuses on the roles and impacts of transnational networks of cities, rather than on the significance of subnational governments' participation in international climate affairs. Consequently, the MLG literature helps mapping the actors involved in climate governance, but it gives little insight into the processes that they are engaging in.

Because environmental paradiplomacy is not completely covered by the MLG framework, the engagement of subnational governments in international environmental relations should not draw upon exclusively such framework. Otherwise, as Piattoni (2010) cautions, MLG runs the risk of becoming an umbrella under which many disparate phenomena are subsumed:

> Phenomena that would best be captured by other conceptual labels end up being subsumed under MLG, to the point that it loses its capacity to explain which phenomena are not encompassed within this concept… In order to avoid this sensible point, it is essential to confirm whether the phenomena object of analysis by this thesis really fits within the concept and the theory of MLG (p.2).

Second, the MLG approach offers limited consideration of the legal and institutional constraints that subnational governments face in rescaling processes. Rescaling processes (moving across levels of governance) are often taken for granted, with little or no consideration on whether the actors have legal authority to move across scales. For instance, is it constitutional or unconstitutional for subnational governments to meet foreign dignitaries, to sign MOUs with other subnational governments across borders, or to aim to influence the national position in foreign policy matters? These questions are within the concern of legal scholars investigating subnational governments' international affairs from a federalist perspective, but have not received the attention of MLG scholars.[39]

Third, the MLG literature is still very EU-centred (Jordan et al., 2005). The work on multilevel climate governance follows this trend, concentrating in cities from EU and other developed countries. Betsill & Bulkeley (2007) recognize that the majority of studies on cities and climate change have focused on the experience of cities in industrialised countries, leading to the question of whether findings can be generalized to cities in the global South. Starting to fill the gap, recent research has analysed the institutional setting and governance structure in cities in Brazil (Engle & Lemos, 2010; Martins & Ferreira, 2011; Romeiro & Parente, 2011; Setzer, 2009), Mexico (Romero-Lankao, 2007), India (S. Fisher, 2012) and South Africa (Aylett, 2010; Holgate, 2007). The two scholars also recognize that the analysis of urban responses to climate change has placed municipal authorities at the heart of the analysis, while "relations between different parts of the state and other spheres of authorities were regarded in rather static terms" (Bulkeley & Betsill, 2013, p. 144). MLG studies also have limited engagement with the ways in which other processes that govern production and consumption may sustain, limit or contest urban climate responses (Bulkeley & Betsill, 2013). One example is the limited consideration of private actors and particularly small and medium-sized enterprises in the formulation and implementation of climate policies in cities (see Setzer & Biderman, forthcoming).

Therefore, additional conceptual work remains necessary to describe the significance of the international activities undertaken by subnational governments in addressing global environmental problems. Environmental paradiplomacy illustrates the capacity of subnational authorities to cross this 'domestic-foreign gate' without the participation of the central government. This is what happens when a subnational government cooperates with subnational governments across borders or with foreign institutions, with or without very limited participation of the nation-State. Yet, the MLG scholarship leaves relevant questions untouched, and these can be complemented by the concept of paradiplomacy. The next section suggests a two-component analytical framework which is built upon these two bodies of literature.

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[39] This argument will be further developed in Chapter 5.

2.3. ANALYTICAL FRAMEWORK

The literature review above suggests that no single conceptual framework can fully account for the existence or explain the impact of the international environmental relations of subnational governments. This probably explains why so far the literature that examines subnational engagement in international environmental relations combines a variety of approaches and theories. For example, Osofsky (2010) draws from network theory, transnational legal process, IR, and legal pluralism. McMillan (2012) frames his analysis within theories and approaches from IR, international political economy, and foreign policy analysis. Rabe (2008b) includes these efforts as part of broader cooperative federalism models. Bruyninckx et al (2012) and Bursens & Deforche (2010) refer to the framework of paradiplomacy and MLG.

This section outlines the analytical framework of the research. As anticipated, the analytical framework for this thesis combines the concept of paradiplomacy and the theory of MLG. Both paradiplomacy and MLG have been examined in the literature review: paradiplomacy is a conceptual trend that emerged within the broad literatures on non-State actors in IR and federalism, and MLG is a conceptual trend that emerged within the global environmental governance literature (see Figure 2-1 above).

It is argued that *the concept of paradiplomacy, combined with the theory of MLG, provides a suitable analytical framework to explain the international environmental agenda undertaken by subnational governments*. The suggested analytical framework explains how subnational governments engage in an international environmental agenda.[40] Subsections 2.3.1 and 2.3.2 present the details of each of the two components of the analytical framework, and subsection 2.3.3 designs the analytical framework that combines both paradiplomacy and MLG.

This two-component analytical framework also structures the dissertation. In Chapter 4 an overview is provided of São Paulo's international environmental agenda, building mostly on the first element of the analytical framework - paradiplomacy. Chapter 5 adds the MLG element into the analysis, exploring São Paulo's environmental paradiplomacy and the vertical and horizontal types of coordination that it promotes across jurisdictions. The analysis carried out in Chapters 6, 7 and 8 assesses the causes and effects of São Paulo's international environmental agenda, drawing simultaneously from both elements of the analytical framework. While in most cases the literatures on MLG and paradiplomacy run in parallel, the thesis intertwines the theory of MLG and the concept of paradiplomacy, consolidating a novel conceptual approach.

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[40] The processes through which the state of Sao Paulo engages in international relations to address global environmental problems will be further developed in Chapters 4 and 5.

2.3.1. Paradiplomacy

The paradiplomacy element of the analytical framework focuses on *how* subnational governments have been undertaking an international environmental agenda. The theoretical basis of this component is provided by scholarly work on paradiplomacy. I draw particularly upon a recent work by Hans Bruynickx, Sander Happaerts and Karoline Van den Brande (2012) exploring the subnational routes to global environmental decision-making. This is the first – and so far only – comprehensive work investigating how subnational governments get involved in international decision-making for sustainable development.[41]

The authors argue that subnational participation in global environmental decision-making occurs through two routes. The first is an *intra-state route*, where a subnational government tries to be involved in global decision-making. This can be seen, for example, in the UN, where subnational governments influence national decision-making or participate in the national delegation for global negotiations. The second is an *extra-state route*, where the subnational government tries to bypass the national government. Examples are the participation in transnational networks of subnational governments and appointing a subnational attaché to the global organization. Van den Brande et al's (2012) table (Table 2-2) summarises the two subnational routes to global decision-making outside the EU context.

Intra-State	Extra-State
Participating in national decision-making on global negotiations	Appointing a subnational attaché to a global organization
Participating in the national delegation for global negotiations	Participating in transnational networks of subnational governments

Table 2-2 Typology of subnational routes to global decision-making: outside the EU context
Source: Van den Brande et al. (2012, p. 16)

One of the main contributions of this typology of subnational routes to global decision-making outside the EU context is to call attention to the international environmental activities of subnational governments. This typology is then applied by Chaloux and

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[41] The authors take as a starting point a work by Geeraerts et al (2004) on routes for subnational governments to influence multilateral decision-making - only published in Dutch. A previous paper (Van den Brande et al., 2011) suggested a typology of four subnational routes to EU decision-making, and a typology of two subnational routes to EU decision-making. The more general 'two routes for subnational participation in global environmental decision-making' was introduced in the 2012 book.

Paquin (2012) in a study of the environmental cross-border relations between North American states and Canadian Provinces within the NEG-ECP.[42] However, the typology does not consider a number of situations where subnational governments act in an 'extra-State' role, as when meeting international authorities and establishing decentralised cooperation initiatives. The fact that subnational action occurs nationally and/or internationally is also left outside the typology. Chapter 4 explores in detail the different kinds of activities in which the state of São Paulo is involved, suggesting a revised version of Van den Brande et al.'s (2012) typology.

2.3.2. MLG

The second component of the analytical framework, MLG theory, studies the dispersion of decision-making across multiple jurisdictions. Although often used as a normative concept for allocating governing authority, MLG has also been applied as an analytical model for understanding current trends in the development of climate change regulation (Peel et al., 2012). The MLG approach offers a particularly suitable framework for analysing the multi-scale and multi-actor processes observed in climate governance, as well as it allows for a better understanding of how the presence of multiple governmental tiers affects environmental policy performance (Wälti, 2010, p. 412). More specifically, as outlined in the previous section, some aspects of the MLG approach help looking at subnational involvement in international environmental policy and decision-making.

To analyse the specific reality of Brazilian environmental politics, Hochstetler and Keck (2007) have already suggested the use of a MLG framework. They justify this choice taking into consideration that 'domestic' and 'international' factors are often intertwined in Brazil. Thus, a MLG framework helps in making sense of the many interactions among levels of governance and kinds of actors involved. That is, it permits mapping of subnational governments and their vertical and horizontal interactions to address global environmental problems.

To such an end, I draw primarily upon Andonova and Michell's (2010) work on the rescaling of global environmental governance. Rescaling processes of global environmental governance, they argue, is observed in two types of situation: with a move *vertically down* to subnational governments or *up* toward supranational regimes; and with a move *horizontally across* regional and sectorial organizations and networks. In either way there is "a shift in the locus, agency, and scope of global environmental politics and governance across scales" (Andonova & Mitchell, 2010, p. 257). The vertical and horizontal rescaling of environmental politics is illustrated as follows (Figure 2-2):

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[42] The more specific typology designed for the EU context is tested by Van den Brande (2012) for the case of the Belgian subnational entity of Flanders, and by Hanf and Morata (2012) for the Autonomous Communities of Spain.
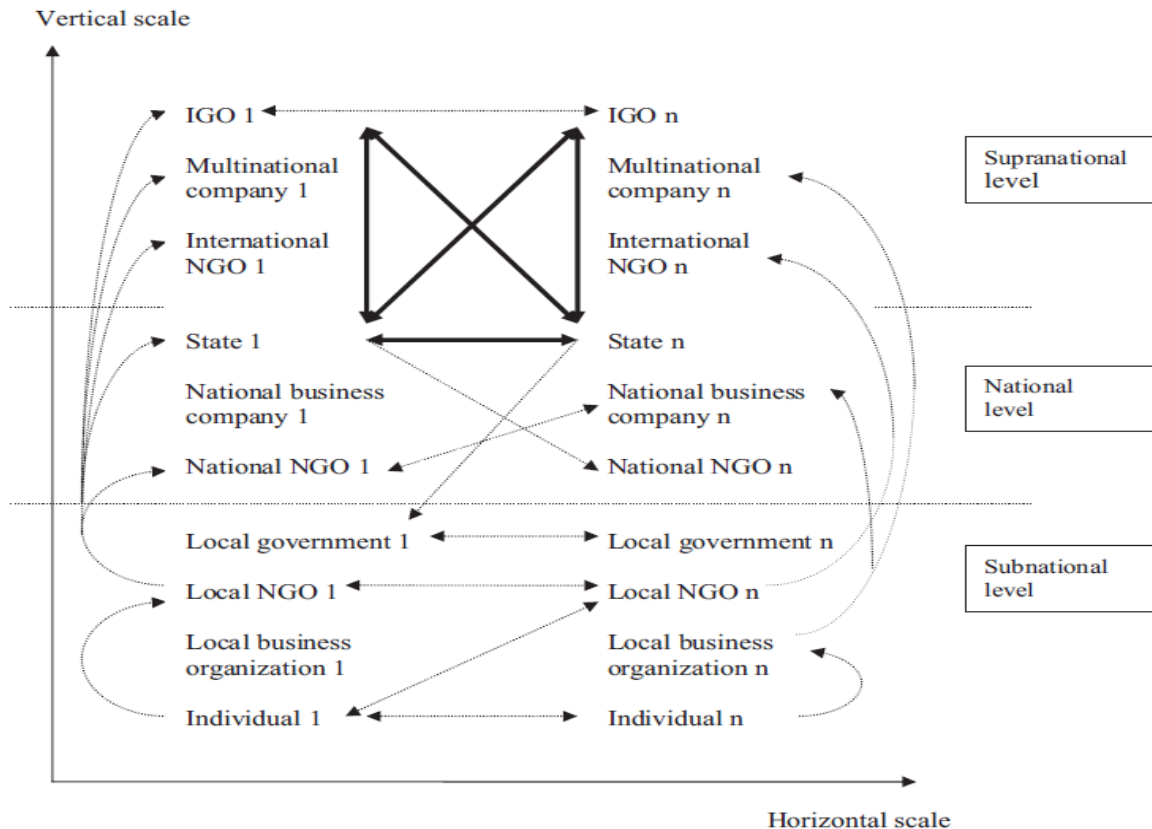
Figure 2-2 Horizontal and vertical dimensions of global environmental politics rescaling
Source: Andonova and Mitchell (2010, p. 258)

The figure successfully demonstrates a rescaling process - vertically up/down, and horizontally across - with respect to the *level* at which environmental governance takes place (subnational, national and supranational). It also illustrates the range of *actors* engaged in them (IGOs, MNCs, international NGOs, State, national business companies, national NGOs, local governments, local NGOs, local business organisations and individuals). However, it overlooks the rescaling with which subnational governments are involved. Put it differently, it offers only a partial account of the types of rescaling relationships that subnational governments are involved in. Chapter 5 supplements this rescaling framework, suggesting a revised version of Andonova and Mitchell's (2010) figure.

2.3.3. Combining MLG and Paradiplomacy

So far this Chapter has examined the different streams of literature that discuss subnational engagement in international relations. In search for a more suitable analytical framework, the Chapter focused on the MLG approach and the concept of paradiplomacy. The MLG and the concept of paradiplomacy share some major characteristics and also manifest some considerable differences in explaining the nature

of subnational governments' international relations. This section applies this comparison of paradiplomacy and MLG to subnational action addressing global environmental problems. The comparison suggests that both concepts can be seen as complementary, rather than contradictory. From this comparison, I present a combined analytical framework which takes elements from the MLG and the paradiplomacy literature, and finally I present a concept for *environmental paradiplomacy*.

The foundation of the two-component analytical framework for the study of subnational governments' international environmental agenda is (i) the paradiplomatic element that subnational governments can act nationally and internationally, through or independently of the central government, in addressing global environmental problems; and (ii) the MLG element that subnational governments can promote the rescaling of environmental governance down from the national and supranational level, up towards the national and supranational levels, and horizontally across regional and sectorial organizations and networks. This two-component analytical framework is summarised as follows (Table 2-3):

Paradiplomacy element	MLG element
Acting internationally through the central government Acting nationally through the central government Acting internationally without the central government Acting nationally without the central government	Rescaling *vertically down* from the national and supranational levels Rescaling *vertically up* toward national and supranational levels Rescaling *horizontally across* regional and sectorial organizations and networks

Table 2-3 Two-element analytical framework of subnational governments' international environmental activity
Source: Author

The paradiplomatic element of acting through or independently of the national government derives from the federalist basis that informs this body of literature. As mentioned earlier, most cases of paradiplomacy are situated in federal countries. A positive aspect of this federalist basis is the attention that the paradiplomatic element gives to the domestic sphere, and the fact that it takes into consideration the existence of legal limits to rescaling processes. A negative aspect, however, is that paradiplomacy has focused on the boundaries separating actors rather than on the linkages binding

them together, and it lacks a strong theoretical grasp on the results of subnational governments engagement in international relations.

The MLG element of rescaling, on the other hand, was developed to explain policymaking in the EU, while at the same time it tries to counteract State-centric approaches found in IR theory. A positive aspect of the MLG approach is that it reminds us that subnational governments can engage in rescaling processes in cooperation with the national government. A robust theoretical body developed in the past twenty years demonstrates that a variety of actors, including subnational governments, can come into direct contact with supranational institutions through policy networks, resulting in multiple levels of interaction between the domestic and the supranational. On the negative side, MLG tends to have an internationalist view that emphasizes subnational governments' participation in transnational networks, and overlooks the legal and institutional limits of rescaling.

This comparison between the paradiplomatic and the MLG element suggests that limitations of one element are addressed by the strengths of the other element. The two-facets of this analytical framework, therefore, do not need to be seen as two separate elements. Rather, the paradiplomatic and the MLG elements can be understood as part of one framework, where one complements the other. In other words, a combined analytical framework addresses the shortcomings of each scholarship, suggesting that: by acting nationally and/or internationally, through and/or independently the central government, subnational governments can promote horizontal and vertical rescaling processes.

All in all, MLG and paradiplomatic studies can benefit from being combined. Many policy fields in federal countries and in MLG systems are subject to the simultaneous influences of international negotiations, national governments and subnational authorities. Therefore, paradiplomacy can be understood within the idea of MLG, at the same time that it can contribute to the existing MLG perspective. Some of the discussions that are now taking place under the label of MLG are familiar to studies on paradiplomacy that are thirty years old. In this attempt, paradiplomacy could inform MLG as a general theory of subnational activity in international affairs.

Finally, taking into consideration the specific case of the international environmental agenda undertaken by subnational governments, *environmental paradiplomacy can be defined as subnational governments' involvement in international relations, undertaken at the national and/or international level, through and/or independent of the national government, aiming to address global environmental problems*. These initiatives involve: signing partnerships and cooperation initiatives (with subnational governments across borders, with other national governments, with international development agencies, or with international organizations); participating in international environmental negotiations processes where global environmental problems are addressed;

participating in transnational networks of subnational governments; meeting governmental officials abroad or hosting foreign dignitaries; and meeting national government officials to engage with the country's position in international environmental negotiations.

This definition of environmental paradiplomacy draws from but is distinct from the concepts of transgovernmental networks, multilevel climate governance, climate regionalism and traditional paradiplomacy. With this definition in mind, it is possible to test whether a given policymaking process is or is not an instance of environmental paradiplomacy. This definition can also help in distinguishing environmental paradiplomacy from other types of governance, as well as from other conventional forms of mobilization which do not challenge established hierarchies.

From this framework and drawing upon the concept of environmental paradiplomacy, the following Chapters will try to explain how and why subnational governments undertake international relations to address global environmental problems, and what results from this agenda.

2.4. SUMMARY

This Chapter laid the theoretical and analytical foundation for the study of subnational governments' international environmental relations.

First it reviewed existing studies that seek to explain the participation of non-State actors, particularly subnational governments, in international environmental relations (Section 2.2). No single theory or body of literature exists to explain the nature of environmental paradiplomacy. A variety of elements have been raised by three streams of literature: non-State actors in IR, federalism, and global environmental governance. These broad perspectives encompass different debates that have been held in the disciplines of Geography, International Relations and Law.

Within the literature on non-State actors in IR, work on transnational and transgovernmental relations advanced in giving non-State actors theoretical and empirical coverage, but gave little attention to the transnational activities of subnational governments. Studies on paradiplomacy addressed this limitation without, however, providing a robust theoretical foundation or enough consideration of subnational governments' engagement in environmental policy (Subsection 2.2.1).

Within the federalist literature scholars again investigated the international agenda of subnational governments, though without expanding the theoretical basis of their approach and with no interest in the international environmental agenda. The environmental aspect has been the object of attention by federalist scholars

investigating environmental and climate change regionalism, but without much examination of the international aspect of this agenda (Subsection 2.2.2).

Lastly, within the global environmental governance literature, the MLG approach and studies on the MLG of climate change and the environment advanced the understanding of multilevel and environmental aspects of the phenomenon. Yet, this literature kept a focus on transnational networks, and left unexamined the barriers that subnational governments face in rescaling processes (Subsection 2.2.3).

Having established that none of the research strands discussed can effectively serve as an exclusive reference for the research aims of this thesis, in Section 2.3 the concept of paradiplomacy and the MLG approach were examined more closely (Subsections 2.3.1 and 2.3.2). Separately they do not offer a comprehensive analytical framework to understand subnational governments' international environmental relations, but, considering that their strengths and limitations complement each other, MLG and paradiplomacy can be considered simultaneously (Subsection 2.3.3). Thus, the final Section combined the MLG theory with the concept of paradiplomacy, suggesting that acting nationally and/or internationally, through and/or independently the central government, subnational governments can promote horizontal and vertical rescaling processes.

These theoretical and analytical frameworks will guide the analysis, found in Chapters 4 to 8, of how and why subnational governments undertake an international agenda to tackle global environmental problems, as well as what results from this activity.

CHAPTER 3: METHODOLOGICAL FRAMEWORK

3.1. INTRODUCTION

As highlighted in the Introduction, the main goal of this thesis is to analyse the international environmental relations undertaken by the state of São Paulo, exploring how they develop, what drives this agenda, and what are its outcomes. The review of the existing literature on subnational governments' international relations presented in the first part of Chapter 2 revealed that studies have been spread across different disciplines and theoretical frameworks. In the second part of Chapter 2, a combined analytical approach, which draws from the MLG literature and the concept of paradiplomacy, was suggested.

Most of the literature on MLG and international environmental politics uses qualitative studies, drawing upon data obtained through interviews, archival research, participant observation and questionnaires (Hochstetler & Laituri, 2006). In the paradiplomacy literature the vast majority of studies also uses qualitative approaches, featuring case studies, to investigate the international agenda undertaken by subnational governments around the world.[43] This thesis also draws upon a qualitative approach, using a single case study to trace the causes, rational and developments of São Paulo's international environmental agenda. The reasons for this choice of methodology, as well as its limitations will be discussed in this Chapter.

The Chapter is organised as follows. Section 3.2 presents the single case study approach chosen and the stages in which the research was developed. Section 3.3 presents the data collection methods. It presents the rationale for choosing the state of São Paulo as a case study. It also discusses issues related to participant observation, elite interviewing – the main method used – and document analysis. When discussing particularities about the fieldwork and the interviewing process, I present some reflections on my positionality, that is, how I situate myself in the research. Section 3.4 discusses the reliability of the data, limitations of the research and ethical questions. The last section presents a brief summary of the Chapter.

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[43] One of the few exceptions is McMillan's (2012) recent book, which uses both qualitative (interviews) and quantitative (time-series cross-sectional model) methods to analyse how state governments in the US engage in foreign relations.

3.2. RESEARCH DESIGN

The thesis is based on the empirical case study of the environmental paradiplomatic initiatives held by the state of São Paulo. The analysis is qualitative and it draws upon a single case study. In presenting the research design I consider the reasons for using a case study framework, a qualitative approach, and the choice of a single case study.

There are a number of reasons for choosing a *case study framework* to research the international environmental relations undertaken by subnational governments. First, the case study framework supports an in-depth exploration and analysis of the phenomenon. As Ragin (2009, p. 523) argues, "to posit *cases* is to engage in ontological speculation regarding what is obdurately real but only partially and indirectly accessible through social science". Second, the case study framework allows for the collection of various types of data. It is claimed that the use of 'thick description' helps to ensure that there is sufficient empirical data from which to make theoretical inferences (Bryman, 2008; George & Bennett, 2005). Third, the use of a case study is further justified by the interdisciplinary nature of the research. As Bryne (2009, p. 6) argues, "case-focused methods are of particular importance for interdisciplinary studies at a time when social science is increasingly 'post-disciplinary' both in conceptualization and in practical application". Lastly, as Yin (2003) suggests, case studies are the preferred research strategy when "how" and "why" type questions are asked, when contemporary phenomena in a real-life context are studied, and when the investigator has little control over events. As the research aims to acquire a rounded understanding of the reasons for the emergence, as well as on-going processes of subnational governments' international environmental agenda, the case study framework was found to be the most suitable research strategy.

In terms of the approach used, while the object of case studies can be examined through both quantitative and qualitative methods of data collection and analysis, this study draws exclusively on a *qualitative approach*. The reason is that this thesis is not concerned with measurements. Rather, qualitative research is concerned with the social structures involved in a given situation (Bryman, 2008), and with elucidating them within different conceptual frameworks (Winchester, 2008). Furthermore, qualitative approaches are recommended for works in the policy arena "because quantitative approaches have proved inadequate in addressing the issues of context and complex causation that underlie social intervention at all stages, but particularly in relation to actual implementation" (Byrne et al., 2009, p. 512). Qualitative research is also particularly appropriate to assess the influence that non-State actors - such as NGOs, but also subnational governments - have over international environmental negotiations. Bestill and Corell make this argument:

> We are not, however, in favour of a quantitative measure of NGO influence. We believe that precise quantification is futile and would only create a false

impression of measurability for a phenomenon that is highly complex and intangible. Instead of 'measuring' influence, we suggest that the influence of NGO diplomats can be qualitatively 'assessed' in terms of high, moderate, or low levels of influence (Betsill & Corell, 2007, p. 32).

Finally, the research uses a *single case study* to trace the causes, rationale and developments of subnational governments' international environmental agenda. Single case studies are suitable for explaining the nuances of social phenomena and addressing specific mechanisms that produce, reproduce, change or are otherwise related to the phenomena (Armato & Caren, 2002, p. 97). Although single case studies might be limited in the extent to which their findings can be generalised to other cases[44], within a single case it is possible to look at a large number of intervening variables (George & Bennett, 2005, p. 21). Moreover, findings from single case studies can be used to make theoretical inferences (Fielding & Warnes, 2009, p. 271). Consequently, the research findings of single cases can be generalized to wider theory (Barzelay, 1993; Yin, 2003). As such, the researcher, through the case study, contributes to and expands theoretical debate.

3.3. Data collection

Four methods were used for data collection. The case of São Paulo was chosen on the basis of its relevance to the topic. Participant observation, interviews and document analysis were essential to collect empirical data to examine the drivers and outcomes of the international environmental relations undertaken by this subnational government.

3.3.1. Case selection

I originally became interested in São Paulo's international environmental agenda while doing my MSc at the London School of Economics, in 2007-2008. I was studying how the city and the state of São Paulo were implementing their municipal and regional climate change policies ahead of the Brazilian government, and the specific aspect of the state's international environmental agenda draw my attention. In July 2008 I spent one month in São Paulo interviewing some relevant actors in the city and the state climate change policy arena. Two of the interviews I did were particularly important in calling my attention to this 'parallel' diplomatic agenda that was being undertaken in the subnational level. One was with the Regional Director of ICLEI´s Latin America and the Caribbean Secretariat, who since 2002 has been coordinating the Cities for Climate Protection programme. The second was with the President of São Paulo's state Environment Agency (CETESB), who since 2002 has become very involved with the Network of Regional Governments for Sustainable Development (Nrg4SD).

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[44] Limitations and advantages of single case studies will be further discussed in the last Section of this Chapter.

In October 2008 CETESB's President invited me to attend Nrg4SD's II World Summit of Regions, held in Saint Malo, France. In Saint Malo the state of São Paulo was re-elected vice-President of the network for Latin America and the Caribbean region, and also elected Nrg4SD's co-President for the South – with the region of Brittany as co-President for the North. Following this experience, in November 2008 I started working for ICLEI-Brazil in a project that aimed at helping the Brazilian states of Bahia, Pernambuco and Mato Grosso developing policies and action to combat climate change. For two weeks during this project I accompanied a delegation of policy-makers from these three states in Poznan, during the negotiations of COP-14.[45] In Poznan I also participated in a few meetings between representatives from four Brazilian states (Amazonas, Amapá, Mato Grosso and Pará), and the state of California. These state representatives were drawing the first lines of what they intended to be the first state-to-state sub-national agreement focused on Reducing Emissions from Deforestation and Degradation (REDD) programs.

These experiences enabled me to decide on my topic of study. I was interested in understanding what was driving subnational governments to engage in international relations to address global environmental problems such as biodiversity and climate change, and I wanted to find out what the benefits are, if any, of this agenda.

Brazil presented itself as interesting case to examine as, in contrast to most other cases studies presented by the paradiplomatic literature, in Brazil subnational governments engage in international relations not only as a way of challenging, but also collaborating with the national government. In addition, the majority of empirical studies published to date in English concern the paradiplomatic activity of regional governments situated in developed countries, notably in Canada, the US, and in Europe. When considering my interest in the environmental, Brazil presented an interesting case as a country that concentrates some of the most precious natural resources in the planet, and is at the same time an influential economic actor and a powerful player in international environmental policymaking.

The choice of the state of São Paulo as a case study also deserves consideration. Although I had established contact with policy-makers from different Brazilian states, I decided to concentrate my research in the state of São Paulo. The international environmental activity of other Brazilian states was more recent and less established than the one undertaken by the state of São Paulo. In addition, I had a stronger network of contacts in this region. Most importantly for my decision was the fact that São Paulo's international environmental agenda was not limited to a recent interest of the states' policy-makers in the topic of climate change, or focused on the potential economic benefits that subnational cap-and-trade mechanisms could bring. Since the aim of the

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[45] ICLEI's project involved bringing representatives of the states of Bahia, Pernambuco and Mato Gross to a UNFCCC climate negotiation (COP-14, in Poznan), so that these policy-makers would understand how the discussion occurred in the international arena.

study was to gain an insight into international environmental cooperation initiatives at the subnational level, it seemed inappropriate to study subnational governments that had an ephemeral interest in undertaking international relations.

3.3.2. Participant observation

In recent years there has been a call for human, urban and political geographers to undertake fieldwork or ethnography. Fieldwork is said to address "the richness and complexity of human life and gets closer to understanding the ways people interpret and experience the world" (Lees, 2003, p. 110). Ethnography is also presented in contrast to the study of elite discourses, which "remains only a partial contribution to the construction of a fuller understanding of the spatiality of political processes" (Megoran, 2006, p. 625). The reason behind this argument is that even the study of the state must involve an examination of how the state is experienced in everyday life.

However, ethnographic methods are not necessarily appropriate or feasible in all qualitative geographical research. While traditional research methods were designed for the study of physically centralized or territorially specific social interactions, researchers now face challenges of how to qualitatively study culture produced in situations of decentralized human interaction (Howard, 2002). This was the case of the examination of physically decentralized social networks such as the epistemic communities identified by Haas (1992), and of research on new online communities (Howard, 2002). Similar research on political ecology and the politics of scale has also adapted the idea of ethnography, so that the fieldwork can be carried out without being restricted to the "naively local" (Howitt & Stevens, 2008).

The study of the diplomatic agenda of a subnational government is one such case. It involves multiple actors and processes, and these cannot be restricted to one physical location. Because the paradiplomatic activities of subnational governments do not allow for traditional fieldwork, participant observation of the actors involved was used to capture evidence of the phenomenon. The observation took place in the actors' workplace, at conferences, during the in-depth interviews, during casual and formal interactions, and was concentrated in three periods: at the Nrg4SD Summit in St. Malo, in October 2008, at COP-14, in Poznan, in December 2008, and more significantly during my fieldwork in São Paulo, between November and December 2010.

When I was organizing the fieldtrip to São Paulo, CETESB's President, my key contact in São Paulo's environmental agency, offered me the opportunity to have a desk in the international relations division while undertaking my interviews and collecting data from CETESB's files. I accepted the offer and for most of the time of the first fieldwork period I was based at CETESB. In that setting I had easy access to staff from both CETESB and the state Secretariat for the Environment (SMA and CETESB share the same building), and I could do both formal interviews and participant observation.

The staff I had contact with during this time declared themselves happy for me to sit in on internal meetings, accompany them to seminars and conferences where they would present, or join them for lunch breaks. I was further permitted to look through files of both CETESB and SMA. Part of this willingness was due to the fact that this was apparently the first time that a researcher was interested in investigating CETESB and SMA's international relations. In addition, having CETESB's President as a gatekeeper was also helpful in 'opening doors' within the state bureaucracy. Yet, I was cautious not to present myself as his *protégé*, or to make the staff feel that they were being 'coerced' to help me with my research (Hennink, 2011, p. 68).

3.3.3. Interviews

The interviews undertaken for this thesis were either semi-structured or open-ended. They were carried out with a group of actors who play 'important' roles in policymaking - usually referred to as 'elite'. The questions asked in semi-structured interviews were content focused, in order to deal with the issues or areas that were relevant to the research question (Dunn, 2008, p. 88).

In designing the interview guide, I had a list of themes that I intended to cover in each interview. These were slightly different depending on whether I was interviewing a government official from the subnational or the national level, a representative from an NGO or an academic. The interview process involved using a previously prepared interview guide (see Appendix 2), which was developed based on the theoretical framework and themes identified in the literature review. Most of the interviews were carried out in Portuguese – unless stated differently in a footnote - and the extracts that are presented in the thesis I translated into English.

In my first period doing fieldwork I interviewed forty-three Brazilian officials and stakeholders both in São Paulo and Brasilia. The initial contacts were given by CETESB's President; these consisted of names, telephone numbers and email addresses of policy-makers and relevant actors in the state, as well as in other Brazilian states and from Canada, the US, Spain, and France. I started interviewing some of the individuals from this list, and using the 'snowballing' technique I contacted other relevant people (the complete list of interviewees can be found in Appendix 3).

The individuals interviewed in this period were directly involved with environmental governance, both on the state level (i.e. São Paulo's environmental agency), and on the national level (i.e. diplomats and representatives from the Ministry of Environment). To avoid potential biases, I interviewed several different types of participants, including subnational representatives and national delegates involved and not involved in international relations. I also interviewed representatives from NGOs, universities and the private sector who participated in climate and biodiversity negotiations and/or who had contact with those representatives from the state of São Paulo engaged in

paradiplomatic activities. Across these sectors, there has been a balance between male and female interviewees. I also tried to keep a balance of interviewees' political affiliation and inclination, for instance interviewing politicians affiliated from both the right and left of centre parties, NGO representatives that traditionally present a strong opposition against the government, and NGO representatives that often work in partnership with the government. Recruitment occurred until all the relevant actors indicated by those involved in São Paulo's international relations had been contacted, and thematic 'redundancy' or 'saturation' (Baxter & Eyles, 1997) was achieved.

In addition to this first round of interviews, a second round of interviews took place in November and December 2011. The second visit in 2011 was concentrated in São Paulo. I re-interviewed three key individuals who I had interviewed in December 2010, and I interviewed three other key figures who were not available for interviews during my first fieldwork period. My main objective with this revisit was to verify some of the information that I had already analysed. Whilst I was not intending to cover new grounds, I noticed that some changes in the state international relations organisation occurred after the new Governor took the office in January 2011.

Most interviews took place in formal settings, such as offices and meeting rooms. Yet, a number of interviews were carried out in other locations such as restaurants, cafes, and conference halls. The interview with the national Secretary for climate change, for example, was carried out in a taxi, while she was on her way between a conference that I had attended and São Paulo airport. Location can be said to have impacted on the style and depth of the interviews. Meeting rooms provided a more peaceful setting and usually longer interviews, while interviews outside working places were generally shorter, but often more informal. Beside the face-to-face interviews, five interviews were undertaken by personal correspondence (email). These were carried out with foreign counterparts, from other environmental secretariats and agencies, as well as from transnational networks of regional governments that were based in other countries outside the geographical scope of the research (e.g. Canada, US, Spain, Wales).

Interviewing elites

The fact that the analysis draws substantially upon interviews carried out with 'elites' also requires some reflection. The use of elite interviewing is well established across the social sciences, and methodological debates about interviewing elites have received significant attention within human geography. Since Dexter's *Elite and Specialised Interviewing* was published in 1970, a number of social scientists have discussed possible definitions of elites. Richards (1996, p. 199), for instance, argues that the notion of an elite implies "a group of individuals, who hold, or have held, a privileged position in society and, as such, as far as a political scientist is concerned, are likely to have had more influence on political outcomes than general members of the public".

When examining elite interviewing, the methodological literature discusses the difficulties to define elites and the challenges associated with the issue of power. The identification of individuals as 'elite' or 'non-elite' often relies on structural notions of power, which understand power as something that a few individuals can possess (Smith, 2006). Countering this approach, poststructuralists view power in a more fluid manner. In this view, power is something which is exercised but that cannot be appropriated.

Overall, my experience interviewing elites did not confirm the structuralist caution that the authority available to elites in their professional life makes getting access to them particularly challenging, or that they are more likely to manipulate the interview (Bradshaw, 2001). While elite informants might be in a position to refuse a request for an interview (Richards, 1996), some researchers have experienced even more difficulties in gaining access to marginalized groups (Smith, 2006). Furthermore, elites are generally used to giving interviews and speak at ease to a researcher, even if being recorded.

In terms of gaining access to my interviewees, my experience was that accessing them was not as difficult as the literature anticipated. One of the reasons might be that in most cases I had some previous - direct or indirect - acquaintance with the people I interviewed due to previous professional and personal contacts. This was due to the years that I worked as an environmental lawyer, studied at graduate or postgraduate level, or I taught postgraduate courses in São Paulo. Some of the interviewees at Itamaraty were colleagues of friends who had studied with me at law school. Besides this factor, I also found that access was facilitated by the fact that I always presented myself as a researcher, and not as someone who had private or institutional interests. This counters Rice's (2010) suggestion of adopting an 'insider' approach to gain access to elites.

During the interviews, the power inequalities associated with the interviewees' professional position and my position as a researcher also did not seem to transfer onto the interview-interviewee relationship in a way that impacted the interview. The methodological literature cautions that elite interviewees may want to control and dominate the interview, leaving the interviewer unable to direct the conversation (Richards, 1996). Perhaps I never felt intimidated by my interviewees because I was interviewing national - not foreign - elites, and the interviews took place in a setting that I was familiar with, in my mother-tongue language. As Herod (1999) suggest, interviewing elite members of our own nationality involves a very different process from interviewing foreign elites. For example, when interviewing foreign elites the researcher may face issues of transcultural communication and understanding. Also, as mentioned, in most cases I had some previous direct or indirect acquaintance with the people I interviewed. Another factor that might have contributed to this ease of power inequalities during the interviews relates to Rice's (2010) recommendation that the

researcher should think about the interview as an intellectual discussion that is different in nature to the respondents' day-to-day routine. In fact, in a number of occasions it seemed that my interviewees were genuinely happy to talk about their experiences and interested about the idea that there was someone thinking about their daily activities from a theoretical perspective.

Analysing the interview data

All the interviews lasted for a minimum of one hour. The semi-structured format of the interviews provided the informants with an opportunity to talk freely about topics they found important. Each interview was recorded on a digital recorder and after concluding the interviews reflective interview notes where made. Subsequently, I transcribed all the interviews into Microsoft Word. Although time-consuming, this process allowed an additional opportunity to reflect on the content of each interview. As Dunn (2008, p. 96) suggests, transcription enables the researcher to engage with the data again, and immersion provides a preliminary form of analysis.

The analysis of the interview data was then made using a computer-assisted qualitative data analysis software (CAQDAS). This kind of technology is recommended to manage large quantities of qualitative data (e.g. interview transcripts of many and long interviews), making data coding and categorizing more flexible (Peace & van Hoven, 2008). Qualitative software also normally enables a more formal and systematic approach to the interview data, facilitates closer integration of findings and stimulates engagement with multimedia data sources (Fielding & Warnes, 2009, p. 270). NVivo 8.0 was chosen as it is known for being a particularly effective tool for storing and analysing qualitative data. In addition to features that other similar software have, NVivo enables coding of the same segment of data under different categories, and allows retrieval of coded data through search tools (Peace & van Hoven, 2008, p. 241).

A preliminary set of codes was established prior to analysis. These were based on what the literature identified as drivers and outcomes of subnational governments' international relations. The emergent themes first informed the interview guide, and subsequently the initial structure of the NVivo analysis. Once I had carried out most of the interviews, the interview and field notes transcripts were uploaded into the software. As I started the NVivo analysisI had three main categories, 'how', 'why' and 'what' (NVivo 'nodes'), each with a few subdivisions. Once I started analysing the interview material, a more complex hierarchy of themes started to emerge.

The ensemble of interview material was crucial for addressing the research questions. Some of the most representative quotes were included into the text. Verbatim respondent quotations "are important for revealing how meanings are expressed in the respondents' own words, rather than the worlds of the researcher" (Baxter & Eyles, 1997, p. 508). Overall NVivo proved an invaluable tool to store the data and establish

the categories that addressed the research questions. It also helped to visualise the themes, which were subsequently used in the empirical Chapters. That is, the software helped to bring clarity to the different types of international relations established by the state of São Paulo (Chapter 4), the factors driving paradiplomacy (Chapter 6), and its outcomes (Chapters 7 and 8).

3.3.4. Document analysis

In addition to the participant observation and interviews, the analysis of the case study was also based on an extensive review of primary and secondary sources, as well as legislation, grey literature and media articles.

Access to primary document sources was facilitated by the fact that CETESB's president and the state Secretary for the Environment provided me with a formal authorization to have free access to the CETESB's and the SMA's files. This included internal files and memos, as well as personal travel reports, which offered important information and insights on the causes and outcomes of the international relations. Legal documents such as bilateral agreements entered by the state of São Paulo and retrieved in CETESB's and SMA's files were essential primary sources for the study, as information about them was not available elsewhere. Though sometimes incomplete, these sources helped to map the characteristics of São Paulo's international environmental relations.

Media articles were used to identify the international activities undertaken by São Paulo's Governor and other state officials. For this purpose, I used the online database available in the webpage of São Paulo's state government to conduct a systematic search. This database compiles several hundred articles, news, video and radio broadcasts. In addition, grey literature was used. Grey literature included brochures, pamphlets, annual reports, and fact sheets published by the national and the state governments, NGOs and transnational networks of which the state is part (e.g. ICLEI, the Nrg4SD, the Climate Group).

While examining the relevant documents and legislation, I focused on five main points, which were related to the research aims. First, I assessed São Paulo's authority to both undertake and influence the international agenda, as well as to address global environmental problems. Second, I examined the federal actions (policies and legislation), and how this action or lack of action was depicted by state authorities. Third, I considered the climate change and biodiversity programs and norms put in place once the state started to have a more active international agenda. Fourth, I examined the institutions created once the state started having a more active international agenda. And fifth I searched the documents for indications of the factors contributing to and the outcomes of the state's international agenda.

3.4. RELIABILITY OF DATA, LIMITATIONS OF THE RESEARCH, AND ETHICAL CONSIDERATIONS

While the qualitative approach and the single case study method carry substantial benefits in terms of gaining an in-depth understanding of the research topic, these choices also result in limitations. Critiques of qualitative research and the case study approach refer to potential pitfalls regarding the problem of case selection, generalizability, as well as the validity/reliability of the results. Ethical considerations include how the researcher can impact the collection of data, and how the research subjects may contribute to the study.

One of the most common criticisms of case study methods is that they might suffer from 'selection bias'. The use of a single case study, in particular, raises questions of comparability and the extent to which the study can be generalized. While this is a problem for statistical research, selection in qualitative research allows for a stronger process-tracing test of a theory, either to confirm or to contradict a theory (George & Bennett, 2005, p. 24). In addition, "case researchers do *not* aspire to select cases that are directly 'representative' of diverse populations, and they usually do not and should not make claims that their findings are applicable to such populations except in contingent ways" (George & Bennett, 2005, p. 30). Specifically regarding single case studies, it has been argued that they have the capability to support empirical generalisations (Barzelay, 1993).

In this sense, the study of São Paulo's environmental paradiplomacy might not be representative, but it can be generalised or replicable with other subnational governments. Comparative analysis can be undertaken using the analytical framework put forward in this thesis. Moreover, some of the hypotheses about subnational engagement in international environmental relations challenge accepted generalisations present in the literature (e.g. that there are legal limits to rescaling processes). Other hypotheses offer empirical generalisations that have not been made before (e.g. that leadership in policymaking is a driver for paradiplomatic activities). In other words, the findings regarding the environmental paradiplomatic agenda of the state of São Paulo can be generalised as propositions and compared to other subnational governments in Brazil and around the world.

Another limitation that could affect this study regards the validity and reliability of the results. In terms of rigour, the study triangulated data from interviews, participant observation, primary documents and secondary sources. Triangulating interview material with other methods is a core method to improve the reliability of research (Bryman, 2008). As this is the first study of environmental paradiplomacy in Brazil, it was not possible to compare the data I gathered with work by other researchers involving the same state or other states in Brazil. Nevertheless, triangulation was still

applied to data collection, and also to sources and theories used, and therefore became an important method of data analysis verification.

In terms of ethical considerations, it is important to acknowledge that the researcher impacts the collection of data. In writing the thesis, I predominantly used deductive reasoning, where the hypotheses were drawn from the arguments and findings of previous academic works in the fields of IR, federalism, and global environmental governance. Yet, as these conceptual approaches were unable to fully explain the environmental paradiplomatic agenda of the state of São Paulo, the field experience brought to the research process an inductive element. The interview and observational material confirmed, added to, or challenged the literature. In terms advocated by grounded theory (Glaser & Strauss, 1967), a theory can be developed from facts and realities on the ground. Nevertheless, particularly in the interview process, the researcher's presence and personality influences the kind of information given by the respondents. There is also a risk that the analysis can become biased during the collection of data and while writing-up the findings because the researcher has specific research aims.

Additionally, while the researcher has her/his agenda, the research subjects may also have their particular reasons for contributing to the study. In my research, the actors involved in São Paulo's international agenda were clearly keen to demonstrate that their work is relevant, and that the state of São Paulo is a leader both in having an international agenda and in promoting stringent environmental policies and regulation. As advocates of this agenda, these actors had good reasons to promote their work and the advantages of São Paulo's environmental paradiplomatic activity. Whilst I tried to encourage them to reveal problems and challenges, eventually I would find myself being too potentially supportive as a way of having the interviewees speaking frankly.

More critically, concerns with the overall image of CETESB, SMA, São Paulo's Governor, and also of Itamaraty and its diplomats may have prevented some interviewees from being completely honest with me. As Richards (1996) cautions, on the one hand elite groups can provide information not recorded elsewhere, or not yet available for public release. On the other hand, the reliability of elite informants can be questionable. In his view, the least satisfactory group are politicians, who often encounter pathological difficulties in distinguishing the truth; alternatively, civil servants can be the best interviewees, for being both knowledgeable and dispassionate (Richards, 1996).

3.5. SUMMARY

This Chapter introduced the methodological framework chosen for the research and for the data collection. The research used a single case study, participant observation, interviews and document analysis to collect data of the international environmental relations undertaken by a subnational government.

The case study framework was found to be the most suitable strategy to research the international environmental relations undertaken by subnational governments, and a qualitative approach was the recommended alternative to analyse the case study. The choice of the single case study and particularities of the interview process, including potential challenges involving elite interviewing and the strategies for analysing the data were discussed in more detail. The data collection strategy took into consideration the positionality of the researcher. It was further argued that the methodological limitations of the study are connected to the empirical scope of study, the quality and quantity of data available, and that grounded theory and triangulation strategies were used to improve rigour in the research.

The following three Chapters apply the methodological framework to the empirical case study of the environmental paradiplomatic agenda of the state of São Paulo.

CHAPTER 4: ENVIRONMENTAL PARADIPLOMACY IN SÃO PAULO

4.1. INTRODUCTION

This Chapter focuses on the process through which subnational governments undertake an international agenda to address global environmental problems. In particular, it looks at how the state of São Paulo develops its international environmental agenda and becomes active in the international environmental scene. The Chapter traces the development of São Paulo's international agenda, between 1978 and 2010. It focuses on the international environmental relations undertaken by the state's Environmental Secretariat (SMA) and the state's Environmental Agency (CETESB).

The research question and hypothesis that guide Chapter 4 (and Chapter 5) are the following:

Chapters 4 and 5

Research Question 1
How does environmental paradiplomacy evolve in the state of São Paulo?

Hypothesis 1
Environmental paradiplomacy evolves through the international activities undertaken by subnational governments to address environmental problems across borders and scales.
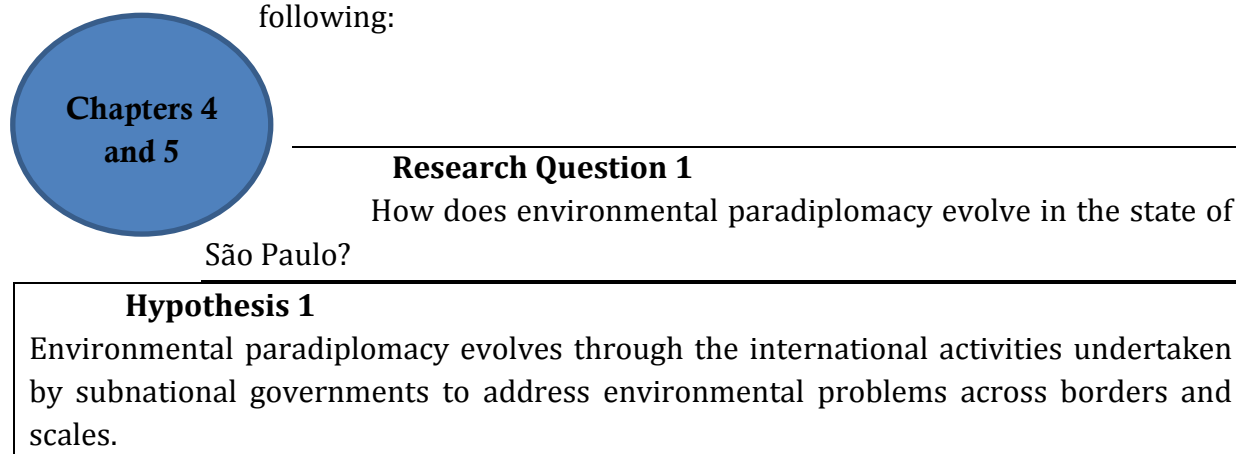
Figure 4-1 Research question and hypothesis that guide Chapters 4 and 5
Source: Author

Surprisingly, the state of São Paulo and the federal government do not keep – or at least do not make publicly available – a database of the international activity undertaken by the state.[46] The research, therefore, involved a first phase of gathering information on all the international activities in which the state is involved. This first stage of data gathering suggested that the state of São Paulo is involved in five types of international environmental activities:

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[46] According to Sao Paulo's International Relations advisor, the new office for international affairs, in charge since 2011, built a consolidated and updated database, which lists all the international activity of the state. During the completion of this thesis this database was unavailable to the public.

(i)   entering decentralised international cooperation (technical, scientific or financial) with other actors across borders;
(ii)   meeting foreign governmental officials (hosting or meeting abroad);
(iii)   joining transnational networks;
(iv)   meeting national diplomats in the agenda-setting of international environmental negotiations; and
(v)   participating in international environmental negotiations.

To identify these activities I consulted a number of sources. Information about (i) the decentralised international cooperation initiatives, and (iii) participation in transnational networks was obtained with data from São Paulo's International Advisory Office, as well as from SMA and CETESB, including internal files. Information on (ii) the meetings with foreign dignitaries was identified through an analysis of self-reported activities in press releases, reports and internal files (see Appendix 6). Information about (iv) meetings between subnational representatives and diplomats was obtained through the interviews and participant observation in COP-14. Data on (v) the participation of state representatives in the climate and biodiversity COPs was analysed through the list of participants publicly available on the UFNCCC and CBD websites. Where pertinent I collected and checked information with the interviewees.[47] While the types of international activity in which the state is involved were covered in their totality, a number of partnerships established and meetings held by subnational representatives with international authorities and national diplomats could not be identified. Hence, the list of each international activity undertaken by the state is not an exhaustive one.

Based on the characteristics of the five types of activities identified, the analysis confirms the initial hypothesis informed by the paradiplomacy literature for the state of São Paulo. Further, it suggests two broad categories of international environmental activities in which subnational governments engage. This thesis argues that the international environmental activities undertaken by the state of São Paulo to address global environmental problems can be grouped into *collaboration* and *coalition* activities. In collaboration activities, the state relates to other actors across borders to learn, exchange experiences, and promote environmental action. In coalition activities, the state engages in stronger political roles, fostering its presence within transnational networks of subnational governments, and attempting to influence national diplomats and the international community to forge stronger commitments in international policymaking. This Chapter further suggests that while paradiplomacy and environmental paradiplomacy evolve in similar trajectories, environmental paradiplomacy's link with the global environmental agenda creates more conditions for coalition activities to occur.

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[47] More details about the data collection and its limitations can be found in Chapter 3.

The Chapter contains six main sections. Following this introduction, in Section 4.2 I review what the paradiplomacy literature identifies as the processes through which subnational governments undertake an international agenda. In Section 4.3 I examine the paradiplomatic context in Brazil (Subsection 4.3.1) and the development of paradiplomatic activity in the state of São Paulo (Subsection 4.3.2). In Section 4.4 I explore the specific case of environmental paradiplomacy in the state of São Paulo; the five international activities in which the state is involved in are presented in Subsections 4.4.1 to 4.4.5. In Section 4.5 I suggest a new typology for paradiplomatic activity, consisting of *collaboration* and *coalition* initiatives, and I compare both types of initiatives. I conclude in Section 4.6 with a summary of the findings.

4.2. HOW DOES PARADIPLOMACY EVOLVE?

The paradiplomacy literature is interested in a number of international activities in which subnational governments can be involved. The first studies by Soldatos (1990) and Duchacek (1990) identified international missions, participation in fairs and international events, technical cooperation schemes, exchange of best practices, and agreements setting up twin cities. Lecours (2002, p. 92) emphasized representation abroad and seeking foreign investment. Hocking (1993a) further argued that subnational governments engage in diplomatic roles, with their involvement extending through the pre-negotiation, negotiation, and post-negotiation phases. Along these lines, Pigman (2010, p. 46) conveyed that subnational governments are routinely engaging in many of the same core diplomatic functions of representation and communication that characterize diplomacy between sovereign States.

More recently Criekemans (2010a) suggested that the 'full spectrum" of diplomatic instruments that regions can utilize encompasses seven activities: (i) political representation abroad; (ii) treaty-making power; (iii) entering agreements of a formalized nature (political declarations of intent and/or cooperation agreements, transnational contracts, and cultural agreements and partnerships); (iv) developing programmes of assistance and sharing of know-how (bilateral or multilateral programmes, programmes on cross-boundary cooperation); (v) participating in multilateral frameworks and organizations (observing or participating in technical committees, becoming an associate member of multilateral organizations); (vi) participation in formal or informal networks; and (vii) developing a public diplomacy, both domestic and international.

The paradiplomatic activities undertaken can also be specific to particular realities. For instance, Kelman et al. (2006) explored the occurrence of paradiplomacy after disasters in non-sovereign islands. In this case, paradiplomatic activities involve the participation in disaster-related forums, disaster management coordination, and receiving international funds to mitigate disaster effects.

In regard to how paradiplomacy evolves, however, the literature has two main shortcomings. First, while there has been an effort to list the international activities undertaken by subnational governments, scholars have not systematised or classified these initiatives in a way that allows for further understanding and generalisation of the concept. Second, the paradiplomacy literature has not yet placed sufficient attention on the participation of subnational governments in transnational networks – a concern that, as seen in Chapter 2, figures at the centre of the transnationalist and MLG literatures.

Van den Brande et al. (2012) offer a rare contribution which considers both subnational engagement in international environmental relations, as well as their engagement in transnational networks for sustainable development. As anticipated in Chapter 2, their typology of routes that subnational governments can utilize to participate in global decision-making outside the EU context consists of an *intra-state* and an *extra-state* route. Following the intra-state route, subnational governments get involved in global decision making, for example, at the UN, by influencing national decision-making or by participating in the national delegation for global negotiations. Following the extra-state route, subnational governments try to bypass the national government, for example, by participating in transnational networks or by appointing a subnational attaché to the global organization (see Table 2-2).

However, by focusing on the routes taken, this typology does not explain the full range of activities that can be undertaken by subnational governments when developing an international agenda. For instance, it does not include common international activities undertaken by subnational governments such as meeting foreign authorities, or establishing partnerships and decentralised cooperation agreements. Also, while this typology emphasises whether subnational government are utilizing the national government route, or bypassing it, it gives little insight into the agency of subnational governments, or on their capacity to create and implement rules on the domestic level. Considering the different types of activities in which subnational governments can engage in, their typology can be supplemented as follows (Table 4-1):

	With the central government	**Independent of the central government**
Internationally	Participating in the national delegation for global negotiations	Appointing a subnational attaché to multilateral organizations
		Trying to influence international environmental negotiations

		Participating in transnational networks of subnational governments[48]
Nationally	Trying to influence diplomats and the national position	Entering partnerships and cooperation (technical, scientific, technological and financial) with subnational governments, national governments, development agencies and international organizations
		Meeting national and subnational authorities abroad
		Hosting international missions

Table 4-1 Typology of subnational engagement in international environmental relations
Source: Author, based on Van den Brande et al. (2012, p. 16)

In Section 4.4, the international environmental relations undertaken by the state of São Paulo will be further explored. Before that, the next section situates the paradiplomatic activity undertaken by the state of São Paulo within the Brazilian national and the regional state context.

4.3. PARADIPLOMACY IN BRAZIL AND IN THE STATE OF SÃO PAULO

This Section examines the development of paradiplomacy in Brazil and in the state of São Paulo. São Paulo followed the states of Rio de Janeiro and Rio Grande do Sul, the first two in the country to create an international relations structure within a subnational apparatus. Its paradiplomatic activity dates back to the late 1970s, continues with the creation of the Special Advisory Office for International Relations within the government's structure, in 1991. The analysis finishes with the end of Governor Jose Serra's mandate, in 2010.[49]

4.3.1. National context

The interest of Brazilian subnational governments in international relations dates back to the 1960s. In 1960, while the Latin American Free Trade Association (ALALC) was being created, the governor of the state of Rio Grande do Sul, Leonel Brizola, declared to President Juscelino Kubitschek that that the Montevideo Treaty would affect the state, and thus claimed the right to participate in the negotiation of this Treaty (Kleiman &

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[48] Some transnational networks also try to influence global decision-making.
[49] See Appendix 4 for a list of Brazilian presidents and São Paulo state governors since the country's democratisation.

Rodrigues, 2007). Soon after, in the wake of the 1964 military *coup d'état*, the governor of the state of Minas Gerais, Magalhães Pinto, intended the creation of a Foreign Relations Secretariat within the state administration (Brigadão, 2005).[50] During the authoritarian regime that followed, which ruled Brazil from March 1964 to March 1985, subnational autonomy was limited and the country's foreign policy was concentrated in the central government.

The democratization process in the mid-1980s allowed state governments to have more political freedom and, in this context, some states began to develop an international agenda. In its early days Brazilian subnational international activity was concentrated in the states of Rio de Janeiro and Rio Grande do Sul. In 1982 Leonel Brizola, then Governor of the state of Rio de Janeiro, created the first international relations structure within a subnational government. In 1987, the state of Rio Grande do Sul also created a Special Secretariat for International Affairs. Therefore, the states of Rio de Janeiro and Rio Grande do Sul defined a milestone in Brazilian federalism, as of this moment foreign relations were no longer an exclusive role of the national diplomats (Nunes, 2005; Tavares, 2012).

The enactment of the 1988 Constitution helped promote subnational foreign policy in Brazil. The political opening of the new Constitution made Brazil one of the most decentralised nations in the world in terms of distribution of fiscal resources and political power (Souza, 2005). Although international relations were made the exclusive responsibility of the central government (Federal Constitution, articles 21, I, and 24, VII and VIII), the competency assigned to the federated units with regard to local development (Federal Constitution, article 23) provided subnational governments with legitimacy to seek funds abroad and to sign cooperation agreements with foreign subnational governments (Salomon, 2011). As a result, for the past 30 years states and municipalities in Brazil have been carrying their own external relations.[51]

The paradiplomatic activities carried out by the Brazilian states include city-twinning, participation in fairs and international events, technical cooperation schemes and exchange of best practices, as well as participation in transnational networks (Milani & Ribeiro, 2011; Salomon, 2011). In addition, some Brazilian states have trade centres abroad, or host representations from foreign federative or regional units. All governors and many secretaries of state, mayors, heads of state and municipally-owned companies

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[50] The idea of creating a Foreign Affairs Secretariat in Minas Gerais has to be understood within the military coup d'état that that culminated with the overthrow of President João Goulart and lasted until 1985. The Governor of Minas Gerais, Magalhães Pinto, was one of the leaders of the conspiracy, and with the creation of such a Secretariat he intended to challenge the central government's monopoly in the country's external relations. With the success of the Military Coup the Secretariat was not formally constituted. Three years later, in 1967, Governor Magalhães Pinto left the state government and became the Minister of Foreign Affairs (CPDOC, 2012b).

[51] The legal limits to the international relations undertaken by subnational governments are further discussed in the next Chapter.

have gone on missions abroad to countries on every continent (Vigevani, 2004, p. 30). Large cities also begun to have an international presence; in 2008 more than 70% of the municipalities with more than 500,000 people had some form of paradiplomatic activity (Milani & Ribeiro, 2011).

Paradiplomatic activities between subnational governments often evolve around borders (e.g. Canada and US, or US and Mexico), motivating scholars to call this phenomenon *perforated sovereignties* or *percolated sovereign boundaries* (Duchacek et al., 1988). However, this is not the case in Brazil. Subnational governments situated in neighbour South American counties do not feature as relevant partners for Brazilian subnational governments (Vigevani, 2006). Instead, Brazilian subnational governments traditionally establish international relations across borders, with other subnational governments and international organisations in Asia, Europe and the US.

Despite this significant activity, Brazilian paradiplomacy is poorly institutionalized. States and municipalities that engage in external relations are not required to coordinate with higher or lower-level local authorities, and there is very limited data regarding the international activity undertaken by Brazilian subnational governments (Lessa, 2007). The first survey on such activity indicated that, until 2004, out of the twenty-six Brazilian states and the federal capital, nineteen had some kind of division responsible for the states' international relations (Brigadão, 2005, p. 43). In 2012, this included almost all states: Tavares (2012) acknowledges that twenty-five out of the twenty-seven state governments maintain an international agenda and have an international relations structure.[52]

Such accounts suggest the widespread internationalisation of subnational governments in Brazil. However, these figures only indicate the institutionalization of international relations within the state governmental apparatus. In other words, they do not indicate the number, nature, and focus of initiatives undertaken by different states or their significance. These numbers also do not reflect where international relations are concentrated, for instance, if they are concentrated in one or more particular Secretariats, nor what kind of activities each of these bodies are undertaking. The following subsection will address some of these limitations by examining activities are involved in São Paulo's international agenda.

4.3.2. São Paulo state government

São Paulo's international relations agenda is not new. Tavares (2012) argues that the state has been international since its foundation: its capital, the city of São Paulo, was founded in 1554 by two foreign Jesuit missionaries - the Portuguese Manuel da Nobrega and the Spanish Jose de Anchieta. From the turn of the 19th century, after the end of the slave trade, the state saw a long history of international immigration. Still today São

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[52] The structure varies according to the subnational government's own particular choice.

Paulo hosts the largest Italian, Japanese, Portuguese and Lebanese populations outside their respective countries.

In the 1970s, a more substantive international agenda emerged, with the state participating in international cooperation initiatives.[53] The first record of such agenda seems to be a twinning arrangement signed in 1973 with the Japanese province of Mie (Tavares, 2012). In 1978 the Presidency of the Republic asked the federated states to engage in international cooperation projects that previously were coordinated solely in the national level. The state of São Paulo designated this task to the state Planning Secretariat, which at the time was linked to the Governor's Cabinet.

Between 1978 and 1987 Ana Lucia Segamarchi, a public servant so far with no experience in international relations, became responsible for managing all the international cooperation initiatives involving the state of São Paulo. In this initial stage, the international cooperation agreements between the state and other national and subnational governments or international organisations took place within the framework of a national agreement entered with the counterpart nation, or were coordinated by the Ministry of Foreign Affairs. Gradually, the international area at the Planning Secretariat was dispersed to the different state Secretariats.[54]

In 1991, under Fleury Filho's administration (1991-1994) a Special Advisory Office for International Affairs was created within the Governor's cabinet.[55] The Special Advisory Office had the status of a Secretariat and was responsible for advising and assisting the Governor in its external relations. These relations could be established with foreign private companies, international organizations and specialized agencies from foreign governments, having a financial, commercial, cultural, scientific, technical or technological nature. To coordinate this Special Advisory, the Governor nominated a career diplomat. In the same year, the state government established a System for International Promotion, which aimed at promoting São Paulo's economy in the international arena.[56]

However, in 1996, difficulties in the implementation of the international structure within the cabinet's office led Governor Mario Covas to close down the Special Advisory Office for International Affairs. It was not until 2005 that the state government would have another IR body. In the meantime, in 2003, under Geraldo Alckmin's administration (2001-2006), the government created a Council for International

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[53] Although Vigevani (2004) affirms that the state had begun to show some concern for international affairs in 1986, the government's international activity started at least a decade before.

[54] Information not available from written sources - obtained through an interview with Ana Lucia Segamarchi (Interview No.19 - SP official). In 1987 Segamarchi left the Planning Secretariat to coordinate the international relations advisory at the newly created Environment Secretariat (SMA).

[55] The Special Advisory Office for International Affairs was created through Decree 33.129, of March 15, 1991, which was repealed by Decree No. 49.529, of April 11, 2005.

[56] Decree No. 34.253, of November 28, 1991.

Relations and Foreign Trade (CERICEX), with the objective of adopting, implementing and coordinating the promotion of foreign trade and international relations in the state of São Paulo.[57]

In 2005, Governor Geraldo Alckmin approved the creation of a new Advisory Unit for International Affairs.[58] The new Advisory Unit was linked to the Cabinet, and was responsible for organizing the Governor's international meetings and missions. Under Jose Serra's administration (2007-2010) the Advisory Unit kept mostly the same roles and structure of its predecessor.[59] Both Governor Serra and Alckmin nominated career Foreign Ministry officials to coordinate the Advisory for International Affairs. Serra's administration also created Invest São Paulo (São Paulo's Agency for the Promotion of Investments and Competitiveness), within the Secretariat for Economic Development, Science and Technology. This agency aimed at attracting investments to the state, as well as providing support and information to potential investors (InvestSP, 2012).

While there was no formal IR structure within the government between 1996 and 2005, other bodies of the state administration were implementing their international agenda and creating specific divisions to deal with their international relations. Gradually, the number of Secretariats involved in international activities increased, reaching all twenty-six state Secretariats, and state owned companies started to implement or intensified their international activities (Tavares, 2012).[60]

1978	1991	1996	2005	2010
Presidency		Cardoso (95-02)	Lula (03-10)	
Sao Paulo State Governor	Fleury Filho (91-94)	Mario Covas (95-01)	Alckmin (01-06)	Serra (06-10)
The Presidency of the Republic asked the federated states to participate in international cooperation projects, and the state of Sao Paulo designated this task to the Planning Secretariat, which at the time was linked to the Governor's Cabinet	A Special Advisory Office for International Affairs was created within the Governor's cabinet. Extinct in 1996	Institutionalization within other secretariats; in 2003 the government created a Council for International Relations and Foreign Trade (CERICEX)	New Advisory Unit for International Affairs	

Figure 4-2 Timeline of São Paulo's international relations
Source: Author

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[57] The CERICEX was abolished in 2010.
[58] Established through Decree 49.529, of April 11, 2005.
[59] Decree 51.991, of July 18, 2007 changed the Advisory's name to Advisory Unit for Assisting on International Affairs.
[60] This is the case of CETESB, and also São Paulo's Water and Sanitation Company (SABESP), Port Management Company (Companhia Docas de São Sebastião), Metropolitan Train Company (CPTM), Highway Department (Dersa), Metropolitan Planning Company (Emplasa), Institute for Technological Research (IPT), Metro Company (Metrô), Technological College (Centro Paula Souza), Attorney Office (PGE), and Control Agency (Corregedoria Geral da Administração).

This timeline (Figure 4-2) suggests four phases of international activity within the state: (i) the early stages in the late 1970s until the Special Advisory Office for International Affairs was created in 1991; (ii) a first institutionalization phase between 1991 and 1996; (iii) the years between 1996 and 2005, when despite the absence of an advisory unit within the state government, São Paulo's international activity was spread among the different state Secretariats and state agencies; and (iv) a fourth phase starting in 2005, when the Special International Relations Advisory Office was created, offering support to the Governor's international missions.

It is also worth noticing that between 1995 and 2010 São Paulo's international agenda was developed within a sequence of Governors from the same political party, the centrist Party of Brazilian Social Democracy (PSDB). During the first half of this period (1995-2002) the *tucanos* or toucans*,* named after the party's symbol, also governed country, under Fernando Henrique Cardoso's presidency (1995-2002). Since 2003 the country was ruled by the centre-left Labour Party (PT), under Lula's presidency (2003-2010).[61] On the one hand, although there was a continuity of ideologies and programs in the mandates of Governor Mário Covas (1995-1998 and 1999-2001), Geraldo Alckmin (2001-2002 and 2003-2006), José Serra (2006-2010) and again Geraldo Alckmin (2011-2014), during these years São Paulo's international agenda received different importance. In other words, despite the political continuity, São Paulo's international relations agenda suffered constant change and restructuring. On the other hand, it is possible to consider whether having opposing political parties ruling the state and the federal government since 2003 had an impact on São Paulo's international agenda.[62]

Finally, it is worth noticing that since the new Alckmin administration began, in 2011, there has been an attempt to establish a more coordinated and structured approach to São Paulo's international relations. A new Special Advisor was nominated, for the first time not a career diplomat, but a researcher and previous adviser to UN's General Secretary Ban Ki-moon. In 2012 the state made public its first International Relations Plan (São Paulo, 2012). The Plan, which covers the period of 2011-14, assigns the Special Advisory with nine missions, four of which relate directly to the state's international initiatives: promotion of meetings with international authorities; promotion of international cooperation; organization of international events; and participation in transnational networks, international forums and international organizations.[63]

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[61] See Appendix 4 for a list of Brazilian presidents and São Paulo state governors since the country's democratisation.
[62] This aspect will be object of further examination in Chapter 7.
[63] The other five missions assigned to the Special Advisory refer to office duties and institutional missions: coordinate São Paulo's international relations with the twenty-six Secretariats; adopt and implement an IR plan; improve São Paulo's international communication/marketing strategies; create a special unit to research good practices in policy-making across borders; and support Investe SP.

4.4. ENVIRONMENTAL PARADIPLOMACY IN THE STATE OF SÃO PAULO

The state of São Paulo maintains an active international agenda in the area of the environment. This Section examines this activity with regard to the first part of *hypothesis 1*:

Research Question 1
How does environmental paradiplomacy evolve in the state of São Paulo?
Hypothesis 1 (first part)[64]
Environmental paradiplomacy evolves through the international activities undertaken by subnational governments to address environmental problems across borders.

Environmental paradiplomacy in São Paulo evolves through international activities undertaken by the state. As with the general international agenda of the state, São Paulo's environmental paradiplomatic agenda began in the 1970s, involving the signature of decentralised international cooperation initiatives with international organisations and other national and subnational governments across borders, meeting international authorities abroad or receiving international missions, and joining transnational networks of subnational governments. In the mid-1990s, São Paulo's environmental paradiplomatic agenda was expanded, with the state broadening its participation in transnational networks, as well as engaging in the agenda-setting and the negotiation phases of Multilateral Environmental Agreements (MEAs).

This expansion of São Paulo's environmental paradiplomatic agenda is connected to its involvement in the governance of global environmental problems. In 1995 a special division for global environmental problems was created within SMA, and ten priority programs were launched, all directly related to the forty principles established by the Agenda 21. The most important programs - and the only ones that remain active - were the Global Climate Change Program (PROCLIMA), and the Ozone Layer Protection Program (PROZONESP).[65] The adoption of these programs represented the engagement of São Paulo with the governance of global environmental problems. Until then the state mostly implemented a pollution-control approach focused on monitoring industrial activities (Morita, 2010, p. 290). Moreover, the adoption of these programs meant the engagement of the state with the international environmental treaties signed by Brazil since the Rio-92 Conference. For instance, it involved the implementation of the UFCCC, the Montreal Protocol, and the CBD in the state. São Paulo's engagement with global

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[64] The second part of hypothesis 1 will be addressed in the next Chapter.
[65] PROCLIMA was established as a permanent forum on climate change and biodiversity in the state of São Paulo (SMA Resolution 22, of June 8, 1995), and PROZONESP (SMA Resolution 27, of June 27, 1995) was created to coordinate the actions of good practices and dissemination of ozone layer protection. The other programs were the Program for Biodiversity Conservation; the Environmental NGO Support Program; the Environmental Education Program; the Program for Environmental Control; the Program for Decentralised Environmental Management; the Solid Waste Program; the Water Resources Program; and the Consumer and Environment Program.

environmental problems thus resulted in an expansion of the state's international environmental activities. This finding coincides with an argument made by Cornago (2010, p. 19), that global environmental problems fuelled the rise of subnational governments' international activity across the globe.

Addressing *research question 1,* the following Section presents and describes each one of these five environmental paradiplomatic activities in which the state engages in: (i) entering decentralised international cooperation initiatives (Subsection 4.4.1); (ii) meeting international authorities (Subsection 4.4.2); (iii) joining transnational networks of subnational governments (Subsection 4.4.3); (iv) participating in the agenda-setting phase of MEAs (Subsection 4.4.4); and (v) participating in the negotiation phase of MEAs (Subsection 4.4.5).

4.4.1. Entering decentralised international cooperation initiatives

Decentralised international cooperation constitutes an important component of paradiplomacy. It involves bilateral or multilateral partnerships with technical, scientific, technological and financial objectives. These partnerships are entered into by the state of São Paulo with other national or subnational governments across borders, with international development agencies, or with international organizations.

In the development cooperation literature, the term 'decentralised cooperation' was used for the first time in 1995, by the review of the Lomé Convention, alluding to project-implementing entities other than central administrative structures.[66] A few years later the UNDP introduced the term 'city-to-city' cooperation, shortened to 'C2C' cooperation (UNDP, 2000). The term covers all possible forms of relationship between local authorities at any level in two or more countries which collaborate over matters of mutual interest, whether with or without external support (Habitat, 2001). C2C, therefore, refers specifically to decentralised cooperation between local governments. Since then, the C2C and decentralised cooperation have been used as synonyms, although the latter embraces a wider range of actions for development generally carried by non-State actors.[67]

Cities and local authorities have been engaged in international cooperation for many decades (Adame, 2011; Amezquita, 2011; Bontenbal & van Lindert, 2009; Habitat, 2001; Paul van, 2009; Tjandradewi & Marcotullio, 2009; Tjandradewi et al., 2006). In 1913 the first association of local authorities was established to promote information exchange between cities. After the Second World War the direct links between local authorities of

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[66] The Lomé Convention was a cooperation treaty signed between the European Union and countries in sub-Saharan Africa, the Caribbean and the Pacific. It started in 1957, with the signature of the Treaty of Rome, and expired in 2000 (Europeaid, 2012).

[67] Decentralised cooperation policies and C2C initiatives operate through partnerships between public authorities, NGOs and community-based organisations, cooperatives, the private sector, and the informal sector (Habitat, 2001).

two or more countries began to spread, initially among developed, but soon to developing countries as well. With the market trends of the 1990s, the scope for cooperation between local authorities on issues of mutual interest increased. As a result, by the end of that decade approximately 70% of the cities in the world engaged in different forms of international cooperation, including city-twinning, 68% of which being part of international associations (Tjandradewi et al., 2006).

The decentralisation of international cooperation to subnational governments is a trend observed in Brazil (Cabral & Weinstock, 2010; Hewitt, 1998), and in the state of São Paulo. Today the state has over 30 international partners, dealing with science and technology, environment, public security, education, agriculture and disabled people's rights. Most initiatives focus on technical cooperation for capacity development (São Paulo, 2010).[68] Between 1990 and 2001, the state was involved in 42% of the 126 technical cooperation projects managed through the Brazilian Agency for Cooperation (ABC)[69] (São Paulo, 2002). Additionally, the state is no longer a mere recipient, but it is also a provider of international cooperation.[70] This so called 'South-South cooperation' has also been observed in the national level since the 1990s and is due to rising *per capita* income levels in Brazil (ABC, 2012; Cabral & Weinstock, 2010; Puente, 2010; Sousa de, 2010).

In most cases, decentralised international cooperation initiatives are negotiated by the officials responsible for the international relations area of each Secretariat, and developed by the technical officials responsible for the issue area involved. A higher tier authority (i.e. the Governor or the state Secretary) will be present for the ceremony where the document is signed with the foreign counterpart authority. Often no federal authority will be involved in the process. Nevertheless, states can have the Ministry of Foreign Affairs, through the ABC, supporting the negotiation, coordination and implementation of the projects involving technical cooperation. This relationship, however, is not required and depends mostly on an initiative from the subnational officer in charge of the negotiation.

Initiatives dealing with environmental topics are common within the state. Between 2007 and 2010, decentralised international cooperation on environmental issues represented almost 30% of the total international activities maintained by the different secretariats (São Paulo, 2010). Environmental issues are also represented in the

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[68] Technical cooperation can be understood as "the transfer, adaptation or facilitation of ideas, knowledge, technologies and skills to foster development. It is normally executed through the provision of expertise, education and training, consultancies and, occasionally, the donation of equipment. In addition to promoting transfer of know-how, this type of assistance aims to strengthen institutional capacities and generate positive advancements particularly in human resources" (Cabral & Weinstock, 2010, p. 2).

[69] The ABC was created on 1987 to coordinate Brazilian technical cooperation, and it is institutionally located within the Ministry of Foreign Affairs.

[70] Interview No.17 - SP official.

international loan contracts that the state of São Paulo is involved in. For instance, between 1990 and 2001 São Paulo signed twenty-three international loan contracts, amounting to US$ 7.7 million, in the areas of energy, transportation systems, effluent treatment and solid waste (São Paulo, 2002).

Decentralised international cooperation initiatives are part of CETESB's and SMA's agenda since their creation. CETESB's bylaws established the development of partnerships for technical, scientific and financial cooperation with public and private sectors, as well as national and international entities, as one of the agency's objectives (state Law 118, of June 29, 1973). In August 2009, CETESB had its missions and responsibilities considerably modified, but the promotion of information exchange and technology transfer with international entities remained one of the environmental agency's main responsibilities (state Law 13,542, of May 8, 2009).

In SMA's case, since its foundation, in 1986, the Secretariat benefited from having probably the most experienced person on international cooperation in the state working in the house. Within SMA, decentralised international cooperation initiatives were traditionally undertaken by a Special Projects Advisory Office, which reported its activities to the Deputy Secretary. This Advisory Office also dealt with the participation of specialized officials in international forums and events, with the ceremonial of receiving international missions, as well as organising the agenda of the Secretary in missions abroad. After 25 years of existence, in 2011, the Special Projects Advisory Office was abolished and an International Advisory Body was created, which reports directly to the state Secretary. In addition to conducting international cooperation initiatives and organizing the visit of international authorities, the new International Advisory Body now also coordinates the SMA's participation in international conferences and transnational networks.

Making use of this structure, over the recent decades CETESB and SMA have signed agreements with a number of international organisations, including the UNDP, the World Health Organization (WHO), the Pan American Health Organization (PAHO), as well as the World Bank, the United Nations Environment Programme (UNEP), the US Environmental Protection Agency (EPA), the Inter-American Development Bank (BID), the International Bank for Reconstruction and Development (IBRD), the Agency of Commerce of the United States (TDA), the German Federal Environment Agency (UBA), the Japanese International Cooperation Agency (JICA) and the British Government.

Additionally, since the state began to engage in the governance of global environmental problems (particularly climate change and biodiversity since 1995), SMA and CETESB helped to bring further financial resources to the state. For instance, in 1996 the state designed a research program on sustainable conservation of biodiversity (Biota/Fapesp, officially created in March 1999), and through PROCLIMA and PROZONESP the state received 87% of the US$ 22.1 million granted by the Global

Environmental Facility (GEF): with US$ 3.8 million allocated to a sugar-cane biomass energy generation project, US$ 15.6 million to hydrogen-powered urban bus technology, and US$ 200,000.00 to develop gas recycling activities (São Paulo, 2002).

4.4.2. Meeting international authorities

São Paulo's Governor, the Vice-Governor, the state Secretaries and specialized subnational government officials *frequently meet with high-level officials*, hosting them or leading overseas missions. On these occasions, they meet Chiefs of State and Chiefs of Government, high-level officials and ambassadors, as well as subnational officials from other countries. Arguably, after the Brazilian President, the international agenda of the Governor of São Paulo is more robust than all other national authorities in Latin America.[71] According to the state International Relations Advisory, in 2011 São Paulo received 400 international delegations. Among these, Governor Alckmin received 82 international authorities, including ten Chiefs of State and/or Government, from Germany, France, Canada, Sweden, Uruguay, Ukraine, East Timor, Monaco, Latvia and Portugal (Tavares, 2012).

The official press-releases provide an indication of the frequency and types of encounters established between state officials and representatives of other regions and countries. Government representatives discuss topics ranging from agriculture, biofuels (ethanol), technology, transport, sports, education, manufacturing, environmental protection, climate change and tourism. The Governor of São Paulo might also discuss other typically foreign affairs matters, such as peace in the Middle East, the global financial crisis, and fostering foreign trade. Environmental topics – particularly biofuels, climate change policies, water management and waste management - are frequently under discussion.[72]

Through these meetings state authorities aim to strengthen establish new partnerships and financing projects, or exchange information and experiences. For example, both the state of São Paulo and the state of California are interested in biofuels, São Paulo being Brazil's leading cane-producing state, accounting for two-thirds of total sugarcane production. In 2005 São Paulo and California signed a MOU for technical cooperation in the areas of renewable energy sources, environmental improvement, climate change and biodiversity, and in 2007 officials from both states met again to discuss policies to promote the production of and reduce commercial barriers to biofuels.[73]

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[71] Interview No.17 - SP official.

[72] Official press releases are available online for the period between 2007 and 2011. In total the official press released information about 78 meetings between the Governor, the Vice-Governor and/or state Secretaries with foreign parties. 36 out of such 78 meetings dealt with biofuels, climate change policies, water and waste management. After environmental issues, the most common topic is foreign trade and commercial relations with the state of Sao Paulo (19 out of the 78 meetings). See list in Appendix 6.

[73] http://www.saopaulo.sp.gov.br/spnoticias/lenoticia.php?id=88380&c=6

These meetings also have diplomatic functions of representation and communication.[74] For example, in 2008 the German Chancellor Angela Merkel visited Governor Serra to discuss the advantages of ethanol as a clean and renewable source of energy. Serra defended the use of ethanol in European vehicles for both its economic and environmental advantages. He stressed that Brazil Volkswagen and Mercedes Benz already produced flexi-fuel cars.[75] In this case, Governor Serra made use of the communication function (Pigman, 2010) that is typical to foreign ministries to discuss the effectiveness of policies and develop policy recommendations for another political leadership.

Yet, not all meetings develop along a smooth path. In these encounters there is also potential for (para)diplomatic incidents. For example, in 2002, the Governor of São Paulo and the President of Armenia signed a Protocol of Intentions which established a partnership on environmental protection and reforestation. Following the signature of this document, the Armenian Minister of Environment invited SMA's Secretary to visit Armenia. However, the Armenian Minister was very displeased when the state Secretary communicated that he would not go, as the mission had a technical rather than a political scope. After a sequence of letters where the Armenian Ambassador was becoming increasingly upset, the Governor's International Relations Advisor advised the state Secretary to travel, as "diplomatic problems were foreseen" in face of a negative answer.[76]

4.4.3. Joining transnational networks of subnational governments

Participation in transnational networks of subnational governments constitutes an important aspect of the state's paradiplomatic agenda. According to São Paulo's International Advisory Office, the state participates in 13 such networks: Metropolis, Urban Age, the World Regions Forum (WRF), the Network of Regional Governments for Sustainable Development (Nrg4SD), the Climate Group, the Regional Leaders Forum, the Forum of Regional Governments and Global Associations of Regions (FOGAR), the World Water Council (WWC), the Latin American Association of Metros and Subways (Alamys), the International Association of Public Transport (UITP), the Community of Metros (CoMET), Mercocidades as an observer, and ICLEI as an associate member (see Table 4-2 below).

In addition to these networks of which the state is part, CETESB represents the state and the country in a number of other specific networks and initiatives. For instance, CETESB is:

- one of the 16 environmental reference centres for the UN;

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[74] See Introduction (Subsection 1.2.4) on the functions of diplomacy.
[75] http://www.saopaulo.sp.gov.br/spnoticias/lenoticia.php?id=94932&c=6
[76] SMA's internal files, Protocol of Intensions entered between the SMA and the Ministry of Environment of Armenia in May, 2002.

- one of the five environmental reference institutions for the WHO;
- the reference and advisory centre for the UNDP program on hazardous waste in Latin America and the Caribbean;
- one of the three reference centres of the Pan American Health Organization (PAHO) on chemical accidents.
- a member of the Network on Sustainable Production and Consumption (SPC) for Latin America and the Caribbean Region under the UN Marrakech Process[77];
- part of the national communication on GHG for the IPCC;
- the coordinator of the Latin American Network for Prevention and Management of Contaminated Areas (RELASC)[78];
- the coordinator of the Pan American Information Network on Environmental Health (REPIDISCA)[79];
- one of the eight Regional Centres to the Stockholm Convention on Persistent Organic Pollutants (POPs) for Latin America and the Caribbean.

The level of participation in each of these networks varies depending on the state's interests and resources (Tavares, 2012). Yet, a striking aspect about São Paulo's participation in transnational networks is that all the networks that the state participates in are directly or indirectly related to environmental topics. As Table 4-2 indicates, such interface can occupy the totality of the network's scope (exclusively environmental), a relevant part of its scope (mainly environmental) or indirectly address environmental topics (indirectly environmental).

Table 4-2 also highlights other aspects of São Paulo's participation in transnational networks, such as when the state joined these networks and when they were created, as well as the membership criteria for each network. Generally these networks emerged in the late-1990s/early-2000s. With the exception of Metropolis and the three networks related to public transportation (Alamys, UITP, and CoMET), the other nine networks were created after 1990, eight after 1995, and five after the year 2000.

The requirements for membership and representation vary greatly. All the networks involve sub-units of central government. In the majority of cases participation is exclusive to subnational governments and local authorities (Metropolis, Urban Age, WRF, Nrg4SD, Regional Leaders Forum, FOGAR, COMet, Mercocidades, ICLEI), but some admit members from the private sector and academia (Climate Group, WWC, Alamys, UITP). Some networks congregate the largest possible number of members and are open to all governments that commit to their objectives (Nrg4SD, FOGAR, WWC, ICLEI, UITP, Alamys, Mercocidades); other select members based on their size and/or economic situation (Metropolis, Urban Age, WRF, Climate Group, COMet); others select their members based on affinity criteria and/or previous partnerships (Regional Leaders Forum). In most cases the state of São Paulo has been invited to join the

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[77] http://www.unep.fr/scp/
[78] http://www.relasc.org/
[79] http://amro.who.int/english/hep/hep_repidisca.htm

networks as recognition of its size and economic importance.[80] In the case of the Nrg4SD the state was one of its founding members.

The core functions of these networks also varies considerably. In recent years there have been some attempts to establish categories or classifications for transnational networks of subnational governments. Adame (2011) suggests that such networks can be either regional or international, and within these two categories they can be general or thematic. In Hoffmann's (2011) typology of climate networks (private, public and hybrid), networks are seen to have four core functions: networking, planning, direct action and oversight. Drawing upon these previous categorisations, and considering how each network describes its functions[81], it is possible to identify three core functions that networks of subnational government have: (i) exchanges, learning and best practices; (ii) fostering decentralised international cooperation; and (iii) representing regional governments in global forums.

Table 4-2 shows that all the subnational governments' networks in which the state of São Paulo participates have as their core functions the promotion of information exchange and best practices among participants (first type). The majority of these networks also constitute a forum for subnational governments to discover opportunities and enter decentralised international cooperation (second type). Both evolve through technical meetings, publications, web contacts and major conferences held annually, bi-annually, tri-annually or sporadically. To a lesser extent, these networks have the representation of subnational governments in global forums as their core function (third type). In this case, joining public networks entails a route to multilateral decision making.

Participation in such transnational networks is now officially part of São Paulo's international agenda, but recent developments also indicate the growing relevance of such networks within the state structure. As mentioned (Subsection 4.3.2), participation in transnational networks was included into São Paulo's first International Relations Plan (São Paulo, 2012). Within SMA, the new Advisory for International Relations is responsible for representing SMA in transnational networks of subnational governments (Resolution SMA 37, of July 20, 2011).

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[80] Interview No.16 - SP official.
[81] I used the network's websites to characterize their general objectives and specific actions taken.

Network	Founded / joined by SP	Members	Aim/ Main activities	Environmental focus	Function[82]
1. Metropolis[83]	1985/NA	129 large cities and regions	Forum for exchanges and cooperation. Triennial Congress, standing commissions, technical assistance, training, publications.	Yes indirect	1, 2
2. Urban Age[84]	2005/NA	8 urban regions	Investigation and research. Annual conference and publications.	Yes indirect	1
3. World Regions Forum (WRF)[85]	1996/ 2009	21 regions that contribute to more than 10% of the global GDP	Identify and implement best practices in knowledge based economy, environmental sustainability and healthcare. Two WRF (2009 and 2011) in Milan, next one to be held in 2013.	Yes main	1, 2
4. Nrg4SD[86]	2002/ 2002	36 regions and 7 associations of regions	Foster bilateral and multilateral partnerships and cooperation; access to resources; representation in international negotiations (written official positions and side-events). World Summit of Regions.	Yes exclusive	1, 2, 3

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[82] As mentioned, the three functions are: (1) Exchanges, learning and best practices; (2) Fostering collaboration; and (3) Representing regional governments in global forums.

[83] http://www.metropolis.org/(access June 2013).

[84] http://www.urban-age.net/(access June 2013).

[85] http://www.regione.lombardia.it (access June 2013).

[86] http://www.nrg4sd.org/ (access June 2013).

Network	Founded / joined by SP	Members	Aim/ Main activities	Environmental focus	Function[82]
5. The Climate Group[87]	2004/ 2009	63 regional governments, 16 local governments, the international leadership council, corporations, and other partners	Promote the implementation of policies, technologies and investment to promote a 'clean revolution' involving the world's most powerful subnational governments and corporations. Since 2005 organizes the Climate Leader's Summit.	Yes exclusive	1, 2
6. Regional Leaders Forum[88]	2002/ 2006	7 regions	Establish dialogue and cooperation for sustainable development. Initiated by Bavaria, meets bi-annually since 2002.	Yes main	1, 2
7. Forum of regional governments and global associations of regions (FOGAR)[89]	2007/NA	17 networks of Regions and 17 regions (since 2010)	Design and implement solutions on the role of regions on climate change, integration and food security. Promote new governance rules at the global level.	Yes main	1, 3

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[87] http://www.theclimategroup.org/ (Access on April 2011).
[88] www.wrf-test.lispa.it (Access on April 2011).
[89] http://www.regionsunies-fogar.org (Access on April 2011).

Network	Founded / joined by SP	Members	Aim/ Main activities	Environmental focus	Function[82]
8. World Water Council (WWC)[90]	1996/NA	400 members (governments, NGO, and academic)	Raising awareness of water issues and seeking means of improving water management. Catalyses initiatives and the results converge toward the tri-annual World Water Forum.	Yes exclusive	1
9. Latin American Association of Metros and Subways (Alamys)[91]	1986/NA	46 subnational governments and private sector	Forum for exchanges between members from Latin America and the Iberian Peninsula. Annual meeting of Technical Committees.	Yes indirect	1, 2
10. International Association of Public Transport (UITP)[92]	1885/NA	3,400 members (subnational, national, private, academic)	Platform for cooperation, business development and the sharing of know-how. Biennial UITP World Congress and thematic and regional events reserved to members.	Yes indirect	1, 2
11. Community of Metros (CoMET)[93]	1994/ 1996	14 cities and regions	Establish metro best practice and provide comparative information. Annual conferences and a benchmarking process with performance indicators.	Yes indirect	1, 2

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[90] http://www.worldwatercouncil.org/ (Access on April 2011).
[91] http://www.alamys.org/ (Access on April 2011).
[92] http://www.uitp.org/ (Access on April 2011).
[93] http://www.comet-metros.org (Access on April 2011).

Network	Founded / joined by SP	Members	Aim/ Main activities	Environmental focus	Function[82]
12. Mercociudades[94] (Observer)	1995/ 2011	228 cities	Promote the participation of cities in the Mercosul (Argentina, Brazil, Paraguai, Uruguai, Venezuela, Chile, Bolivia and Peru), foster information exchange, and stimulate decentralised cooperation. Annual Summit and the Advisory Forum of Municipalities, Federated states, Provinces and Departments of Mercosul (2007).	Yes indirect	1, 2, 3
13. ICLEI (as an Associate Member) [95]	1990/NA	12 mega-cities, 100 super-cities & urban regions, 450 large cities, 450 small & medium-sized cities & towns	Provide technical consulting, training, and information services to build capacity, share knowledge, and support in the implementation of sustainable development. Tri-annual international world congress and Conferences to showcase local governments' activities.	Yes exclusive	1, 2, 3

Table 4-2 Networks the state of São Paulo participates in
Source: Author, based on information obtained through São Paulo's International Advisory Office, SMA files, and information available online from the networks websites (indicated in the first column)

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[94] http://www.mercociudades.org/ (Access on April 2011).
[95] http://www.iclei.org/ (Access on April 2011). Three Brazilian states are Associate Members of CCP: São Paulo, Amazonas and Minas Gerais. The Full Membership is offered to local governments and associations of local governments. Thirty Brazilian local governments are members of ICLEI.

4.4.4. Participating in the agenda-setting phase of MEAs

When undertaking an environmental paradiplomatic agenda the state of São Paulo also gets involved in international policymaking. It does so by meeting national diplomats, participating in the debate on how the national government is responding to global environmental problems, and by taking part in the positions that the country's diplomats defend during international negotiations. Such initiatives coincide with the *agenda-setting phase of MEAs*, where "interested parties are called upon, or mobilise themselves, to participate in the debate on how a government should respond to a 'new' problem" (Newell, 2000, p. 7).[96]

Before international environmental negotiations take place, subnational representatives meet national representatives in coordination or preparatory meetings that usually take place at Itamaraty. Both diplomats and subnational governments can learn from these meetings. On the one hand, the diplomats are representing the country, and one of the ways for them to take into consideration the voices of all citizens is by consulting subnational governments' opinions on the topics that will be object of discussion in international forums. On the other hand, through these meetings subnational officials, who as a rule are not familiarized with international policymaking, become more able to understand the 'rules of the game' played by diplomats. As the International Affairs Advisor of the Presidency of the Republic put it:

> The preparatory meetings constitute an important moment for members of the delegation and representatives from the states to participate and bring their opinions. But only the diplomats really understand the rules of the game, the positions of other countries, and what lies behind their positions, so the diplomats have to keep the stakeholder's feet on the ground. At the preparatory meetings for COP the diplomats accepted some of the state's arguments, and the Governors and state Secretaries understood the diplomats' perspectives. As a result, they formed a Brazilian position that was not only made by Foreign Ministries, enclosed in their offices, but that represented the voice of the different federated states.[97]

Therefore these coordination meetings allow diplomats to get closer to the real problems faced by local policy makers, while at the same time they allow subnational policy-makers to understand the difficulties and peculiarities of the international process. As one diplomat said, "foreign policy is the external side of national interests, and these are basically the interests of the federation. To be able to represent the

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[96] The international policy process is commonly divided into three phases: agenda-setting; negotiation-bargaining; and implementation. Thought in most cases the agenda-setting is examined at the international level, Newell (2000, p. 7) understands that the phase of problem and interest definition in response to an issue occurs principally at the national level.

[97] Interview No.24 - national official.

internal needs at the international level, we need to coordinate our positions with the subnational level".[98] The state of São Paulo is gradually participating in more of such meetings. Yet, the International Relations advisors at the Governor's cabinet and at SMA complained that coordination and preparatory meetings with the diplomats are still more of an exception than the rule.

Central for the relationship between the diplomats and the subnational governments to develop in a harmonious way is that at the international negotiations there should be no divergent positions between representatives from the different levels of government. As the Head of the Special Advisory Office for Federative and Parliamentary Affairs of the Ministry of Foreign Affairs acknowledged, "when subnational governments have a different opinion, and try to influence our position, as in COP-15, the coordination meetings allow us to agree on common ground. We certainly acknowledge that there might be disagreement between the different levels of government, but divergent opinions should not reach the international community: there is only one national position and it will be voiced by the diplomats".[99]

4.4.5. Participating in the negotiation phase of MEAs

Lastly, São Paulo's international agenda also encompasses *the participation of state representatives in multilateral environmental negotiations*. Since 1997 the state of São Paulo has been participating of the Conferences of Parties (COPs) under the UNFCCC and since 2006 under the CBD as a member of the national delegation.[100] In the same location where leaders of nation-States are negotiating, state Governors and other specialized subnational officials hold their own side-events; participate on side-events organized by networks; and meet representatives from other state governments, NGOs, businesses, and national negotiators. In addition to the COPs, there are other fora for involvement of subnational governments in international environmental policy and decision-making. One example is participation in the UN Commission on Sustainable Development (Happaerts et al., 2011). So far the state of São Paulo only participates in UNFCCC and CBD COPs, and this participation will be examined in the following pages.[101]

UNFCCC and CBD

Since 1995, when the UNFCCC entered into force, the COP for the Climate Convention has been meeting every year (Figure 4-3). In 1997 the state Secretary Fabio Feldman joined the Brazilian delegation as a representative of the state and attended COP-3, in

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[98] Interview No.26 - national official.
[99] Interview No.28 - national official.
[100] COPs are the governing bodies of MEAs. They advance the implementation of the Conventions through the decisions that are taken at periodic meetings.
[101] The reasons for participating and the impacts resulting from this participation will be analysed in Chapters 6 and 7.

Kyoto. Up until 1997 only the national negotiators and representatives from the national government participated in these conferences. At COP-1 (Berlin) and COP-2 (Geneva) the Brazilian delegation had only nine members, all from the national government, representing the Ministry of Foreign Affairs (MRE), the Ministry of Science and Technology (MCT), the Brazilian Space Agency (INPE), and the Ministry of Environment (MMA). This formation of representatives constitutes the core composition of the Brazilian delegation since the preparation of the Climate Convention, before the Rio 1992 Conference.[102]

COP-3 was therefore the first COP where the delegation was not exclusively formed of members of the national government. In COP-3 the Brazilian delegation had 14 members, ten from the national government (MRE, MCT, INPE and MMA), one from the Brazilian Industry Confederation (CNI), one from a Brazilian NGO (Vitae Civis) and one from the state of São Paulo (in the person of the Secretary).
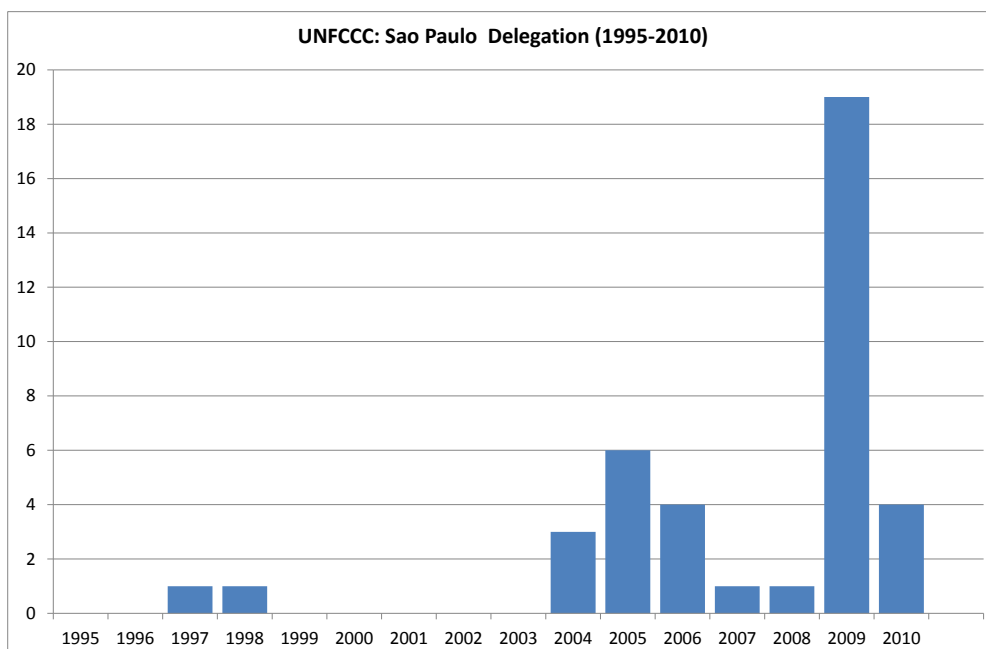
Figure 4-3 Participation of São Paulo state in UNFCCCs COPs from 1995-2010
Source: Author, based on data from the UNFCCC

Initially the only person representing the state was Secretary Fabio Feldman, who was in charge of SMA from 1995 and 1998. Between 1999 and 2003 (COP-4 to COP-9) the state was not represented. Yet, since 2004 (COP-10), the state has been present to all COPs, with a delegation that varies in number and importance depending on the year. Whereas initially the state would be represented by the President of São Paulo's

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[102] The MRE, through its diplomatic body, is responsible for the general co-ordination of the Brazilian position. For the climate negotiations, since 1991 MRE receives the advice from MCT, with technical support provided by INPE. The MMA only acquired a formal role in the climate negotiations in 1999, when an Inter-Ministerial Commission on Climate Change chaired by MCT was created. Until then the MMA only supported the MRE on the Biodiversity Convention (La Rovere, 2002).

environmental agency and/or the state Secretary, from 2005 onwards participation of specialized officials became the rule. As table 4-3 indicates, CETESB's President was present at COP-10, COP-11, COP-15 and COP-16; and the state Secretary was present at COP-11, COP-12, and COP-15. The only COP in which the Governor participated was COP-15, in Copenhagen, when the state delegation had twenty members, including Governor Serra's advisors and the Secretary for Agriculture.

COP - Sao Paulo Delegation (1995-2010)

Year	Position	Year	Position
1995	-	2007	CETESB - Head of the Climate Change Division
1996	-	2008	CETESB - Head of the Climate Change Division
1997	SMA - Secretary of State for the Environment	2009	Governor of the State of Sao Paulo
1998	SMA - Secretary of State for the Environment		SP - Advisor for International Affairs
1999	-		SMA - Secretary of State for the Environment
2000	-		SMA - Technical Advisor
2001	-		CETESB - Head of the Climate Change Division
2002	-		CETESB - President
2003	-		SAA - Secretary of State for Agriculture
2004	CETESB - Technical Advisor		SP - Sao Paulo's Forum on Global Climate Change and Biodiversity
	CETESB - President		SP - Sao Paulo's Forum on Global Climate Change and Biodiversity
	SMA - Deputy Secretary		SP - Advisor for International Affairs
2005	CETESB - President		SP - Deputy Secretary
	SMA - Deputy Secretary		SP - Governor's Press Advisor
	SMA - Secretary of State for the Environment		SP - State Deputy
	CETESB - Head of the Climate Change Division		SP - Sao Paulo's Forum on Global Climate Change and Biodiversity
	SMA - Technical Advisor		SP - Governor's Advisor
	SP - Executive Secretary of Sao Paulo's Forum on Global Climate Change and Biodiversity		SP - Governor's Advisor
2006	SMA - Secretary of State for the Environment		SP - Governor's Press Advisor
	SMA - Deputy Secretary		SP - Head of Governor's Office
	SMA - Head of Special Projects		SMA - Secretary of State for the Environment
	CETESB - Head of the Climate Change Division		SP - Sao Paulo's Institute for Technical Research
		2010	CETESB - Director of Engineering, Technology and Environmental Quality
			CETESB - Head of the Climate Change Division
			CETESB - President

Source: COP

Table 4-3 Representation of São Paulo state in UNFCCCs COPs from 1995-2010
Source: Author, based on data from the UNFCCC

Participation of the state of São Paulo in CBD is more recent. To date the Conference of the Parties of the CBD has held ten ordinary meetings and one extraordinary meeting when the Biosafety Protocol was adopted.[103] The first time the state of São Paulo participated of a CBD Conference was in 2006, at COP-8, held in Curitiba, Brazil. After COP-8 the state was present at COP-9, in Bonn, and COP-10, in Nagoya. At COP-10 the state of São Paulo had a particularly strong role, joining Nrg4SD's efforts and lobbying the negotiators to endorse the Plan of Action on Sub-national Governments, Cities, and other Local Authorities for Biodiversity (Rei, Cunha, et al., 2012).[104]

At this point, one note should be made in regard to São Paulo's participation in these MEAs. In such events, the Governor, the Environment Secretary and/or the technical

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[103] From 1994 to 1996 the CBD held its ordinary meetings annually. Since 1996 the biodiversity COPs are held every two years (http://www.cbd.int/cop).
[104] Chapter 7 further discusses the outcomes of subnational pressure over CBD and UNFCCC conferences.

body of states' environmental agency attend the Conferences as members of the official Brazilian delegation. The national government decides who is included in the national delegation. In both UNFCCC and the CBD, the Ministry of Foreign Affairs allows a wide number of institutions and organisations to participate in the Conferences as part of the official Brazilian delegation.

As a result, the list of the Brazilian official delegation registered for the COPs includes not only the country's official negotiators, but also other representatives from the federal government, state and municipal government, as well as parliamentarians, representatives from the private sector and NGOs. This also means that not only does Brazil have one of the largest national delegations[105], but also that all these individuals receive the pink badge that gives them access to all meetings. Brazil is unique in this aspect: while some countries allow a few civil society representatives on their delegations, no other allows such broad participation (Friberg, 2009). In practice, however, not all Brazilian delegates participate in all meetings. NGOs and other stakeholders are not present at sensitive stages of the negotiations, or at closed-door meetings. Representation of the country in the negotiations and internal discussions are, thus, still limited to the diplomats.

Activities during the COPs

Once they are at the conferences, the participation of Governors, state Secretariats and technical personnel is largely at side-events. Side-events are spaces where participants debate new ideas, discuss alternatives to the international regime, and meet with other non-State actors (Schroeder & Lovell, 2012). São Paulo representatives organise their own side-events at COPs. This is the case of the joint side-event organised by Governor of São Paulo José Serra and the Governor of California Arnold Schwarzenegger, during COP-15, in Copenhagen (Photo 4-1). The state can also be invited to present at side-events organised by other organisations (i.e. the networks the state integrates – the Nrg4SD, ICLEI, and the Climate Group). In addition, state representatives can attend side-events where topics under their interest are being discussed.

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[105] http://www.bbc.co.uk/portuguese/noticias/2010/12/101209_eric_delegacao_pu.shtml

Photo 4-1 Governor José Serra and Governor Arnold Schwarzenegger at COP-15, in Copenhagen
Source: Photo retrieved from the newspaper/television Globo website (Globo, 2009)

In addition to participation in side-events, subnational representatives also attend the formal negotiation meetings, and coordinating meetings where the national negotiators present their views and strategies. It has become common for the diplomats to call one or more meetings during the negotiations to update subnational representatives and other members of the national delegation about the pace of the negotiations and the strategies that the diplomats are using to achieve the expected outcomes. For example, at a meeting organised by the Brazilian Forum on Climate Change on the last days of COP-14, the head of the Brazilian delegation and the Ministry of Environment discussed with a group of stakeholders from government institutions, the private sector, the scientific community and NGOs the achievements and the pending themes in the Conference. Subnational officials can have further opportunities to approach the diplomats if, for example, they stay the same hotel as the diplomats.[106]

Subnational representatives also meet other subnational leaders, previous partners and potential partners, to discuss on-going or new decentralised cooperation initiatives. The meetings and eventual negotiations are mostly informal and results are quickly achieved. As Osojsky (2010) argues, while leaders of nation-States struggle to negotiate and reach agreements, leaders of major states, provinces and cities find agreement much easier to achieve.

However, as Schroeder and Lovell (2012) caution, the topics they discuss and their participation may or may not relate to the international negotiations. Often subnational representatives are interested in topics that are primarily national and local in nature.

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[106] Interview No.9 - SP official.

Moreover, officials primarily attend events organized by members of their own country delegation, who they could meet without having to travel to a different continent. There are language issues and the familiarity with themes and previous knowledge of the presenters contributes to this agglomeration of members of the same delegation. This tendency makes subnational government's participation in international conferences less international and more closely aligned to what they have at home.

4.5. COLLABORATION AND COALITION

So far it has been seen that environmental paradiplomacy evolves through the international activities undertaken by subnational governments to address environmental problems across borders, and that in this context the state of São Paulo engages in five different types of international activities. Beyond what was hypothesised, it can be argued that environmental paradiplomacy evolves through two co-existing forms: *collaboration initiatives* that involve subnational governments collaborating with other subnational, national or international actors, and *coalition initiatives* that involve subnational governments exerting pressure over national and international actors. Moreover, the engagement with global environmental problems drives the state to establish further coalition initiatives, and therefore to clearer diplomatic roles in its paradiplomatic agenda.

This typology of paradiplomatic behaviour finds parallels with a previous division of transgovernmental behaviour suggested by Keohane and Nye (1974). These scholars termed *transgovernmental coordination* the transgovernmental relations that were consistent with the targets and intentions of top leaders. *Transgovernmental coalition building* was the term proposed for situations where sub-units of like-minded agencies from different governments were brought together to stand against their administrative structures. Although designed to explain the relations occurring between bureaucratic subunits of national governments (e.g. between environmental ministries from two different countries), Keohane and Nye's categories are helpful to understand the different types of relations that are established by subnational governments across borders.

The typology also relates to a recent theorisation by Acuto (2013a, 2013b), which identifies a two-track process through which cities engage in international relations. Using the example of the climate network C40, he argues that the one track is represented by C40's technical efforts to curb climate change. The second track has a 'cross-cutting lobby role', which consists mostly of city diplomacy. In this sense, C40 aims to impact directly on other spheres of global governance by influencing the dynamics of both international and domestic public mechanisms (e.g. organising international meetings and secretariat embassies, lobbying central governments and participating in international fora).

These two types of international activity are apparent in the case of São Paulo's environmental paradiplomatic activities, and I suggest that they can be termed as *collaboration* and *coalition* initiatives. The case study also allows us to distinguish collaboration and coalition situations. This section examines four differences between these two types of environmental paradiplomatic behaviour. These are observed in terms of the types of activities undertaken in each, their timeframes and the topics they address, their aims, and the subnational officials involved in each (see Table 4-4 below for a summary of the differences).

First, the activities undertaken by collaboration and coalition initiatives are different. Collaboration initiatives involve subnational governments collaborating with other subnational, national or international actors. Collaboration initiatives in the state of São Paulo are observed in the decentralised cooperation agreements it establishes (Subsection 4.4.1); and in its participation in transnational networks that aim to foster decentralised cooperation initiatives or promote exchanges, learning, and best practices (Subsection 4.4.3).

Although not present in the case of São Paulo, another example of collaborative initiative in environmental paradiplomacy is the establishment of subnational markets, such as GHG emissions trading schemes (ETS). The most advanced of such programs is the Regional Greenhouse Gas Initiative (RGGI) in the US, which aims at promoting action at a national level, while providing a model for subnational cap-and-trade (RGGI, 2013). The RGGI model stimulated interest in regional ETS, with two further regional schemes – the Midwestern Accord and the Western Climate Initiative (WCI) cap-and-trade schemes. The state of California is also finalising regulation for its cap-and-trade scheme. Within this process, California is trying to link its cap-and-trade program with Reducing Emissions from Deforestation and Degradation (REDD) programs in developing countries (GCF, 2013; ROW, 2013). Brazilian subnational governments are part of this initiative. In November 2008 the states of Amazonas, Amapá, Mato Grosso and Pará, together with two Indonesian provinces (Aceh and Papua) and three American states (California, Illinois and Wisconsin), signed in California a MOU to establish the first state-to-state sub-national agreement promoting REDD programs. This MOU resulted in the *Governors' Climate and Forests Taskforce*, a subnational collaboration between 15 states and provinces from the US, Brazil, Indonesia, Nigeria, and Mexico (GCF, 2013).

Coalition initiatives involve subnational governments exerting pressure over national and international actors. Through, or independently of networks, subnational governments make use of coalition initiatives to ask for increased actions by their national governments and the international community. For example, the network R20 has as one of its aims to "push their respective national governments into more rapid actions and stronger commitments to fight climate change" (R20, 2013). The 2008 MOU signed within the Governors' Climate and Forests Taskforce is intended to "send a

strong message that this issue should be at the front and centre during the negotiations for the next global agreement on climate change" (GCF, 2013). Coalition initiatives are observed when subnational governments meet governmental officials abroad or hosting foreign dignitaries (Subsection 4.4.2); when they join transnational networks that represent them in global forums (Subsection 4.4.3); when they meet the national diplomats in the agenda-setting phase of multilateral agreements (Subsection 4.4.4); and when they participate in international environmental negotiations (Subsection 4.4.5).

Second, the timeframes of collaboration and coalition initiatives are different. Collaboration initiatives have been observed since the 1970s, while coalition initiatives have existed since the mid-1990s. This time difference is also observed when looking at the topics which the international activities deal with. Until the 1990s collaboration initiatives dealt with regional and local environmental problems such as pollution, transport, waste, water, and groundwater contamination. From 1995 onwards global environmental problems such as climate change, resource depletion and biodiversity also started to be addressed. It is worth noticing that in this timeframe and issue area comparison, collaboration and coalition should not be understood as separate activities, but as a continuum. Indeed, since the mid-1990s both collaboration and coalition initiatives have been simultaneously part of the international activity of a subnational government, and both address local, regional and global environmental problems.

Third, collaboration and coalition are distinct in their aims. Through collaboration initiatives subnational governments aim at gaining knowledge and/or financial resources from other national, subnational governments or international organisations. Coalition initiatives have a clearer political aspect of influencing governmental decisions, and they more directly reflect a shift in the nuclear position held by the central government and of the national diplomats in foreign policymaking. This aim is different from the transgovernmental coalition *à la* Keohane & Nye, which distinguishes itself by the fact that the bureaucratic agent actually works against its own principal (Thurner & Binder, 2009, p. 83). This is not necessarily the case with coalition in paradiplomacy, which can complement or collaborate with national policies.[107]

In trying to influence governmental decisions, subnational governments might use direct and indirect strategies. Betsill (2006, pp. 180-181) provides a list of examples of direct and indirect strategies employed by transnational actors, particularly environmentalists and business groups. Using direct strategies transnational actors provide technical information or policy advice; participate in working groups; serve on national delegations to negotiations or conferences; lobby national governments or intergovernmental (IGO) officials; distribute printed materials; and/or draft proposals and treaty texts. Using indirect strategies transnational actors hold parallel forums

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[107] The outcomes of Sao Paulo's environmental paradiplomatic activity will be explored in Chapter 7.

during intergovernmental meetings; conduct public awareness events, advertising or educational campaigns; shame States that seek to block negotiations or violate existing rules; and/or interact with the media.

However, the strategies undertaken by subnational governments are distinct from those employed by non-governmental actors such as environmentalists and business groups. First, subnational governments are governmental actors themselves. Consequently, subnational governments cannot undertake campaigning and advocacy activities. Second, coalitions of subnational actors depend on the common problems and experiences that governments share. In contrast, coalitions of non-governmental actors are held together by defined self-interests, collectively shared values, and consensual knowledge (Risse, 1996). In this sense, Keck and Sikkink (1998) explicitly opt for the term 'transnational networks' instead of 'coalitions', arguing that the term networks is more capable of evoking the multiple dimensions in the actions of civil society movements.

Fourth, another difference affects the subnational actors involved in each type of paradiplomatic activity. Reinforcing the political aspect of coalition activities, more senior officials are involved in meeting international authorities and in representing the state in transnational networks than the ones involved in collaboration initiatives (except for the shaking-hands photo). As a rule, the Governor, the Vice-Governor, the state Secretaries and/or the Special Advisor on International Relations are present in meetings with international authorities. Representation in transnational networks is usually under the auspices of the state Secretary and eventually of the Governor and the Vice-Governor.

	Collaboration	Coalition
1. Activities	Entering decentralised international cooperation initiatives Joining transnational networks Establish market initiatives with foreign parties	Travelling and hosting foreign dignitaries Joining transnational networks Meeting the diplomats Participating in international environmental negotiations
2. Timeframe	1970s-present Between 1970-mid1990s involved regional and local environmental problems	1995-present Involves regional, local and global environmental problems

	Technical (best practice and learning) Obtaining financial resources	Technical (best practice and learning) Political (influencing the national government on international rulemaking)
3. Aim		
4.Subnational actors involved	Technical state officials State IR Department State Secretary Agency's President	Governor State Secretary Agency's President

Table 4-4 Comparison between collaboration and coalition in environmental paradiplomacy
Source: Author

Despite their differences, both collaboration and coalition activities have common features. Both in collaboration and in coalition, initiatives can be established with or without the direct participation of the federal government. Moreover, collaboration and coalition are a continuum of paradiplomatic action, and this Chapter has demonstrated that the last years have seen a strengthening of the diplomatic aspect of paradiplomatic activity. Collaboration initiatives already reflect a shift in the nuclear position held by the central government in foreign policymaking, and coalition activities can then advance the diplomatic functions that subnational governments acquired. Lastly, as suggested by the interviewees – and the sign at CETESB's main entrance confirms (Photo 4.2) – both types of behaviours are highly valued within the state government.[108]

Photo 4-2 Entrance hall of CETESB – a board listing international partners and all the transnational environmental networks the state integrates
Source: Author

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[108] The sign lists the networks of which CETESB participates and some of its international partners. Chapter 7 further explores the status of environmental paradiplomacy.

Distinguishing subnational government's international behaviour in collaboration and coalition initiatives is not only helpful in understanding paradiplomacy, but it also clarifies the differences between paradiplomacy and other types of transnational relations.[109] For instance, it helps distinguishing the transnational activity of subnational governments from that of private actors. While *transnational public-private partnerships* evolved from lobbying and contestation in the 1990s to partnerships and collaborative governance in the 2000s (Andonova & Van Deveer, 2011), in paradiplomacy these two phases developed in the opposite order – paradiplomacy begun with collaboration, and then moved towards lobbying.

The distinction between collaboration and coalition initiatives also highlights that establishing horizontal links across borders is only one of the transnational activities that subnational governments can undertake. The next Chapter will develop this idea, identifying the several rescaling processes implied in environmental paradiplomacy.

Finally, a closer examination of the subnational government's international agenda allows for a crucial differentiation between technical and financial objectives (in collaboration) and influence over international rulemaking (in coalition). This distinction implies a differentiation between transnational actors and agents, and will be discussed in Chapter 8.

4.6. SUMMARY

In order to contribute to the development of the concept of paradiplomacy, and more specifically to address the first research question (**How does environmental paradiplomacy evolve in the state of São Paulo?)**, this Chapter has demonstrated that environmental paradiplomacy evolves through international activities undertaken by subnational governments to address environmental problems across borders (*Hypothesis 1* - first part).

The Chapter began by identifying within the paradiplomacy literature the processes through which subnational governments undertake an international agenda (Section 4.2). Two problems were identified. First, there is a need to systematise or classify paradiplomatic initiatives in a way that allows for further understanding and generalisation of the concept. Second, the paradiplomacy literature is limited in considering the participation of subnational governments in transnational networks. Special attention was given to the typology of *intra-state* and an *extra-state* routes that subnational governments can utilize to participate in global decision-making outside the EU context developed by Van den Brande et al. (2012). Contributing to theory development, I suggested a more comprehensive typology, which includes a wider

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[109] In Chapter 2 paradiplomacy was contrasted with transnational/transgovernmental relations and MLG settings.

number of activities that can be undertaken by subnational governments through or independently of the central government.

The next step was to examine the paradiplomatic context in Brazil (Subsection 4.3.1), and the development of paradiplomatic activity in the state of São Paulo (Subsection 4.3.2). Brazilian paradiplomacy was seen to date back to the 1960s, and to have benefited from the enactment of the 1988 Federal Constitution. In the state of São Paulo four phases of international activity were identified, the first starting in the late 1970s, with the state participating in international cooperation initiatives, and the last starting in 2005, with the implementation of a Special International Relations Advisory Office. Considerations were made in terms of the political parties in power within the state and within the national governments during this period.

The specific case of environmental paradiplomacy in the state of São Paulo was then explored in Section 4.4. The analysis of São Paulo's international environmental agenda suggested five types of activities in which the state engages in: (i) entering decentralised international cooperation (technical, scientific or financial) with other actors across borders; (ii) meeting foreign governmental officials (hosting or meeting abroad); (iii) joining transnational networks; (iv) meeting national diplomats in the agenda-setting of international environmental negotiations; and (v) participating in international environmental negotiations. Each one of these activities was explained, analysed, and examples were provided. The analysis of participation of the state in transnational networks, in particular, advanced previous studies on networks, by identifying the three roles that networks of subnational governments have - promoting exchanges, learning and best practices; fostering collaboration; and representing regional governments in global forums.

The analysis further suggested that environmental paradiplomacy evolves through *cooperation* and *coalition* initiatives undertaken by subnational governments across borders. Following this characterisation of paradiplomatic behaviour, environmental paradiplomacy can be differentiated from traditional paradiplomacy. While both evolve in similar ways, *environmental paradiplomacy's link with the global environmental agenda creates conditions for more complex modes of interaction, which include lobbying and network governance for the environment*. The global environmental agenda offers especially fertile ground for subnational governments in managing transnational issues. As a result, the coalition form is further developed in environmental paradiplomacy, for example, with subnational governments participating in the agenda-setting of multilateral environmental agreements.

Still exploring the first research question, the next Chapter introduces to the discussion notions of scale and rescaling that have been developed by the MLG approach. It will be argued that a notion of scale as socially constructed is instrumental to an exploration of the paradiplomatic evolution.

CHAPTER 5: SCALE AND LAW IN ENVIRONMENTAL PARADIPLOMACY

5.1. INTRODUCTION

The previous Chapter examined how the state of São Paulo has developed its international environmental agenda. It argued that environmental paradiplomacy in São Paulo evolves through collaboration and coalition activities undertaken across borders. The present Chapter advances an examination of **how environmental paradiplomacy evolves in the state of São Paulo**, taking into consideration the second part of *hypothesis 1*: Environmental paradiplomacy evolves through the international activities undertaken by subnational governments to address environmental problems across scales. It thus addresses two sub-questions related to *Hypothesis 1*: **(i)** what are the scales involved in environmental paradiplomacy undertaken by the state of São Paulo (*sub-question 1A*)?; and **(ii)** can this subnational government move across scales (*sub-question 1B*)? Figure 5-1 below summarizes the research questions/sub-questions and hypotheses that guide Chapter 5.

Chapters 4 and 5

Research Question 1
How does environmental paradiplomacy evolve in the state of São Paulo?

Hypothesis 1
Environmental paradiplomacy evolves through the international activities undertaken by subnational governments to address environmental problems across borders and scales.

Section 5.2

Research Question 1A
What are the scales involved in environmental paradiplomacy undertaken by the state of São Paulo?

Hypothesis 1A
Environmental paradiplomacy evolves across multiple scales, represented by the actors, problems and levels involved. Environmental paradiplomacy has a rescaling role.

Research Question 1B
Can the state of São Paulo move across scales?

Hypothesis 1B
Legal limitations to São Paulo's international agenda impose significant constraints on its paradiplomacy.

Sections 5.3-5.4

Figure 5-1 Research question/sub-questions and hypotheses that guide Chapters 4 and 5
Source: Author

The first argument developed is that an exploration of the international environmental agenda of subnational governments has a particular geographic dimension to it - the dimension of scale. That is to say, scale constitutes a crucial concept for the analysis of environmental paradiplomacy. However, studies in paradiplomacy still take concepts of scale for granted, and, if scale is considered, it is presented as a fixed category represented by the territorial levels (regional and global) involved. Drawing primarily from the MLG literature, the Chapter suggests that by undertaking an international agenda, subnational governments develop a rescaling role, through which they challenge conventional assumptions of territorial authority.

The second argument deals with the question of to what extent public international and domestic law allow subnational governments to undertake an international environmental agenda. Here, as the MLG approach overlooks the legal implications of rescaling, I draw from the literature on paradiplomacy and federalism to consider the legal and constitutional challenges involved in rescaling processes by the state of São Paulo.

In answering these two questions the Chapter analyses the interactions of scale and law in São Paulo's international environmental relations, contributing to theory in two ways. First, the geographical analysis of scale adds to the paradiplomacy approach a theorization of the vertical and horizontal links involved in the governance of global environmental problems. Second, the legal perspective on rescaling adds to the governance approach a specific focus on the international and domestic limitations on state foreign affairs activities.

The structure of the Chapter is divided into six main sections. The first sub question is explored in Section 5.2, which starts by briefly presenting a conceptualisation of scale in geography, and applies these ideas to the concept of paradiplomacy. Based on this analysis, the second sub question is explored in Sections 5.3 and 5.4, which consider the legal challenges involved in rescaling processes in international public law, in domestic law, and in the specific case of São Paulo and Brazil. The Chapter concludes with a summary of findings in Section 5.5.

5.2. SCALE AND RESCALING[110]

Scale is a complex and disputed concept in the literature of many disciplines and a key theoretical concept in human geography. Whilst an extensive review of this literature is beyond the scope of this Chapter, to assess what scales are involved in São Paulo's environmental paradiplomacy (*research question 1A*), it is necessary to make it clear what notion of scale is being considered, and what is involved in rescaling processes.

This Section examines *hypothesis 1A* on the scales involved in environmental paradiplomacy. It begins with a discussion on the evolution of the literature of scale in the field of geography, focusing on the approach offered by the MLG literature. Rather than adopting the traditional notion of scale, related to size and hierarchies, scale is understood as a *new sphere of authority* (Bulkeley, 2005), and considered in a MLG context (Subsection 5.2.1). The analysis follows with an examination of how environmental governance develops as a rescaling process (Subsection 5.2.2). This notion of scale and rescaling is then applied to the concept of paradiplomacy (Subsection 5.2.3). The Section finishes with an analysis of the case of the state of São Paulo, which suggests a more nuanced picture of the rescaling processes involved in subnational governments' international environmental agenda (Subsection 5.2.4).

5.2.1. Scale

In the past few decades, the notion of scale has taken greater theoretical importance within geographical thinking, to the point that it became a foundational concept in geography (Howitt, 1998). Outside the field of geography, the term has gained a widespread colloquial use, meaning very different things, from capital intensive (in the expression 'large-scale') to spatially extensive. In the field of geography, the concept of scale has evolved from having a physical to a socio-political meaning. Traditionally scale identified the spatial levels at which specified processes operated (McMaster & Sheppard, 2004; Moore, 2008). This conception of scale is still dominant and scale is defined as a nested hierarchy of differentially sized and bounded spaces (Abbott & Snidal, 2010).

A number of theorists became increasingly dissatisfied with this fixed, hierarchical and abstract version of scale. Moving beyond its methodological and operational aspects, scale began to be understood as a joint product of social and physical processes. This shift began with Marxist-influenced geographers - with a significant debt to Harvey (1990) and Lefebvre (1991) – who were interested in how forces of capitalism shaped and reshaped space in the post-Fordist period, particularly the role of production of scales in facilitating these processes. Calling attention to the theoretical and practical

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importance of scale, Smith (1992) then established what has become an extensive literature theorizing the *politics of scale*, an approach which sees scale as being socially-constructed, historically contingent and politically contested (Cox, 1998; Smith, 2000; Swyngedouw, 1997, 2004), as well as fluid, and contingent (Cox et al., 2008; Moore, 2008). As a result, geographical analyses of regions and geopolitical spaces were supplemented by relational accounts of space (Allen, 2003).

Despite the efforts of (post)Marxist geographers to overcome the rigidities of hierarchical notions of scale, critical positions on scale continued to proliferate, to a point where Marston et al, (2005) called for a human geography without scale. Whilst their work was highly influential (Legg, 2011), scholars continued exploring the limits and possibilities of scale. Two trends - *ecological resilience and MLG* - are particularly relevant for this research, as they deal with the multiple spatial, jurisdictional and institutional scales that are involved in environmental paradiplomacy.

The *ecological resilience* literature is concerned with the scale and cross-scale dynamics involved in managing the environment. They differentiate scales from levels, and suggest that interactions can occur across levels and across scales, and/or involve multiple levels and multiple scales (Cash et al., 2006). From this angle, society defines the particular scale that environmental issues should be appropriately addressed (Adger et al., 2005). Ultimately, the choice of how an environmental governance problem is handled within a jurisdiction is a reflection of the strength of the interests and power of the actors who define the problem (Kok et al., 2006; van Notten et al., 2003). The resilience of systems is then defined by their ability to self-organise and is emergent from cross-scale and within-scale interactions (Adger et al., 2005; Cash et al., 2006).

Similarly, MLG scholars understand that spatially fixed conceptions of scale – intrinsic to international relations theory – are insufficient for understanding multi-scale processes. Recognising that scale is socially and politically constructed, this body of literature calls for a *non-spatial concept of scale* to recognise the change in the roles of non-State actors (Betsill, 2006; Bulkeley, 2005). When environmental policy is considered, scale is understood both in terms of the ecological and social levels at which environmental problems occur, as well as examining where the societal efforts to address them develop (Andonova & Mitchell, 2010). As the ecological problems and the institutions addressing them occur across scales, global environmental governance cannot be understood without an examination of the scales involved in these processes.

5.2.2. Rescaling of global environmental governance

Although human geographers increasingly agree that scale is socially constructed, there is still much debate over how the changing actor-spaces of environmental governance can be explained in terms of *rescaling processes*. The theme of rescaling has been

explored extensively in the geography literature on scale. According to Griffin (2009), rescaling occurs where governance processes shift from the national to the regional or the local.[111] This understanding differs from Cash et al's (2006) approach, where moving from the national to the regional constitutes a mere change of levels within the same (jurisdictional) scale. Significant rescaling has also been observed in the politics of water and climate governance, with the recognition that subnational entities are actors in global governance (Andonova & Mitchell, 2010; Schroeder & Lovell, 2012). The relational-scalar aspect of global environmental change has been further emphasised using topological notions of scales (Blok, 2010; Kortelainen, 2010). Rescaling processes from exclusively State authority to both State and non-State actors have equally been observed in terms of the sphere of liability for transboundary damage (Mason, 2001).

Among these different studies of scaling and rescaling, here I chose to focus on Andonova and Michell's (2010) work, because of the particular way in which they interweave rescaling processes, environmental politics and governance.[112] They define rescaling of environmental politics as the shifts in the *locus*, *agency* and *scope* of global environmental politics and governance across different scales. They further argue that the rescaling process of global environmental governance has been observed both in practice and theory; indeed, they explain rescaling as a result of both the scholarship and the practice of global environmental politics over the last twenty years. This process is observed in two types of situation: with a move *vertically down* to subnational governments or *vertically up* toward supranational regimes, and with a move *horizontally across* regional and sectorial organizations and networks.[113] In these ways, the rescaling of environmental politics is defined as "a shift in the locus, agency, and scope of global environmental politics and governance across scales"(Andonova & Mitchell, 2010, p. 257). This vertical and horizontal rescaling of environmental politics is illustrated as follows (Figure 5-2):

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[111] This process is observed by Griffin (2009) in the regional devolution of stakeholder consultation within the EU's Common Fisheries Policy, where a new space of dialogue between scientists, fishermen and NGOs was created to discuss the state of North Sea fisheries.

[112] Andonova and Mitchell recognize the multilevel nature of global environmental *governance*, but they propose an analytical shift towards the rescaling of global environmental *politics*. While the first refers to the norms, rules, laws, expectation, and structures established to guide behaviors, the second refers to realm where actors pursue their interests. However, it is not clear how their understanding of scales in global environmental politics and governance actually differs.

[113] These vertical and horizontal spheres were systematized by Hooghe and Marks (2003) as Type 1 and Type 2 governance.
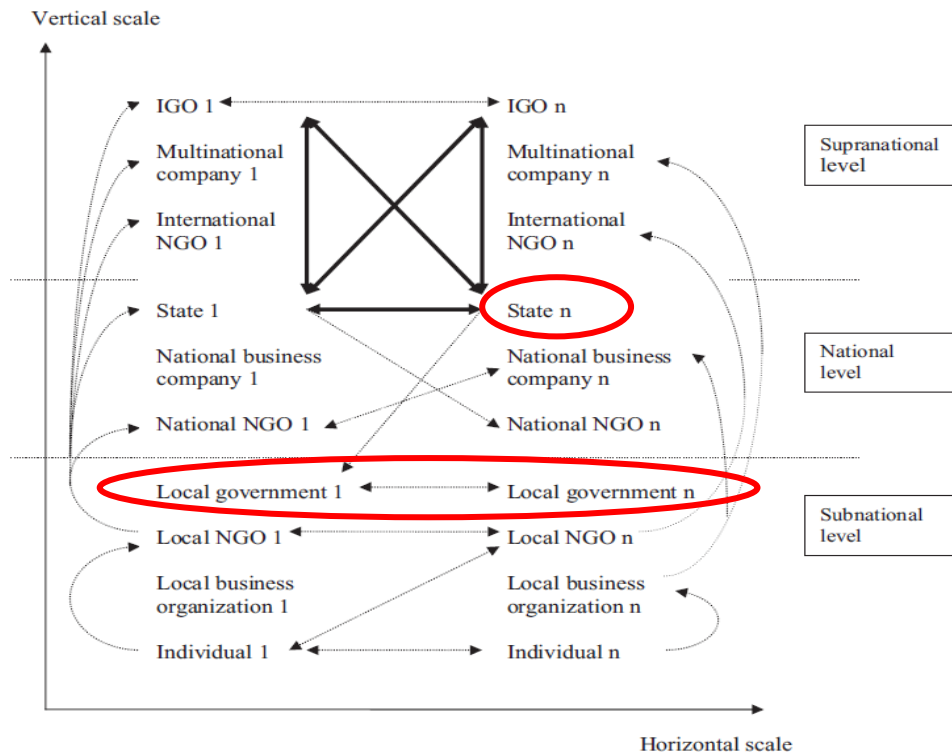
Figure 5-2 Horizontal and vertical dimensions of global environmental politics rescaling

Source: Andonova and Mitchell (2010, p. 258), circles added

In this figure, the bold lines show the traditional focus of international relations, and the dotted arrows indicate the interactions across multiple scales at which environmental action occurs. The vertical rescaling demonstrates linkages of political action across geographical jurisdictions from the local to the global level. The horizontal rescaling demonstrates linkages between actors and issues that cross traditional boundaries between jurisdictions. This figure demonstrates rescaling - vertically up/down, and horizontally across - with respect to the subnational, national and supranational *level* at which environmental governance takes place, as well as the range of *actors* engaged in the levels.

However, while there is an emphasis on the rescaling in which NGOs are involved (there are eight arrows pointing to or from NGOs), Andonova and Mitchell (2010) overlook the rescaling in which subnational governments are involved. Indeed, the figure illustrates only two linkages in which subnational governments are involved in: (i) horizontal interactions in the subnational level between local governments; and (ii) vertical downward interactions between a foreign State and a local government (highlighted in the figure with red circles). Drawing upon the paradiplomacy-side of the analytical framework, it is possible to supplement this figure through a deeper understanding of subnational governments' role in the rescaling of environmental governance. As will be

elaborated below, there are other interactions that can be identified. In doing so, a consideration of scale is introduced in environmental paradiplomacy.

5.2.3. Scaling environmental paradiplomacy

Understanding the recent developments in environmental paradiplomacy described in Chapter 4 requires an acknowledgement of the horizontal and vertical linkages involved in the governance of global environmental problems. Although paradiplomacy clearly involves a transcendence of roles and scales by subnational governments, so far there has been very limited engagement of the paradiplomacy literature with the idea of scale. In one of his early works on the topic Duchacek (1986) defined paradiplomacy as:

> the processes and networks through which subnational governments search for and establish cooperative contacts and compacts on a *global scale*, usually with foreign central governments and private enterprises (Duchacek, 1986, p. 14).

Soldatos (1990) argued that there are two main categories of paradiplomacy - *global* and *regional*. In *global* paradiplomacy subnational governments deal with issues concerning the international system (e.g. international trade, war and peace), whereas in *regional* paradiplomacy the issues are of a regional relevance.[114] Overall, scale in paradiplomacy was, and still is, perceived in an unexamined matter, in terms of issues and interactions established by subnational governments across national borders.

Nevertheless, once scale is understood as a fluid and socially constructed concept (Subsection 5.2.1), with global environmental governance developing as a rescaling process (Subsection 5.2.2), it becomes possible to identify the multiple scales involved in environmental paradiplomacy. These *problems*, the *actors* and the *levels* involved in the international environmental agenda of subnational governments (*hypothesis 1A*).

In the first place, a spatial approach to scale demonstrates the complexity and multiscalar character of most environmental *problems*. As O'Riordan and Church (2001, p. 3) highlight, "there is little, and maybe nothing, that is global that does not have some sort of a local manifestation... every place reveals itself at a variety of scales....". Therefore, as presented in item 5.2.1, environmental problems such as collapsing fisheries, transboundary pollution, vulnerability to extreme events, and the inability to address human-induced disease outbreaks have to be understood in terms of cross-scale dynamics in human-environment systems (Cash et al., 2006).[115]

Yet, as mentioned, it is important not to confuse scale as a concrete spatial unit with the meaning of scale as an analytical dimension. Consequently, the multiple *actors* involved in environmental governance also illustrate a breakdown of the long existent

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[114] Regional paradiplomacy is sub-divided in *macro-regional* for non-contiguous actors and problems (e.g. Quebec and France), and *micro-regional* when they are contiguous (e.g. Quebec and New England states).
[115] See the Introduction for an explanation on the use of 'global environmental problems' as a category.

relationship between the State and territory, a transformation that became the object of strong attention by the MLG literature. Using this approach implies a recognition that the scale of the problem does not necessarily dictate the scale of governance (Betsill & Hoffmann, 2008). In other words, global problems do not necessarily have to be governed by global institutions, and there are other levels and scales characterizing contemporary environmental governance. For instance, climate change is a global environmental problem that is simultaneously addressed through intergovernmental cooperation, national policies, regional cooperation; subnational action, private initiatives, as well as transnational networks that operate across scales.

Finally, environmental paradiplomacy requires an understanding of scale in terms of *jurisdictional*, rather than territorial levels. In fact, if subnational government's activities were only at a territorial level, then these actors would only have authority over their corresponding territory and the individuals residing in it. In this aspect, paradiplomacy differs from MLG, which is understood first in terms of the territorial levels involved (Piattoni, 2010).

Therefore, subnational governments are transcending territorial roles and scales in global environmental governance. Subnational governments are local (in their constituency and in their representatives), but are acting across borders (meeting foreign authorities, engaging in multilateral environmental negotiations and in transnational networks) and addressing problems that are both local (in their causes) and global (in their consequences). Subnational governments, hence, combine the local and the global, and an analysis of their international environmental agenda can only proceed with an engagement with contemporary debates on the politics of scale. The next pages examine subnational governments' international functions - and the performance of those functions –in terms of vertical and horizontal rescaling processes.

5.2.4. Paradiplomatic rescaling MLG: the case of São Paulo

To summarise, there are two limitations in the literature that analyses subnational governments' international agenda. First, although the MLG literature examines the actors and levels involved in global environmental governance, when it comes to subnational governments it only provides a partial picture of rescaling (Subsection 5.2.2); and second, although the paradiplomacy literature focuses on subnational governments' international agenda, it has not yet examined the activities of these actors in terms of rescaling processes (Subsection 5.2.3). This Subsection tries to address both these gaps, arguing that an analysis of the case of the state of São Paulo contributes to a more nuanced picture of the rescaling processes involved in subnational governments' international environmental agenda.

The efforts that the state of São Paulo has been taking to develop environmental paradiplomatic activities have been examined in Chapter 4. This agenda involves the

state engaging in five different kinds of activities: entering decentralised international cooperation initiatives; meeting governmental officials abroad or hosting foreign dignitaries; joining transnational networks; participating in the agenda-setting of international environmental negotiations; and participating in the negotiation phase of international environmental negotiations as a member of the national delegation. These activites were further defined as collaborative or coalition initiatives.

Drawing upon the MLG element of the analytical framework, the international environmental activities undertaken by the state of São Paulo can also be understood and illustrated in terms of *horizontal* and *vertical* interactions. Horizontal interactions are those established with other subnational actors. Vertical interactions can be directed upwards (from the subnational government towards the national or supranational level) or downwards (from the national and supranational level towards the subnational level). Both horizontal and vertical interactions can occur in the subnational, national and the international/supranational levels. Below examples of each one of these interactions are presented, and they are numbered from 1 to 9. The examples are taken from the list of international environmental activities undertaken by the state, listed in Appendix 5. These different types of interactions are then summarised in a table (Table 5-1), and illustrated in a rescaling graph (Figure 5-3).

Interaction 1 - *Horizontal at the subnational level*: representatives from the state of São Paulo meet and/or establish partnerships with other foreign subnational representatives. This is the case of the MOU entered with the California Environmental Agency on climate change mitigation, and the visit made by the Governor of Massachusetts to discuss biotechnology issues.

Interaction 2 - *Horizontal at the national level*: representatives from the state of São Paulo meet other Brazilian subnational governments in the context of a project implemented by a transnational network of subnational governments. For example, CETESB officials interacting with representatives from other Brazilian states in the context of ICLEI's "Developing state policies and action to combat climate change in Brazil" project.

Interaction 3 - *Horizontal at the supranational level*: the state participates with other subnational governments in side-events in the context of MEAs. Initiatives like these might be organised by transnational networks (e.g. Nrg4SD side-events) or by the subnational governments themselves (e.g. the joint side-event organised by Governor of São Paulo José Serra and the Governor of California Arnold Schwarzenegger during COP-15 in Copenhagen).

Interaction 4 - *Vertical downward at the subnational level*: representatives from the state of São Paulo meet foreign national authorities in the state. This is the case of Germany's

Chancellor Angela Merkel visit to the Governor of São Paulo to discuss renewable energies in 2008.

Interaction 5 - *Vertical downward at the subnational level*: representatives from the state of São Paulo meet representatives from NGOs, MNCs or IOs. This is observed in the decentralised cooperation agreements entered with the World Bank to implement projects in the state level.

Interaction 6 - *Vertical upward at the national level*: meeting national representatives during the agenda-setting of MEAs. In this situation, representatives from the state of São Paulo meet diplomats and/or representatives from ministries, and/or of national NGOs prior to a UNFCCC or CBD conference to discuss aspects of the Brazilian position that will be taken to these forums.

Interaction 7 - *Vertical upward at the supranational level*: representatives from the state of São Paulo meet diplomats and/or representatives of the national government and/or of national NGOs during the negotiation phase of MEAs. This is the case of the coordination meetings held by Itamaraty in the context of climate and biodiversity COPs.

Interaction 8 - *Vertical upward at the supranational level:* representatives from the state of São Paulo meet foreign State representatives at international meetings. This is the case of São Paulo's participation in UNEP's Global Ministerial Environment Forum.

Interaction 9 - *Vertical upward at the supranational level*: representatives from the state of São Paulo meet IOs and international NGOs in international meetings. This is observed when representatives of the state of São Paulo meet representatives from UNEP or The Climate Group in the context of climate negotiations, and this is an opportunity for them to discuss on-going or new partnerships.

These nine interactions are summarised in the following table:

	Horizontal interactions	**Vertical interactions**
Subnational level	Subnational governments meet and/or sign decentralised cooperation agreements (interaction 1)	Subnational governments meet representatives from a foreign State and/or sign decentralised cooperation agreements (interaction 4) Subnational governments sign decentralised cooperation agreements with IOs (interaction 5)
National level	Subnational governments of a same country join a transnational network (interaction 2)	Subnational governments meet national diplomats and representatives in the agenda setting of UN conferences (interaction 6)

		Subnational governments meet national diplomats and representatives during UN conferences to discuss and influence the outcomes of the negotiations (interaction 7)
International Supranational level	Subnational governments from different countries meet at UN conference (interaction 3)	Subnational governments meet foreign State representatives at UN conferences or other international meeting (interaction 8)
		Subnational governments meet IOs or INGOs at UN conference to discuss on-going and new partnerships (interaction 9)

Table 5-1 Examples of the horizontal and vertical dimensions of São Paulo's environmental paradiplomatic activities
Source: Author

Moreover, São Paulo's environmental paradiplomatic agenda makes it possible to build on Andonova and Mitchell's (2010) figure of rescaling, supplementing the number of processes so far observed in global environmental politics and governance (Figure 5-3).
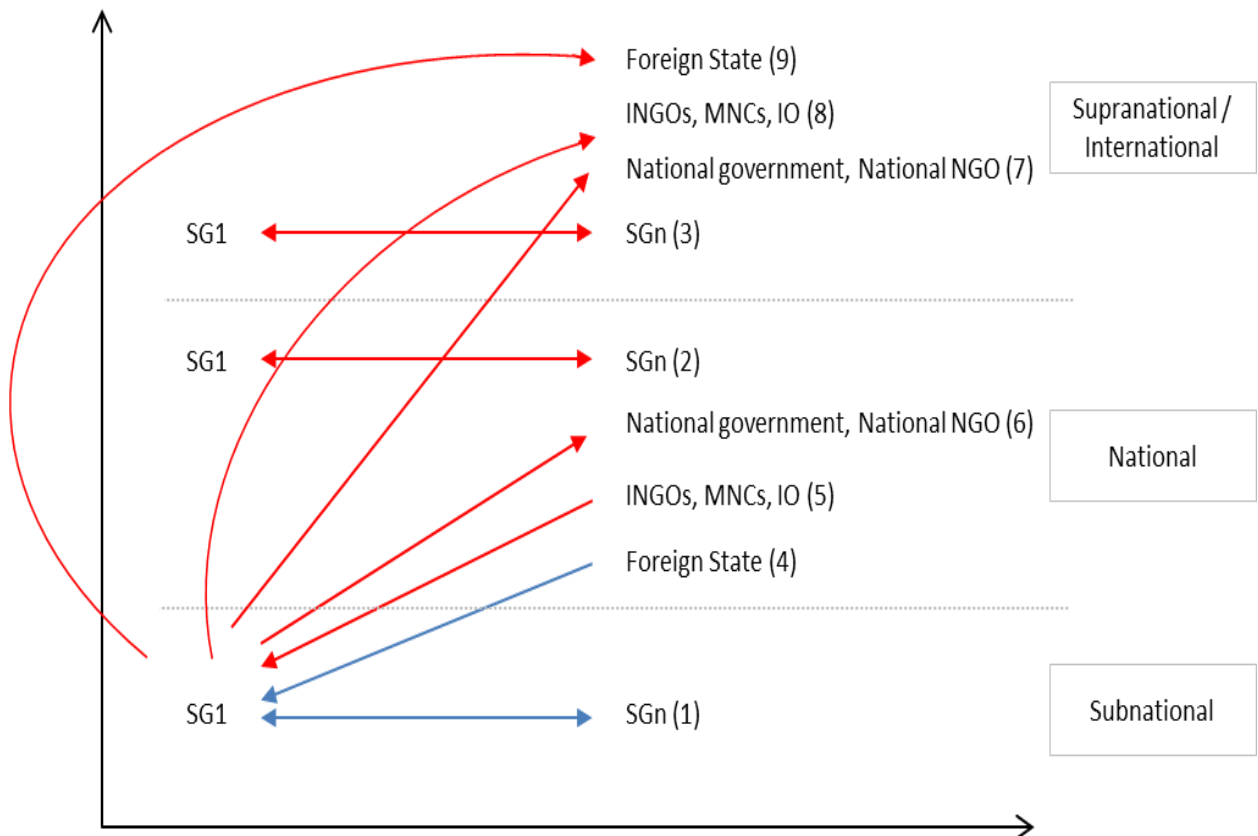
Figure 5-3 Horizontal and vertical dimensions of subnational rescaling in global environmental politics
Source: Author, drawing upon Andonova and Mitchell (2010)

Figure 5-3 illustrates all the dimensions of rescaling which subnational governments can promote when addressing global environmental problems across borders. The two blue arrows (interactions 1 and 4) indicate the interactions previously examined by the MLG literature, which are illustrated in Andonova and Mitchel (2010)'s Figure 5-2 above. These are the horizontal interactions between subnational governments, and the vertical interactions between a foreign State and a subnational government. The seven red arrows (interactions 2, 3, 5-9) indicate the other possible interactions across borders in which subnational governments can be involved in. In total there are nine interactions, horizontal and vertical, which involve a subnational government (i.e. the state of São Paulo), a transnational counterpart (i.e. a foreign subnational government, a foreign national government, or a transnational network) and/or an international setting, in an effort to address global environmental problems. These interactions can be either *collaboration* or *coalition* initiatives, depending on whether they have stronger information-sharing or direct political advocacy objectives.

In summary, the fluidity of scales observed in environmental paradiplomacy results from the multiscalar nature of global environmental problems and from the regulatory efforts to address it. This fluidity challenges the fixed scales in which actors and institutions normally operate: subnational governments are legislating on global environmental problems and participating in international negotiations. Hence, a consideration of scale in environmental paradiplomacy allows for a deeper understanding of subnational government's role in the rescaling of environmental governance.

However, because it rescales established competences, environmental paradiplomacy might not be a completely fluid process. Can subnational governments actually promote rescaling processes? Are they legally entitled to do so? An analysis of rescaling processes therefore requires an understanding of the legitimacy and the competence that subnational governments have to act across borders and across scales. The next section considers the potential legal limitations over subnational governments' foreign affairs imposed by the international (Subsection 5.3.1) and domestic (Subsection 5.3.2) legal orders, as well as by the Brazilian legal system (Subsection 5.3.3).

5.3. LEGITIMACY AND COMPETENCE FOR PARADIPLOMACY[116]

As mentioned above, environmental paradiplomacy challenges the fixed scales in which actors and institutions normally operate. It promotes not only a rescaling of the topics being regulated (e.g. subnational governments legislating on global environmental problems), but also a shift in governmental competences (e.g. subnational governments participating in international negotiations). As environmental paradiplomacy rescales

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[116] Note to reader: this Section partially draws upon a paper I presented at the ISA Annual Convention (Setzer, 2013a).

established competences, it is necessary to understand whether subnational governments can actually move across scales (*research question 1B*). The legal basis for the international activity undertaken by subnational governments requires further examination. MLG studies that examine the participation of non-State actors – including subnational governments - in global environmental governance, and the rescaling processes in which they are involved, have overlooked this aspect. For instance, are subnational representatives legally entitled to meet foreign dignitaries, to sign MOUs or establish market initiatives with foreign parties?

This is not so much a problem faced by the paradiplomacy literature which, thanks to its basis in federalist theory, engages with some of the legal/constitutional limits of subnational governments' international agenda (Andrade e Barros, 2010b; Bursens & Deforche, 2010; Cornago, 2010a). For Lecours (2002, p. 94), subnational governments are acting as international actors despite a lack of external legitimacy and the absence of a formal-legal capacity to act beyond national borders. For Blatter et al (2008) an analysis of subnational governments' competence in foreign relations requires a consideration of the degree of autonomy, as well as of the type of role, that a region has to conduct foreign policy in a certain field without control from the national government.

Further consideration about the legal limits of subnational climate action and of subnational engagement in international relations is present in recent legal literature on climate change federalism (Engel, 2010; Farber, 2008; Kysar & Meyler, 2008; LaMotte et al., 2009; Stewart, 2008). Heyvaert (2013b), for example, highlights the importance of considering the legality and legitimacy of the transnational initiatives undertaken by networks of subnational governments. Such legal considerations on subnational governments' capacity to engage in the global governance of climate change can be further integrated into the MLG theory, adding a legal perspective to this body of literature.

This and the next Section examine if in its paradiplomatic role the state of São Paulo has legitimacy and competence to move across scales (*research question 1B*). Subsection 5.3.1 looks into the international legal limitations considering the case of both collaboration and coalition initiatives. Subsection 5.3.2 briefly considers the domestic legal limitations on subnational governments' international relations. Subsection 5.3.3 focuses on the Brazilian case. Section 5.4 then considers how in Brazil the legal limitations were overcome with the institutionalisation of paradiplomacy, and the challenges that remain for the Brazilian central government to recognize subnational actors' international agenda.

5.3.1. International legal order

For most legal scholars, States are the only international lawmakers[117], and treaties are the primary form of international law (Goldsmith & Posner, 2007; Sands, 2003). In this sense, the international activity undertaken by subnational governments has no international legal relevance. Subnational government's capacity to act is grounded in local governmental authority, and their international initiatives and agreements lack the binding character of treaties or customary international law among nation-States. The initiatives they establish are therefore *soft law,* that is guidelines, recommendations, coordinating measures and other instruments which are not formally binding (Heyvaert, 2011; Kirton & Trebilcock, 2004; Osofsky, 2010).[118] Consequently, subnational governments' international collaborative and coalition initiatives are limited by their voluntary nature.

In terms of *collaborative* initiatives, the agreements, Protocols of Intentions and MOUs entered by a subnational government with other subnational governments, national governments or international organisations come within the ambit of a number of agreements whose provisions do *not* fall under the Vienna Conventions on the Law of Treaties (UN, 1969, 1986). Although non-legally binding, these instruments are frequently used to create a loose and adaptable framework in which information, ideas, and resources are shared. They are non-binding as a legal matter, but, at least in the view of many regulators, highly effective and far more flexible (Raustiala, 2002).

Coalition initiatives undertaken by subnational governments across borders are also seen by the international legal order as mere accessories to treaty negotiations. In this view, nation-States are the primary subjects and objects of international law. Goldsmith and Posner (2007), for example, argue that international law is a deliberate process that political elites carefully choreograph from a the top down perspective. Even if subnational representatives participate in formal international negotiations (e.g. COPs), they usually do so with the legal status of NGOs. In the Brazilian case subnational governments are accepted as members of national delegations, yet without the power to represent the country (see Chapter 4, Subsection 4.4.5). In either case, despite their engagement subnational governments are not given seats at the table at MEAs.

Yet, as Levit (2007, p. 399) argues, such assumptions "simply do not reflect the dynamics of international law-making in an era of globalization". Parallel transnational

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[117] Brownlie (2008, p. 57) defines subjects of the law as "an entity capable of possessing international rights and duties and having the capacity to maintain its rights by bringing international claims". Yet, he recognises (p. 58) that some component states of federal unions are permitted to exercise capacities of independent states, including the power to make treaties (such as in Switzerland and Germany), or to enter into agreements with foreign states with the consent of the Congress (such as in the US).

[118] In international law, nonbinding agreements come under different labels: MOU, resolutions, exchanges of notes, joint communiques, joint declarations, political or administrative agreements, voluntary guidelines, handshakes, verbal promises, agreements, letters of intent, statements or declarations of principles, etc.

law-making processes are achieving Kyoto-like goals, for example, with California adopting mandatory reduction targets as state law, and other states working on GHG initiatives designed to enhance corporate transparency and reporting (Levit, 2007, p. 402). Following such an understanding, international law-making in an era of globalisation is a bottom-up process, "a soft, unpredictably organic process that generates hard, legal results" (Levit, 2007, p. 395). Over time, these informal rules embed in a more formal legal system and thereby become 'law'.[119] This approach 'invites new worlds' to the international law-making process.

Therefore, despite arguments that international law is established by top-down, subnational governments are trying to have their international law-making attributes recognised. This is confirmed by their attempts to have the UN recognise a new category of accredited observers to subnational governments, different from that given to NGOs and also different from that given to local governments. Along these lines, so far subnational governments have seen some success. The Decision X/22 adopted by COP-10 to CBD, for instance, acknowledged the "critical, complementary and distinct role" that subnational governments have in the implementation of the Convention (CBD, 2010). Similarly, the Decision 1/CP.16 of the UNFCCC Cancun Agreements recognised the need to engage a broad range of stakeholders, including subnational governments, for effective action on all aspects of climate change (UNFCCC, 2011).

Following these events, subnational governments started calling for the introduction of a new category of 'governmental stakeholders' among the accredited observers to the UN system. This category should regroup federated states, regions, cities and other local authorities. As the Nrg4SD stated in its input to the Rio+20 Process:

> It is not about questioning the role of UN Member States as sovereign representatives in UN multilateralism. It is just about empowering coherent, complementary and synergetic action from all tiers of government. In a nutshell, it is about multi-level governance and leadership in the interest of the much-needed realistic, courageous and results-oriented path towards sustainable development (Nrg4SD, 2012c).

Yet, there are still many unanswered questions. These range from whether subnational actors can play a constructive role in negotiations which are currently so complex, to how subnational government's parallel agreements and initiatives can be incorporated into international law and formal international legal processes (Osofsky, 2010). In addition, subnational governments' legitimacy to act internationally depends on national legislations.

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[119] Levit (2007) argues that private parties, NGOs, and technocrats coalesce around shared, on-the-ground experiences and perceived self-interests, 'codifying' norms that reflect and condition group practices. She illustrates this "bottom-up international lawmaking" account using three case studies: export subsidies, climate change regulation, and corporate social responsibility initiatives.

5.3.2. Domestic legal system

As much as the international legal perspective is necessary to understand subnational governments' international legitimacy, the capacity for subnational governments to act across borders also depends on the domestic legal order. Where we identify vertical types of coordination, there is an observable hierarchy between different levels of government. National governments customarily establish national environmental targets and represent the countries' interests in supranational or global forums, while subnational governments are left with the mission of implementing the regulation and guaranteeing that the targets are reached. Studies of environmental federalism understand this in terms of a central government that sets environmental standards that should be met in each of the jurisdictions, and lower level of governments that make local policies for their own constituencies (Engel, 2005).

What subnational governments can do internationally is limited by the constitutional competences that they have been granted within their national contexts (Happaerts et al., 2011). From this angle, there are three possibilities: the national government explicitly recognises subnational government's international relations; paradiplomacy is constitutionally and/or legally forbidden; or the national constitution and the domestic legislation are silent about this possibility.

There are a few examples of countries that legislated explicitly on the international capabilities of subnational governments. For instance, in France a 1992 Law allowed subnational governments to engage in international cooperation, and a 2007 Law allowed them to enter agreements with other subnational governments worldwide in cooperation action or development aid (Duran, 2011). Belgium adopted in 1993 the *in foro interno in foro externo* principle, which allows subnational governments to conduct international relations for policy subjects for which they are internally competent. Belgium also accepts that subnational governments include representatives in the national delegation for international meetings. Within South America, Argentina explicitly granted foreign policy powers to its subunits. The constitutional reform of 1994 introduced a 'paradiplomacy clause', which became a legal corollary of international relations of Argentinian provinces (Kleiman & Rodrigues, 2007; Prazeres, 2004).

In the US, the federal government retains the exclusive power to establish treaties or international relations with foreign governments (US Constitution, Article 1, Sections 2 and 10). The reason behind this is that in international relations the federal government is expected to present a single or unified national position (Farber, 2008; Rose, 2008). As a result, attempts to forge interstate and international cooperation to address regional or global environmental problems face legal questions (Sovacool, 2008, p. 470). This questioning stems from of the Treaty Clause (only the President has power, with the advice and consent of the Senate, to make Treaties); the Compact Clause (which

prohibits states from entering agreements or compacts with other States or foreign power except with consent from Congress), the Foreign Commerce Clause (the Congress regulates commerce with foreign nations), and the foreign affairs pre-emption doctrine (the federal government is the ultimate authority in foreign policy). As Farber (2008) clarifies, the foreign affairs pre-emption doctrine impedes state action which discriminates against interstate commerce, bans or burdens behaviour authorized by federal law, take steps with foreign countries that directly contradict presidential or congressional initiatives, or attaches penalties to transactions that occur outside state borders.

In most cases there is an absence of national legal rules or at least a weak domestic legal basis for paradiplomacy to occur. As Lecours (2002, p. 104) puts it, subnational governments are rarely recognized by national legislations as legitimate actors/negotiators of international politics, and this situation stems by in large from the fact that national governments usually disapprove of paradiplomacy. As a result, subnational governments are left without knowing what they can do in international politics.

Despite this relatively weak legal basis for subnational governments to engage in paradiplomacy, there are various examples of sanctioned initiatives. In a number of countries paradiplomacy evolves where the central government retains the exclusive power to make treaties with foreign governments and constitutional requirements limit the degree to which subnational governments can impose binding requirements (Engel, 2005; Van den Brande et al., 2012). These cases provide examples "where *de jure* principles are tweaked by *de facto* practices" (Kelman et al., 2006, p. 565).

In the realm of climate change, subnational governments in different countries are establishing an international agenda in this "grey area" of paradiplomacy. Such agenda includes the establishment of subnational GHG emissions trading schemes (ETS), such as the ones mentioned in the previous Chapter (Section 4.5). A key issue relates to whether the state action falls within an area of traditional State competence. If subnational actions violate the national government's responsibilities for national security, defence, foreign affairs, or external borrowing, their involvement in international relations can be challenged before legal courts. In the US, the Supreme Court already invalidated climate state laws that presented "a risk of disruption or embarrassment in foreign affairs" (LaMotte et al., 2009, p. 409). The same can occur in relation to subnational attempts to forge climate interstate and international cooperation (Kysar & Meyler, 2008; Sovacool, 2008).

In some cases, it has been possible to recast climate change from an international to a domestic problem, allowing subnational governments to enact climate laws and establish these markets with other actors across borders (Osofsky, 2009; Peel et al., 2012). In other cases, it has been argued that subnational governments cannot be

preempted if the federal government is doing nothing internationally about climate change, and has no articulated policy for the future (Rose, 2008, p.673). Another possibility, still, is to consider that because climate change is a global problem, it is part of that realm of "foreign affairs" reserved to the federal government (Farber, 2008). Overall, a 'constitutional fog' remains in relation to non-binding MOUs: the Treaty Clause prevents binding treaties (though it does not seem to reach non-binding agreements), and it is unclear whether the Compact Clause allows them or not (Chen et al., 2010).

This suggests that, domestically, the same force can impede or allow subnational governments to undertake international relations. Once allowed, what follows is a reconciliation of the already constituted governmental level involved in international law-making with the new levels that get involved. Where there is a weak legal basis for subnational governments to engage in international relations, there are instances of sanctioned initiatives. The problem that remains is when subnational governments undertake international practices which eventually challenge, deliberately or inadvertently, the current regime of the central government. That is, when subnational governments' actions interfere with the ability of the federal government to speak with 'one voice' on foreign affairs. In the next pages I examine Brazil's position in relation to paradiplomacy, and how situations of potential conflict have been addressed.

5.3.3. The Brazilian legal system

The Brazilian legal system does not foresee international actions undertaken by subnational entities. On the contrary, the 1988 Constitution establishes that only the Brazilian federal government has the power to direct international relations. For instance, the section about the organization of the State establishes that the federal government is the sole sphere responsible for maintaining relations with foreign states and participating in international organizations (Article 21, item I). Among the prerogatives of the President of the Republic are the relationship with foreign States (Article 84, Item VII) and the signature of international treaties, conventions and other acts, subject to approval of the National Congress (Article 84, Item VIII). Subnational governments, despite being autonomous legal entities within the framework of public domestic law, are not included within the category of subjects of public international law, and there is no legal provision allowing states to direct international relations. The Brazilian Civil Code confirms this by differentiating subjects of public international law (the federal government, foreign States) and subjects of public domestic law (the federal government, the states, the federal district, the territories, municipalities and other public entities). The recent Supplementary Bill of Law No. 140, of December 2011 (Article 7, III) stated that the federal government has the power to promote the country's environmental policy in the international sphere.

The obvious next question then becomes: how did it become possible for subnational governments in Brazil to participate in foreign affairs and to have an international environmental agenda of their own? Brazilian scholars recognise that there is a "clear inconsistency" of Brazilian paradiplomacy. Despite a lack of legal competence these activities do take place, and in some cases are quite significant (Vigevani, 2004, p. 30). A number of scholars focus on how paradiplomacy meets the constitutional challenges, and suggest it is a result of the decentralized federative architecture approved by the new constitutional system (Andrade e Barros, 2010b; Milani & Ribeiro, 2011; Vigevani et al., 2006, p. 32). The general conclusion is that in spite of the lack of a specific legal framework, Brazilian subnational governments tend not to act contrary to the foreign policy of the country.

If there was a real threat to federalism, the federal government could amend the Constitution, either forbidding paradiplomacy, or extending the competence to enter treaties to subnational governments. In 2005 there was an attempt to explicitly authorize paradiplomacy in Brazil, with the proposition of a so-called PEC (Proposal of Amendment to the Constitution), presented by the Federal Deputy and diplomat Andre Costa (Costa, 2005b). However, the PEC was rejected with the justification that the Constitution does not forbid subnational governments to establish international agreements within their sphere of competence (Lopes, 2005).[120] Behind this rejection also lies the idea that the Constitution could not be amended on this subject as federalism is an entrenchment clause (*cláusula pétrea*), a constitutional clause that prohibits alterations (Vigevani, 2006).

The means by which the Brazilian government opted to conciliate or reconcile opposing interests and potential conflicts between the national and subnational levels was to allow paradiplomacy do evolve without explicitly legislating about it. As São Paulo's International Relations Advisor remarked,

> You can ask me, is paradiplomacy legal or illegal? My answer is the same answer as Itamaraty will give you. The Ministry of Foreign Affairs created a special body to deal with subnational diplomacy. We have very good relations with them and their role is to assist us when we are undertaking diplomatic functions. If there was any doubt about the legality of our activities, Itamaraty, as a representative of the federal government, would not have created an entity to assist and simulate its subunits to act internationally. In addition we believe that there is some flexibility in the Constitution. Twenty years have passed since the Constitution was enacted; we need to adjust the meaning of its text so that it

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[120] PEC 475/2005 was presented to the Chamber of Deputies in November 2005 and rejected in April 2006. It proposed the inclusion of a new paragraph to Article 23, recognising that "the states, the Federal District and the Municipalities, within their respective competencies and with previous authorisation of the Union, can promote acts and enter agreements with other subnational actors across borders" (Costa, 2005b) (Author's translation).

deals with international relations and foreign policy as they happen in the 2000s context.[121]

In summary, Brazilian paradiplomacy was formed without a specific legal framework dictating the process. Facing the absence of such legal framework, the federal government could have legislated in this regard, explicitly authorising or forbidding the practice of international relations by its subunits. Instead, what happened was that the national government gradually incorporated paradiplomacy – labelling it 'federative diplomacy' – into the national structure. The next Section explores this shift, examining also some of its limitations.

5.4. FROM A CENTRALIZING TRADITION IN FOREIGN AFFAIRS TO *FEDERATIVE DIPLOMACY*

Still addressing *research question 1B*, this Section explores how Brazilian national and subnational institutions have dealt with states' international aspirations and, as a result, how paradiplomacy was institutionalised within the Brazilian government. The analysis is done through an examination of the interviews and the institutional structure of the international relations bodies at both the national and the state level. It demonstrates that instead of regulating paradiplomacy, the national government allowed it to continue evolving as an *ad hoc* policy, at the same time that it gradually took initiatives to institutionalise subnational governments' international relations at the federal level.

Within the federal government, one of the first measures taken in this process of institutionalisation was to rename paradiplomacy. Itamaraty named it 'federative diplomacy', a term that translated its intention of decentralising the country's diplomacy (Brigadão, 2005). That is, rather than a diplomacy that runs in parallel to Brazilian diplomacy, the term chosen by the federal government emphasised the decentralisation of diplomacy as a trend deriving from the government's foreign relations.

The next step was to create within the Ministry of Foreign Affairs an organizational space to deal with this federative diplomacy. In 1997, under President's Fernando Henrique Cardoso mandate, a Federative Relations Advisory Board (ARF - *Assessoria de Relações Federativas*) was created and regional representation offices were established in different states.[122] ARF's objective was to promote a closer relationship between Itamaraty, the states and municipalities, advising them on their foreign relations, "observing, naturally, the constitutional competence of the Federal government in formulating and implementing the Brazilian foreign policy" (Itamaraty, 2012). The

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[121] Interview No.17 - SP official.
[122] There are eight Foreign Affairs representation offices, in eight states: Amazonas (North), Pernambuco (Northeast), Rio de Janeiro, Sao Paulo and Minas Gerais (Southeast), Santa Catarina and Rio Grande do Sul (South).

novel aspect of this initiative can be traced to an interview given by President Fernando Henrique Cardoso in the same year as ARF was created:

> ...now Governors travel abroad; they enter agreements with foreign parties and they bring financial resources to their states. In the past this was unimaginable. All international relations were exclusive to the Federal government. Today, the number of Governors establishing relations with Europe, Asia, Latin America is huge. Sometimes they inform us, but often we don't even know what they are doing. Diplomacy was a monopoly of the federal government, now the governors and some mayors also share this function (Toledo, 1998, p. 366).[123]

In 2003, in the first term of President's Lula administration, the ARF was replaced by a Special Advisory Board for Federative and Parliamentary Affairs (AFEPA - *Assessoria Especial de Assuntos Federativos e Parlamentares*). AFEPA is responsible for helping Brazilian subnational governments to develop their international relations, as well as promoting integration between the Ministry of Foreign Affairs and the National Assembly, with states, municipalities, and their respective legislative assemblies (Decree 4.759/03, Article 5).[124] In the same year, President Lula created a Division for Federative Affairs (SAF - Subchefia de Assuntos Federativos), linked to the Presidential Office. This Division was assigned to help redefining the federative pact. Among its roles, SAF promotes and supports 'federative international cooperation' involving states and municipalities (Brazil, 2007b), and other international affairs established by subnational governments (SAF, 2012).

The creation of a federative advisory within Itamaraty and of a federative international cooperation division within the Presidency confirmed Brazilian subnational governments' legitimacy to exercise diplomacy. Both AFEPA and SAF recognise the transnational initiatives promoted by states and municipalities and aim to support them in undertaking this agenda. Also, both bodies are part of subnational initiatives in an informal way, that is, there are no legal requirements or specific guidelines establishing when and how Itamaraty and the Presidency should be involved in subnational government's international relations.

While some of their activities seem to overlap, in practice AFEPA's and SAF's roles are distinct. Itamaraty developed an intermediary role in agreements entered by subnational governments, helping them to frame their initiatives within the framework of an existent agreement between Brazil and the country where the other party is situated. It delegates international responsibility to the states, at the same time that it preserves the constitutional principle of national constituent power. SAF's concern is

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[123] Author's translation.
[124] AFEPA was created by Decree 4759, of June 21, 2003. This Decree was repealed successively, without any change to the dispositions regarding AFEPA, and is now in force as Decree 7304, of September 22, 2010.

more centred on the relationship between the federated units and the central government. Reflecting these distinctions, AFEPA and SAF still use different terminologies to describe the international relations carried out by states and municipalities, AFEPA highlighting its diplomatic aspect ('federative diplomacy'), and the Presidency highlighting the international cooperation aspect of the initiatives ('federative international cooperation'). Yet, both demonstrate that the federal governments accepted and incorporated the international activity of its subunits within the national administration.

5.4.1. Legal limitations to paradiplomacy

Legal limitations to São Paulo's international agenda impose substantial constraints on its paradiplomatic activity. The position of the federal government in relation to this process remains unclear (Andrade e Barros, 2010a, p. 57), and the relationship between national and subnational actors is not always harmonious.

Firstly, as mentioned, the engagement of Brazilian subnational governments in international relations is limited by the Federal Constitution (Articles 21, I; 84, VII and VIII; and 25, § 1). The Brazilian legal doctrine is clear in that, legally, the federal government is sovereign and the only entitled to establish international relations (Bastos, 2010; Husek, 2010; Varela, 2009). Consequently, international agreements established by subnational governments are invalid if not intermediated by the federal government (Lessa, 2007).

To remain within their constitutional competences, Brazilian subnational governments can only enter agreements with subjects of international law if there is a pre-existing act (a framework agreement) between the Brazilian government and the national government where the other party is located, and this agreement is incorporated into domestic law through a Legislative Decree approved by the National Congress, further enacted through a Decree signed by the President. In addition, the terms of the project needs to be approved by Itamaraty and these acts cannot result in any burden or financial commitment to the country. The additional protocols to the Cooperation Agreements on Decentralised Cooperation entered between Brazil and Italy (Brazil, 2007a) and Brazil and France (Brazil, 2008) follow this formal procedure. In addition, they make it explicit that:

> Article 1 - Decentralised Cooperation consists of all forms of cooperation and international relations established between Italian and Brazilian subnational governments, as well as with civil society actors, to strengthen the links between

the two countries, in line with the Foreign Policy carried out by the respective National Governments (Brazil, 2007a).[125]

Within these protocols, Itamaraty emphasised the limits of subnational governments' initiatives. It stated that the protocols "regulate the decentralised cooperation undertaken by Brazilian federative units… as they lack legal personality of public international law". Thus, the protocols guarantee that there will be "no conflict with the exclusive constitutional competence of the Union to establish international relations with foreign States" (Brazil, 2009).

In the state of São Paulo a special authorisation from Itamaraty and/or from the state Governor is sometimes necessary to legitimise international initiatives. For instance, agreements with international parties require the Governors' authorisation, but protocols of intentions and other preparatory instruments that do not impose obligations on the state are exempt of such procedure.[126] In any case, the terms of the agreements entered have to be in harmony with the state and the national legislation.

Secondly, most international activities undertaken by Brazilian subnational governments are established *no fio do bigode* (as a gentleman's agreements). The diplomat and former SAF officer Andre Costa (2005a, p. 13) expressed this idea:

> In my experience as an officer at the Presidency's Division for Federative Affairs and a career diplomat I can testify that the international agreements are entered by Brazilian federated units and homologous foreign parties *no fio do bigode* and lack legal basis.

In this regard, despite the assumption that the signature of an agreement gives it legal effects, the international initiatives established by subnational governments are a mere political commitment. Thus, these initiatives are informal, and, similar to what was said in relation to *soft law* (Subsection 5.3.1), they are domestically nonbinding. The following examples of agreements signed by the state of São Paulo highlight their non-binding aspect:

> [the agreement] does not result in any obligation or right, furthermore it has no legally binding effect, being placed in the field of ethics, as a simple manifestation of future intentions, informal, written or not, between the parties.[127]

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[125] Author's translation. The Protocol signed with France has a very similar text, adding that decentralised cooperation must also be in accordance with the domestic legislation of each party.

[126] Decree No. 40.722/1996, Articles 2 and 3 (São Paulo, 1996).

[127] Legal Advise AJG 118/94. Also mentioned in Advise CJ 416/03 (Protocol of Intentions with Mexico) and in Advice CJ 586/05 (Cooperation with California).

The commitments that each party undertake, in order to become enforceable, should be duly agreed upon through the specific legal instruments, respecting the appropriate legislation.[128]

Problems with the informality of subnational initiatives were raised by a number of interviewees. According to SMA's legal advisor:

From a legal point of view, a Protocol of Intentions is next to nothing. Often the government signs a document like this, the authorities of the two different countries shake hands and take photos, but in practice there are no substantial outcomes. Also, these relationships are still very much on the personal level, and poorly institutionalised: once one of the representatives leaves the government the whole thing is abandoned.[129]

Similarly, the National Secretary for Climate Change within the Ministry of Environment showed her scepticism in regards to international partnerships established by Brazilian states.[130] Specifically in relation to REDD projects, she cautioned that local initiatives undertaken without an international framework can create a scenario of "an institutional mess", where local communities are subject to speculators offering carbon credits and the national government cannot respond to or control these actions. In this regard, whatever commitments subnational governments establish across borders, the validity of their acts is bounded by the domestic legislation.[131] As SMA's legal advisory emphasised in the process of the MOU signed between SMA/CETESB and California, "the outcomes of the technical partnership should not counter pre-existent rules. On the contrary, the partnership should result in normative rulings that, combined with existent rules, will improve SMA's procedures".[132]

Legal limitations are therefore significant, yet they have not impeded subnational governments to engage in international relations. Despite the challenges that they might encounter, subnational governments engage in collaborative initiatives that imply in a smaller political activity, but also in coalition initiatives where they engage in clearer diplomatic roles.

Political and institutional challenges

In additional to the legal challenges (*hypotheses 1B*), there are political and institutional challenges that affect the paradiplomatic activity undertaken by subnational governments in Brazil. First and foremost, these challenges are related to the breakup of the monopoly of Itamaraty over foreign affairs. Reinforcing the legal stance that the

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[128] Clause of the Protocol of Intentions with Mexico.
[129] Interview No.5 - SP official. More about outcomes in Chapter 7.
[130] Interview No.33 - national official.
[131] Interview No.5 - SP official.
[132] SMA internal file on the MOU entered between the state of Sao Paulo and the state of California.

federal government has exclusive competence over international relations, since the 1920s the legal advisory of the Ministry of Foreign Affairs has repeatedly argued that subnational governments cannot undertake international commitments (Prazeres, 2004). The last time Itamaraty was officially consulted about whether a subnational government could enter agreements with other subjects of international law, the answer was again negative.[133] The transcripts that follow are extracted from the legal opinion given by Itamaraty's legal advisor:[134]

> It is true that some Brazilian states and municipalities have their own international agenda. This fact is acknowledged by Itamaraty, through the creation of a federative diplomacy framework and the establishment of an on-going dialogue with these actors.

Nevertheless, he concludes that:

> Subnational governments are not competent, in the Brazilian Constitutional system, to enter international agreements, an attribution that is exclusive to the Union…The federal government is the absolute master of acting and undertaking decision-making functions in the field of international relations.

In practice, Itamaraty 'tolerates' these initiatives. In a Memorandum (AFR/25 PEXT, of March, 2, 1998), the Federative Relations Advisory Board (replaced in 2003 by AFEPA) stated that:

> The growing extroversion of Brazilian states and municipalities has led Itamaraty to tolerate the signature, by subnational governments, of protocols of intention with their foreign counterparts.[135]

Second, and related to the first point, there are internal challenges that subnational governments face when trying to undertake their international environmental agenda. For instance, subnational representatives may find resistance from the national government. An event mentioned by CETESB's president illustrates this kind of situation where national actors demonstrate hostility towards subnational diplomacy:

> I went to Monaco, invited by UNEP, to speak on the Special Session of the Global Ministerial Environment Forum. Entering the plenary I met the Executive Secretary who was representing the Minister [for the Environment] there. As he saw me he immediately asked:
> - What are you doing here? Like this, in a very rude manner.
> - I was invited by UNEP, I replied
> - Why did UNEP invite you?

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[133] Municipality of Rio de Janeiro with the UN-Habitat Programme, in 1999.
[134] Itamaraty's legal opinions have compiled by Medeiros (2009, p. 230)
[135] This Memorandum is cited by Lessa (2007, p. 150). Author's translation.

- To present São Paulo's work, I answered
- But you should not be part of this meeting, this is only for ministers, he said.
And he was even more impolite - when I started my presentation he stood up and left the room.[136]

Third, political and institutional challenges are related to weak guidance on the practice of subnational international relations and a lack of criteria for monitoring the implementation and the success of internationalisation processes (Andrade e Barros, 2010a; Romero, 2004). As a result, subnational international strategies are developed without focus or strategic/long term planning. The state of São Paulo is trying to change this pattern. São Paulo's International Relations Plan for 2011-2014 (São Paulo, 2012) establishes three general goals that guide the state's international activities as well as 16 priorities and 54 specific objectives – quantifiable and established by all the twenty-six state Secretariats.[137] This was the first time in Brazil, and arguably one of the first in the world, that a subnational government established a comprehensive plan to act internationally.[138]

Related to this weak guidance, despite the creation of a federal division within Itamaraty and the establishment of international divisions within the state bureaucracy, the channels for representatives from the different levels of government to interact are still limited. Key informants often claimed that there were scarce opportunities for dialogue and coherence building with Itamaraty.[139] Lack of qualified staff to undertake international relations at the subnational level is problem suggested by the literature (Andrade e Barros, 2010a), yet the interviews did not confirm this account.[140]

Lastly, there are financial costs in undertaking an international agenda (e.g. traveling, translators, accommodation). These become particularly problematic when, with or without fair reasons, international travel by civil servants is seen with suspicion by the population and by other civil servants. As a representative from the INGO Conservation International remarked:

"Governors and many subnational government representatives go to COPs as tourists. They bring their wives, and their main concern is to go shopping. They

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[136] Interview No.2 - SP official.
[137] The three goals are: promote sustainable development in the state; enhance the state's international participation; and contribute to the promotion of democratic governance and to the formation of international partnerships.
[138] Interview No.17 - SP official, and article published in the newspaper "O Estado de São Paulo", following the publication of the plan (Estadao, 2012).
[139] Interview Nos. 4, 6, 9 and 17 - SP officials.
[140] Interviews Nos. 4, 17 and 19 – SP officials and Interview No.47 - NGO.

often don't understand what is being discussed – not only there are many very technical and scientific issues, but also they often don't even speak English".[141]

Similar comments were made by a number of interviewees, suggesting that when subnational representatives travel abroad on governmental missions they often are more interested in tourist activities or shopping than in following the agenda that they have been assigned; cases of officials who take their partners corroborate this preconception.[142]

5.4.2. Paradiplomacy endorsed?

All in all, it is questionable whether the institutionalisation of subnational governments' international agenda can be seen as an endorsement of paradiplomacy. To a certain extent, federative diplomacy is a way for the federal government to control – rather than give independence to – subnational governments' international agenda. So the main question remains as to whether subnational governments can act independently of the central government (Andrade e Barros, 2010a, pp. 57-58). That is, even if Itamaraty genuinely believes in the idea of federative diplomacy, it sees decentralisation via Itamaraty, never bypassing it. Federative diplomacy hence responds to subnational governments' demand for international relations, but it incorporates their paradiplomatic interests into the country's foreign policy, without admitting a *direct* action undertaking by the federated units.[143]

Consequently, the margin for conflict increases when subnational governments undertake an international agenda that goes against the national governments' position.[144] On such occasions, some kind of intervention might be necessary to remove the underlying tensions between subnational international action and the federal government.

The most emblematic case in Brazilian environmental paradiplomacy is provided by a coalition of states of the Amazon. As mentioned (Chapter 4, Section 4.5), in November 2008 the states of Amazonas, Amapá, Mato Grosso and Pará, together with two Indonesian provinces (Aceh and Papua) and three American states (California, Illinois and Wisconsin), signed in California a MOU to establish the first state-to-state sub-national agreement focused on REDD programs. On the months preceding COP-15, the Amazonian states of the taskforce adopted a position that was not aligned with the strategy defended by the Brazilian government. On more than one occasion President

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[141] Interview No.49 - NGO. The interviewee was involved in ICLEI's project "Developing state policies and action to combat climate change in Brazil", and helped the state governments of Bahia, Mato Grosso and Pernambuco developing their regional policies on climate change.

[142] Interview No.20 - SP official; Interview No.47 – NGO; Interview No.42 – academia; Interview No.32 – national official; personal experience working for ICLEI in COP-14, in Poznan.

[143] Interview No.2 - SP official. A similar account is found in the literature (Prazeres, 2004, p. 301).

[144] In this sense: Interviews Nos. 1, 2, 11, 16 - SP officials; Interviews Nos. 24, 28, 32, 33 – national officials; and Interview No. 46 - NGO.

Lula, SAF, AFEPA and the national negotiators, met the Governors until they formed a "Brazilian position" that could be taken in December 2009 to Copenhagen.[145]

In this case, a conflictual interaction between subnational governments and the central government became clear. An extreme situation like this helps to explain the established position of the Ministry of Foreign Affairs, which emphasise that subnational governments' agenda should be developed in accordance – rather than in conflict - with the national interests. This was highlighted by Chancellor Patriota, on the speech he gave at the launch of São Paulo's International Relations Plan:

> When states and municipalities institutionalise areas for foreign action, a partnership with the federal government constitutes an indispensable condition for a cohesive, coherent and efficient Brazilian foreign policy. Subnational governments' international relations will always be seen as an integral and inseparable part of the Brazilian foreign policy. In this line, São Paulo's Plan is adequately aligned with the contribution that the federated entities can offer in the defence of the country's interests regionally and globally (Patriota, 2012).[146]

Photo 5-2 Governor Alckmin and Chancellor Antonio Patriota in the launch of São Paulo's International Relations Plan
Source: Retrieved from the newspaper "O Estado de São Paulo" (Estadao, 2012)

Yet, cases of conflict are the exception in Brazilian (environmental) paradiplomacy. Different from the 'political paradiplomacy' (Lecours, 2008) undertaken by Quebec, Flanders, Catalonia and the Basque Country[147], São Paulo's paradiplomacy is not conflicting, and most of the interviewees strongly emphasised this aspect.[148] This is not because the international activities undertaken by this subnational government are limited to *low politics* and issues of local/regional interests, as previously suggested by

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[145] Interviews Nos. 24 and 32 - national officials. Also in the media, for example, in the newspaper 'O Estado de Sao Paulo' (Estadao, 2009).
[146] Author's translation.
[147] Lecours (2008, p. 3) suggests that the political layer of paradiplomacy tends to feature prominently the international expression of an identity distinct from the one projected by the central state.
[148] Interview No.2 - SP official; Interviews Nos. 26, 27, 28 - national officials. In Chapter 7, I further develop whether Sao Paulo's environmental paradiplomacy results in more conflict of collaboration.

the majority of the paradiplomacy literature (Aguirre, 1999; Duran, 2011; Lecours, 2002; Vigevani, 2006). Environmental paradiplomacy involves issues of global interest, such as climate change and protection of biodiversity, and this confirms the idea that paradiplomacy can be used to push forward ambitious agendas associated with *high politics* and global problems.

5.5. SUMMARY

Continuing to answer the first research question (**How does environmental paradiplomacy evolve in the state of São Paulo?)**, and taking into consideration the second part of *hypothesis 1* (Environmental paradiplomacy evolves through the international activities undertaken by subnational governments to address environmental problems across scales), this Chapter attempted to answer two related sub-questions on the interactions of scale and law in environmental paradiplomacy:

> **Research Question 1A**
> What are the scales involved in environmental paradiplomacy undertaken by the state of São Paulo?
> **Hypothesis 1A**
> Environmental paradiplomacy evolves across multiple scales, represented by the actors, problems and levels involved. Environmental paradiplomacy has a rescaling role.

> **Research Question 1B**
> Can the state of São Paulo move across scales?
> **Hypothesis 1B**
> Legal limitations to São Paulo's international agenda impose significant constraints on its paradiplomacy.

Answering the first sub-question, Section 5.2 showed that scale can be understood in a MLG context, and that the linkages established within environmental politics occur (vertically and horizontally) across scales. The case study then provided a systematic analysis of environmental paradiplomacy in the state of São Paulo as a rescaling process, which involves nine rescaling opportunities. This suggests that the linkages that subnational governments promote when undertaking environmental paradiplomacy are wider than those so far envisioned by the MLG literature. The Chapter further demonstrated that by establishing an international environmental agenda, the state of São Paulo moves across jurisdictional levels, breaking the fixed scales in which it traditionally operates, and as a result promoted a rescaling of issue areas, actors and competences. While the rescaling framing helped describe shifts in the social construction of scales of governance and diplomacy, it could not fully explain

environmental paradiplomacy's significance. Such analysis will be made in Chapter 7, when I assess the outcomes of São Paulo's international environmental agenda.

Addressing the second sub-question, Section 5.3 showed that rescaling processes do not develop without contestation, and that there are legal limitations to rescaling. In public international law, collaboration initiatives established by subnational governments across borders are *soft law*, and the coalition initiatives they undertake can challenge the unity of the state as a foreign policy actor. In terms of the domestic legal order, subnational foreign affairs activities depend on constitutional limitations established by each country. In Brazil, subnational governments have a wide competence to deal with regional and local matters, but the Federal Constitution does not foresee international actions undertaken by subnational governments.

The case study further developed in Section 5.4 highlighted that institutionalisation within the federal government was a way to recognise paradiplomacy, but not *carte blanche*. By establishing an institutional framework for federative diplomacy, the national government reacted to a reality and demonstrated a will to organise something that already existed. But even if the federal government's intention was not to give subnational governments a real autonomy in foreign affairs, the institutional adaptation allowed a combination of the national primary role in foreign affairs with a growing subnational participation. In turn, subnational governments saw this as a green light, and within their respective spheres started to consolidate an international relations apparatus. The challenge that remains is how to minimize conflict and maximize the complementarity of interests (Vigevani, 2006, p. 133). In other words how to reconcile central government's monopoly over international relations with the subnational interest, avoiding dubious situations where the legality of paradiplomacy can be contested.

CHAPTER 6: DRIVERS OF ENVIRONMENTAL PARADIPLOMACY IN SÃO PAULO

6.1. INTRODUCTION

As seen in Chapters 4 and 5, São Paulo's international environmental agenda takes place through collaboration and coalition initiatives, across borders and scales. By undertaking such an agenda the state faces legal, political and institutional challenges, and, yet, promotes a rescaling of global environmental governance. Following the analysis, the purpose of this Chapter is to examine *research question 2*: **why does the state of São Paulo undertake this international environmental agenda?**

While much attention is given by MLG scholars to the reasons why subnational governments get involved in climate policymaking, the question this Chapter addresses has so far been overlooked by the literature. Indeed, Engel (2006) points that the critical unanswered question regarding subnational responses to climate change is why states cooperate with each other. Selin and VanDeveer (2011) also call for more attention to regional multilevel governance in research design and theorizing, including motivations and opportunities for coordinated responses for climate change. In addition McMillan (2008) recognises a lack of empirical or theoretical grasp on governors' motivations for participation in foreign policy.

The Chapter begins by examining possible motivations identified by scholars writing on MLG, federalism, transnationalism and paradiplomacy. This literature review informs *hypothesis 2* on three determinants posited to drive environmental paradiplomacy in the state of São Paulo - the global characteristics of the problem; aspects related to the decline of the State; and the cooperative aspect of Brazilian federalism (see Figure 6-1 below).

Through the analysis, evidence is found that the international and the domestic determinants identified by the literature only account to a certain extent for São Paulo's environmental paradiplomatic activity. The Chapter further argues for an alternative main reason driving environmental paradiplomacy, one related to a leadership role that the state of São Paulo has been playing - and wants to continue playing – in environmental policymaking. That is, the state undertakes international relations on global environmental matters mostly because it sees itself as a leader in this area, and it wants to confirm this position nationally and internationally.
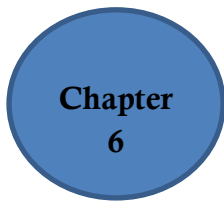
Chapter 6	**Research Question 2** Why does the state of São Paulo undertake an international agenda to deal with global environmental problems?

Hypothesis 2

Environmental paradiplomacy in São Paulo is driven by a combination of global and domestic factors - the characteristics of the problem, aspects related to the decline of the State; and aspects of Brazilian federalism.

Figure 6-1 Research question and hypothesis that guides Chapter 6
Source: Author.

Although there is a component of compensating for a lack or insufficiency of federal action ('filling the vacuum'), and eventually an attempt to extrapolate the national exclusive competence in undertaking foreign affairs ('by-passing the nation-State'), environmental paradiplomacy undertaken by the state of São Paulo is coherent with the state's historical position of establishing environmental policies and regulation ahead of the federal government.

This assessment is mostly based on interview material in which actors from the state and national level provide their perceptions on the reasons why the state of São Paulo undertakes an international environmental agenda. The analysis also takes into consideration observational data collected at COP-14 of the UNFCCC.[149] Following the findings of how paradiplomacy evolves, the explanatory factors are tested considering both the collaboration and the coalition initiatives undertaken by the state.

The Chapter is divided into five main sections. The motivations identified by the theoretical approaches of MLG, federalism, transnationalism and paradiplomacy are briefly presented in Section 6.2. The global determinants for environmental paradiplomacy in the state of São Paulo are explored in Section 6.3. They involve the characteristics of the problems that policy-makers are dealing with (Subsection 6.3.1), as well as a reaction to a decline of the nation-State (Subsection 6.3.2), which in turn results from processes of globalisation, problems with traditional diplomacy, and the perceived slow progress of international environmental negotiations. The domestic determinants of environmental paradiplomacy are examined in Section 6.4. They derive from the characteristics of Brazilian federalism (Subsection 6.4.1), but most importantly for São Paulo's leadership in environmental policymaking (Subsection 6.4.2). A summary of the findings is made in Section 6.5.

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[149] More details about the methodology in Chapter 3.

6.2. DIFFERENT QUESTIONS, DIFFERENT EXPLANATIONS

The focus of this Section is on the reasons why subnational governments undertake an international environmental agenda. The short literature review presented in the following pages initially revisits (see Chapter 2) the emerging research on *MLG, federalism* and *transnationalism*. This body of literature, however, makes limited strides towards exploring the international agenda of subnational governments *per se*. Such a focus is found in the *paradiplomacy* literature. Yet, within this approach there is not enough exploration of the motives for environmental paradiplomacy.

By applying a *MLG approach*, scholars understand the foreign activities of subnational governments within a political-administrative system, often illustrated by EU policymaking. Under the logic of MLG, governance actors are situated both inside and outside the governmental realm, ranging from the local to the global level (Hooghe & Marks, 2001, 2003). Although scholars within the MLG approach ascribe an important role to subnational governments, stressing that the national government is no longer a unique actor in international policymaking, less attention is given to understanding *why* subnational governments move across levels of governance. Instead, subnational governments' mobility across scales - interconnecting national and international political arenas, while creating transnational associations - is a prerequisite of this body of literature.[150]

Scholars also use the MLG approach to examine the emergence of subnational governments as relevant actors in climate governance. They explore what drives subnational governments to become active in regulating GHGs and to join transnational networks of subnational governments. The type of question asked is: why do individual subnational governments choose to become active in regulating GHG? Why do subnational governments join up in transnational networks or become part of a regional emission reduction program? Is it justified to do so in the face of a problem area that is replete with free riders? This literature suggests that local governments pursue climate policies: as a reaction to a decline in central government's ability to steer society; because of the perceived limitations of the international regime; and because of the cost savings and co-benefits (e.g. air pollution and improving urban spaces) associated with climate policy (Aall et al., 2007; Betsill, 2006; Betsill & Bulkeley, 2004, 2006, 2007; Bulkeley, 2005, 2010; Bulkeley & Betsill, 2003; Bulkeley et al., 2003; Corfee-Morlot et al., 2011; Davies, 2005; Gustavsson et al., 2009; Kousky & Schneider, 2003; Sugiyama & Sinton, 2005).

With a stronger emphasis on the US and Canada, *federalist theorists* also investigate subnational action on climate change and why this has become part of regional GHG

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[150] In any case, subnational presence at the EU level is less problematic, as representatives of subnational governments are formally allowed by the Maastricht Treaty of 1993 to represent member states in the Council of Ministers as long as those representatives defend national interests.

emission reduction programs (Dernbach et al., 2010; Engel, 2005, 2006; Gore, 2010; McAllister, 2009; Rabe, 2003, 2007, 2008b, 2009, 2010; Robinson & Gore, 2005; Selin & VanDeveer, 2007, 2009, 2010, 2011). In the federalist literature, domestic explanations for subnational engagement in climate action include: political advantages on an international issue which the federal government is mostly ignoring; competitive advantages associated with the early adoption of regulations that may soon become widespread; concern over the public health and environmental impacts; and prior success in influencing national environmental policy.

A different standpoint is taken by international relations scholars interested in *transnational relations*. Their interest is mainly on why subnational governments collaborate with NGOs and private sector, forming hybrid partnerships (Andonova, 2011; Andonova et al., 2009). The broad answer is that transnational partnerships occur as one manifestation of the insufficiency of the State in addressing complex global challenges. As a result, the State 'rearticulates' itself engaging in new mechanisms of governance (Abbott, 2012; Abbott & Snidal, 2010; Slaughter, 2004) and shifting power to transnational actors (Bernstein et al., 2010; Keck & Sikkink, 1999). Other transnationalists, however, proclaim the continued primacy of States and emphasize the ability of those with power to manipulate governance networks (Drezner, 2001).

A fourth view is taken by scholars studying *paradiplomacy*. In this case there is a more direct interest in understanding the motivations for regions to go into the international arena (Aguirre, 1999; Cornago, 1999; Criekemans, 2010b; Keating, 1999, 2000; Lecours, 2002). In addition, contributions within this trend usually highlight both domestic and international factors as relevant for regions developing foreign activities (Adame, 2011; Andrade e Barros, 2010b; Branco, 2008). However, theoretical and empirical studies on subnational paradiplomacy stop short from building a theoretical framework from which hypotheses can be developed with respect to the conditions that lead subnational governments to undertake particular types of paradiplomatic activities (Bursens & Deforche, 2010).

The first works on paradiplomacy attempted to assess the determinants of paradiplomatic activity. Soldatos (1990, pp. 44-49) presented an inventory of *domestic determinants on the regional level*, *domestic determinants on the federal level* and *external causes*. Favourable conditions also included the personality of the leaders, historical and cultural ingredients, the socio-political climate, geographic position and resources, national support, and legislation promoting foreign investment.[151] Almost ten years passed and Keating (1999) returned to the question 'why do regions go abroad?'. Keating's list of motives consists of three internal drivers: economic (seeking trade and investment); cultural (seeking support for language and culture) and political

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[151] In the same edited volume, Michelmann (1990) lists economic, political, cultural and environmental motivations for paradiplomacy; he also highlights the constitutional and institutional setting of federal countries as relevant.

(seeking recognition and legitimacy as something more than regions). He also considers changes in the international context, such as international organizations providing subnational governments with FDI, and the establishment of partnerships and cooperation initiatives. Most of the research that followed continued discerning similar sets of motivations for the foreign activities of subnational governments. Kincaid (2002) adds to this list cross-border and cultural reasons. Among the cross-border issues, subnational governments try to address air and water pollution between contiguous regions divided by and international border. Within the cultural reasons there is an effort to achieve global recognition of a regions' distinct cultural or 'national' identity, such as in the case of the Basque Country. The cultural side of identity-building was also emphasised by Lachapelle and Paquin (2005) and Blatter (2008).

Yet, there is still a lack of an explanatory approach to the development of subnational foreign activities, particularly on the environmental realm. The most significant attempt so far is found in Bruyninckx et al's (2012) work. In the introduction of their edited book (Van den Brande et al., 2012) the authors list five factors for why subnational governments get involved internationally: having a sense of responsibility to act globally; gaining legitimization at the international scene; strengthening their international presence; having their role in dealing with sustainable development recognised; and demonstrating their leadership.[152] In addition, a few recent studies started to investigate subnational engagement in climate change and concluded, similarly to MLG and federalist works, that environmental paradiplomacy is linked to the nation-State's weak leadership (in Canada) or refusal (of the US) to ratify the Kyoto Protocol (Chaloux, 2010; Eatmon, 2009).

Despite the variety of possible answers observed within these four strands of literature, a systematic empirical assessment of motives that drive subnational governments to develop an international agenda to deal with global environmental problems is still absent. While research on MLG, federalism and transnationalism offer competent accounts of the reasons why non-State actors respond to climate change and engage in collaborative environmental governance, they cannot fully account for subnational governments' *international* activity. And while paradiplomacy explores the reasons for subnational foreign activity, it lacks a comprehensive framework of hypothesis, and it does not explain the increasingly active agenda of these actors in dealing with global environmental problems.

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[152] Van den Brande et al (2012) mention leadership as a driver, however this argument is not further developed. In more detail the authors develop four explanatory factors with respect to subnational governments' sustainable development policies. These are: the *international influence* which results from sustainable development as an outside-in policy; the *degree of autonomy* of subnational governments with reference to their national constitutional context; the *political context* of subnational governments (political will and political party dynamics); and the *socioeconomic conditions* that allow a government to display higher commitment on sustainable development policies.

Such systematic analysis is needed not only to integrate the competing arguments brought by these trends of literature, but more importantly to gain a better understanding of what is behind the increasingly common phenomenon of subnational governments collaborating across borders and participating in environmental foreign policy. Based on claims made by these four groups of scholarly work, the next Sections specify three determinants situated on the interplay between the domestic and international determinants of why subnational governments engage in an international environmental agenda: the characteristics of the problem, aspects related to the decline of the State; and aspects of Brazilian federalism. Addressing *hypothesis 2*, these three determinants are tested using the case of São Paulo's environmental paradiplomacy. A novel position involving the leadership determinant is then informed by the research findings.

6.3. GLOBAL DETERMINANTS

Environmental paradiplomacy in São Paulo responds to global factors. This Section begins by considering that policymakers in São Paulo develop a paradiplomatic agenda to respond to the *global* characteristics of contemporary environmental problems, particularly climate change and biodiversity (Subsection 6.3.1). Secondly, it recognises that São Paulo's international environmental agenda is driven by different developments that indicate the weakening of the State, particularly globalisation, the limitations of traditional diplomacy and of multilateral environmental regimes (Subsection 6.3.2). Such global or international spheres are taken as a starting point of subnational governments' international agenda, and the analysis tries to establish empirically to what extent they are directly driving São Paulo's environmental paradiplomacy.

6.3.1. Characteristics of the problem

Global environmental problems were defined in the Introduction to this thesis. They have multiple interdependent causes, and are increasingly seen by practitioners and scholars as "needing coordinated and integrated forms of social organization and institutions for effective resolution" (Andonova & Mitchell, 2010, p. 256; Geels, 2011; While et al., 2010). In other words, to be addressed, global environmental problems need to be backed up by a variety of efforts at national, regional and local levels (Ostrom, 2010). The interdependent nature of global environmental problems is one of the factors explaining why actors on the local and regional level are engaging in climate change mitigation and adaptation strategies (Adger et al., 2005; Cash et al., 2006; S. Fisher, 2012; Lemos & Agrawal, 2006; Wälti, 2010; Wilbanks, 2005). This, it is argued, motivates subnational governments to take action despite the fact that the casual relationships between local actions and global outcomes are not clear.

Nevertheless, only recently have scholars in the field of paradiplomacy started to acknowledge the causal relationship between the characteristics of global environmental problems and subnational governments' international agenda. For instance, Cornago (2010, p. 19) argued that global environmental problems have fuelled the rise of subnational governments' international activity across the globe. While Bruyninckx et al. (2012) pointed out that sustainable development's international character motivates subnational governments to become more active in the international sphere.

In Brazil, global environmental problems - particularly climate change - have affected the occurrence and intensity of the environmental paradiplomatic activities undertaken by the federated units. This influence was underlined by the international affairs advisors of the Sub-Secretariat of Federative Affairs within the Presidency of the Republic (SAF)

> The issue of climate change has revolutionised Brazilian subnational diplomacy. Of course our states and cities get involved in other international topics, but this one is special. Not only do they have a genuine interest, but they often know more about it than anyone else does. So I think the environmental agenda brings together this crucial component: it is equally relevant topic for the national as well as for the subnational governments.[153]

> Few topics engage the international community, national states and subnational governments. The protection of the environment has been the primary one able to bring all these levels of government on board. While nations-states engage in multilateral solutions, subnational governments can help with the discussion, establishing their own initiatives, and implementing them on the ground.[154]

Similarly, the international agenda of the state of São Paulo responds to the global characteristics of contemporary environmental problems. When asked why they undertake an international agenda, policymakers framed the idea that governance of climate change and biodiversity protection drives paradiplomatic activity in two different ways. First, at least in their intention, policymakers in São Paulo perceive subnational governments are part both of the causes and of the solution to problems such as climate change and biodiversity. Consequently, they recognize that there is an imperative to respond to global environmental problems. This is a moral imperative, which São Paulo's Secretary for the environment summarised in the following terms:

> Locally we cause environmental problems, which in turn will affect the globe. Although it makes sense that global problems are dealt by global institutions such as the UN, subnational governments can regulate and monitor the activities

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[153] Interview No.25 - national official.
[154] Interview No.24 - national official.

that cause global problems. So not only are we interested parties in international policymaking, but also we have a crucial role to play.[155]

Second, policymakers in the state of São Paulo are aware that, in order respond to issues that are regulated within the international sphere, they need to engage in international realms. As CETESB's Manager of Sustainable and Global Affairs Division pointed out, "the international regime influences the emergence of a global agenda in the state, so we need to be present at international forums to be minimally in line with what is happening there".[156] The Head of Environment Division of Itamaraty also remarked that

> Subnational governments want to address global environmental problems. So they need to be part of the forums where international decision-making takes place, which are still very removed from their reality….Protecting the environment is a positive agenda that involves do-gooders. Officials and policymakers in the subnational level are motivated by the possibility of doing something to deal with global environmental challenges.[157]

The issue area, thus, justifies the state engaging in initiatives that extrapolate the borders between Brazil and its neighbouring countries. Furthermore, the characteristics of global environmental problems constitute a driver for both *collaboration* and *coalition* initiatives undertaken by the state of São Paulo. In both cases, São Paulo's foreign agenda develops independently of the existence of shared ecosystems. Yet, the nature of the problem drives collaboration and coalition initiatives in different ways (Table 6-1).

In terms of its collaborative initiatives, São Paulo establishes decentralised cooperation agreements with national and subnational governments, from neighbouring and non-neighbouring countries.[158] The parties are driven by common understandings, and share interests on environmental protection. This is the case, for instance, of the Protocol of Intentions signed between the state of São Paulo and Provence and Cote d'Azur (PACA) Region, in France, which focuses on the management of protected areas.

In the case of its coalition initiatives, subnational governments from around the world join transnational networks. The member states and regions are conscious of the fact that problems such as climate change and biodiversity loss have to be tackled across and at multiple levels and scales. To join the Nrg4SD, for example, members have share the common principles of: promoting sustainable development at the subnational/regional level; being represented at the global level in the field of sustainable development; seeking a wider recognition at international level of the

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[155] Interview No.1 - SP official.
[156] Interview No.11 - SP official.
[157] Interview No.27 - national official.
[158] This distinguishes paradiplomacy from cases of regional cooperation, which occur between regions from neighbouring countries.

importance of the commitment of subnational/regional governments towards sustainable development (Nrg4SD, 2011).

There are, hence, differences on how the characteristics of global environmental problems drive collaboration and coalition initiatives. Whereas in collaboration initiatives the participants face similar ecological conditions or similar difficulties in dealing with certain environmental problems, this is not necessarily the case for coalition initiatives. For example, during collaborative initiatives the state is constantly exchanging experiences with environmental agencies in the US and in Europe on how to deal with air pollution, soil and groundwater contamination. But within some of the transnational networks that it participates in, the state joins their efforts with regions that have little common interests other than the aim to act transnationally to protect the global environment.

	DRIVER	COLLABORATION	COALITION
Global	**Characteristics of the problem** (independent of national borders or shared ecosystems)	Drives initiatives with actors with whom the state shares interests and concerns.	Drives initiatives with actors with whom the state shares a sense of duty and concern for the global environment.

Table 6-1 Global drivers for environmental paradiplomacy: characteristics of the problem
Source: Author

In sum, there are relations between environmental paradiplomacy in the state of São Paulo and the characteristics of global environmental problems. This relation results from participating actors recognising the multi-scalar character of global environmental problems and the fact that despite being framed as global, problems such as climate change and biodiversity loss find their causes and effects on local and regional levels. Just as the recognition by nations of the ecological interdependence of environmental problems justifies the signature of international treaties, the acknowledgement by subnational governments of this reality also justifies their engagement with the international efforts in place.

6.3.2. Decline of the State

Much discussion on the internationalization of subnational governments is located within the broader debate regarding the idea of the 'decline of the State'. In this regard, it is frequently alleged that (i) the social and economic processes that occurred with the intensification of *globalisation* have diminished the powers of the State (Held, 2000). Arguably, as the State became weaker, subnational governments expanded their action across borders and occupied spaces in foreign policy that the national state failed to

undertake. Arguments regarding (ii) the *deficits of traditional forms of diplomacy* and (iii) *insufficiencies of multilateral environmental regimes* also commonly underpin non-State actors' participation in global governance. Such arguments, present in research on the fields of MLG, federalism, transnationalism and paradiplomacy, similarly appear in the motivations given by policy-makers involved in environmental paradiplomacy in the state of São Paulo.

Globalisation

Empirical studies within the paradiplomacy literature suggest that the foreign activity of subnational governments has been facilitated by a higher level of interdependence in the world economy (Andrade e Barros, 2010a; Duchacek et al., 1988; Lessa, 2007; McMillan, 2008, 2009). Kincaid (2002) partially disagrees with this argument, reminding us that the first era of globalisation, which occurred between the late nineteenth century and the First World War, did not produce a flowering of subnational participation in foreign policymaking and international affairs. Instead, he suggests several drivers for this phenomenon (which he calls 'constituent diplomacy'); the democratisation process observed since the Second World War, the human rights movements of the 1960s, the collapse of highly centralised regimes since the mid-1970s, market liberalisation, technological innovation, and regionalisation (the rise of the EU), among other factors.

In São Paulo's case, the intensification of its paradiplomatic agenda in the mid-1990s coincides with the period of economic globalisation in Brazil. While collaborative initiatives in environmental paradiplomacy have been occurring in the state since the 1970s, therefore *before* globalization, this correlation was made by policy-makers in São Paulo as well as by diplomats:

> The nation-State, as originally designed, has failed. In the last 20 years we have seen elements of cohesion within social structures that differ from the political divisions of nation-States. We turn to cultural, religious, social and economic values to create our identity. Within a governmental structure, this implies showing your face to the world. And this is what subnational governments are doing.[159]

> Our federative diplomacy, that is, subnational governments' international agenda in Brazil, became more relevant as a response to globalisation processes.[160]

Globalisation processes are behind both collaborative and coalition initiatives undertaken by the state of São Paulo (Table 6-2). First, *collaboration* initiatives are directly related to developments resulting from globalisation processes. A number of

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[159] Interview No.2 - SP official.
[160] Interview No.16 - SP official.

accounts given by the interviewees highlight that the expectation of economic opportunities and financial returns drive the state of São Paulo to establish partnerships with actors across borders. Within the partnership between the American state of Massachusetts and São Paulo to promote academic exchange between universities in both states, it was made explicit that:

> As governors, we've come to realize that the global economy waits for no one. You either get on the bus or get left behind…. In that spirit, we see opportunities to strengthen and grow the relationship between our states.[161]

In this case, and in a number of other initiatives, international partnerships with subnational governments are presented as a necessity in the globalised economy. They are understood as "a strategic matter".[162] Further confirming this argument, São Paulo's International Relations Plan is explicit in recognising that

> Globalization and the expansion of markets have made boundaries more flexible, thereby encouraging local governments to participate directly in international relations… [Federative diplomacy] bears a tight relation with the need to find global resources to satisfy local interests, with domestic and foreign policy complementing each other (São Paulo, 2012).

Second, São Paulo's *coalition* initiatives are also connected to the developments of a globalised world. Transnational networks, for instance, respond to contemporary globalization and its increasing transnational interdependence. In this context, their main objective is to promote the exchange ideas, promote capacity building and promote the harmonization of laws and rules (Slaughter, 2004).

	DRIVER	COLLABORATION	COALITION
Global	Globalisation	Drives subnational governments to seek resources and partnerships abroad	Drives subnational governments to exchange ideas, network and seek new partnerships

Table 6-2 Global drivers for environmental paradiplomacy: globalisation
Source: Author

In both collaboration and coalition initiatives established by the state of São Paulo, seeking financial returns constitutes an indirect driver and consequence of state's

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[161] Interview given by Governor Patrick, of Massachusetts, and Alckmin, of São Paulo, when they jointly announced the partnership (Patrick & Alckmin, 2011).
[162] Interview No.46 - NGO.

engagement in international relations. The account is given by São Paulo's International Relations Advisor is clear:

> Meeting other subnational officials makes it easier to discuss new projects and collaborations. Before an international meeting or conference, we investigate others who will be attending the event. Our team here works almost like a secret service, getting all sort of information about our potential partners. When we arrive at the meeting, we are ready to discuss the conference agenda, but there will be moments where we will discuss bilateral initiatives.[163]

In sum, as the global economy became more open and fluid, the state of São Paulo found more opportunities to seek resources abroad, as well as to establish direct relations with national, subnational and international actors across borders. Globalisation constitutes, thus, a driver – yet, as I show bellow, not the main determinant - for environmental paradiplomacy in the state of São Paulo, particularly for collaboration initiatives.

Problems with traditional diplomacy

In addition to a globalised world, there are other global trends driving environmental paradiplomacy. The debate about the decline of diplomacy is a well-rehearsed proposition (Hocking, 1998). For transnationalists such as Slaugher and Hale (2010, p. 359) contemporary policy issues that operate simultaneously the domestic and international realms are challenging the strict divides between the international and the domestic spheres promoted by traditional diplomacy.

In terms of its *collaboration initiatives,* the interactions involved in paradiplomatic activities are flexible and allow for responsiveness in a way that traditional diplomatic channels often do not (Table 6-3). Along these lines, the informal ways through which subnational representatives communicate with their peers across boarders constitutes a reaction to the formal and complicated communication observed in traditional diplomacy. A number of policymakers in the state defend this position, and perceive the establishment of partnerships between subnational actors as a more efficient way of addressing global environmental problems than the one attempted by traditional diplomacy.[164]

Coalition initiatives undertaken by the state of São Paulo, in turn, directly address the gap of communication between the diplomats and the reality experienced by subnational officials (Table 6-3). Asked why the state participates in the Nrg4SD and in multilateral negotiations, SMA's international relations advisor highlighted the need to take diplomatic roles and to interact with the diplomats:

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[163] Interview No.17 - SP official.
[164] Interviews Nos. 6, 9, 11 - SP officials.

The state of São Paulo has a diplomatic role to play, and therefore it is important to have diplomatic spaces where we can meet with other subnational governments, and to be represented in multilateral forums. Many people say that multilateralism is a waste of time, but I still think that it is crucial to have opportunities to meet and to communicate, and subnational governments can help inputting to the negotiators and the negotiations with their experience.[165]

	DRIVER	COLLABORATION	COALITION
Global	**Problems with traditional diplomacy**	Interaction is flexible, informal, and can have more immediate results.	Communication between subnational government representatives and the diplomats bring the regional/local reality to the international process.

Table 6-3 Global drivers for environmental paradiplomacy: problems with traditional diplomacy
Source: Author

For many actors involved in paradiplomatic activities in Brazil, it is important to break the diplomatic monopoly of the federal government. Behind this call lays the argument that the traditional practice of diplomacy is limited by a separation between the international and the domestic, and that subnational intervention can help in addressing this limitation.[166] Along these lines, the international advisor for the Ministry of Environment made a clear argument about the need to integrate the different levels of government in the national position forming-process.

Itamaraty's mission is to protect the national interest and sovereignty, as well as the national position in international negotiations. But Itamaraty does not have the monopoly over the formulation of the Brazilian position. What the country is defending in international forums should take into consideration the national interests and their specificities. The national interest belongs to all Brazilians. Although we have an excellent diplomatic corps, highly qualified and well prepared, without listening to the regional and local levels of government they cannot represent the whole country.[167]

A similar point was made by a Brazilian diplomat after experiencing a coordination effort with the state of São Paulo preceding and during CBD COP-10 in Nagoya:

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[165] Interview No.9 - SP official.
[166] See Chapter 7 for a further discussion on how environmental paradiplomacy is helping to address limitations of traditional diplomacy.
[167] Interview No.32 - national official.

At Itamaraty we have the understanding of how international politics work. But recently we also started taking into consideration the internal needs, and trying to bring them to the international sphere. To do so we need to establish a dialogue with the federative entities. This is why coordination with the subunits is so important. The subnational states know better than us how things work and what is needed on the ground, and this role the Itamaraty and the national government cannot undertake. So I believe that the states have the responsibility of bringing this reality to us, and we have the responsibility to translate it into a Brazilian position that will be beneficial for all.[168]

Related to this point, there is the idea, presented in the Introduction, that although the national and the supranational levels normally decide the framework conditions within which the subnational level operate, subnational governments are responsible for implementing international environmental policy.

Crises of international environmental multilateralism

Lastly, there is the argument that subnational governments are undertaking international relations because environmental multilateralism is in crisis. Analysts acknowledge that international law and regulation are essentially conservative, more suited to fostering stability than to driving change (Heyvaert, 2013b). Overall, environmental multilateralism has failed to reduce or reverse environmental destruction, and its processes are slowing down (Falkner, 2013).[169] It is further argued that where international treaties cannot be agreed, other options need to be explored (Betsill, 2007; Giddens, 2009; Rayner, 2010). The engagement of a wider range of actors (including subnational governments) in environmental multilateralism is both a reaction to this crisis, and a way out of it. Particularly in the climate change arena, alternative attempts have emerged as a response to the slow progress of international negotiations, an absence of more effective international action, and need to respond to and plan for the impacts of climate change (Betsill & Bulkeley, 2007; Gore, 2010). Falkner (2013) summarises this idea suggesting that:

The urgency of the climate challenge does not allow us simply to wait for diplomats to resolve their countries' differences. While international climate negotiations carry on, climate action needs to be initiated wherever possible, in municipalities and cities below the national level, in regional networks across national boundaries, in corporate organizations as much as in global civil society (p. 357).

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[168] Interview No.26 - national official.
[169] For some of the difficulties of the multilateral process see Saunier and Meganck (2007), offering a number of reasons why global environmental governance "stands at the edge of chaos".

Along similar lines, the crisis of environmental multilateralism, I argue, is driving environmental paradiplomatic activity in the state of São Paulo. Government representatives who are in charge of environmental policymaking at the subnational level recognise the difficulties faced by international environmental regimes, and as a result they want to help promoting global environmental protection. A number of actors involved in São Paulo's international relations cited the slow progress observed in international environmental negotiations as one of the drivers for their action:

> Everyone knows that international agreements between countries are extremely slow and complex. So subnational governments are joining forces, and trying to make the implementation of important environmental policies more effective.[170]

> Subnational governments deal with real problems, with pressing problems. For instance, the Amazon is burning and the state officials need to do something about it. If they would wait for the international community to reach an agreement, it could be too late. Bilaterally subnational governments can achieve results, for example, California can offset its emissions and states in the Amazon can reduce deforestation. I think they are absolutely right in doing so. Even if in some years a multilateral regime establishes different rules, at least subnational governments have started doing something.[171]

Collaboration initiatives established by the state with other actors across borders contrasts with the slow pace at which most environmental treaty negotiations take place (Table 6-4). Subnational government representatives make contacts and carve out opportunities to establish decentralized cooperation agreements, information-sharing networks and forums with less formality than traditional agreements entered by the national government. They establish voluntary initiatives without needing to reach consensus with hundreds of parties. Contrary to multilateral agreements, most initiatives established by SMA and CETESB can be implemented by the regulators themselves, and do not require approval by national or state legislators.[172] CETESB's President summarizes this idea:

> We have an active agenda at these COPs. In parallel to the negotiations, we join forces with hundreds of regions in voluntary commitments to reduce GHG emissions. If there is still resistance from central governments, this is not true for subnational governments. We are ready to assume further commitments and to advance with policy implementation.[173]

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[170] Interview No.4 - SP official.
[171] Interview No.3 - SP official.
[172] These collaboration initiatives resemble the agreements entered into between domestic regulatory agencies that form transgovernmentalism - examined by Slaughter (2004, p. 49).
[173] Interview No.2 - SP official.

The limitations of multilateralism and the potential role that subnational governments can play addressing these limitations also constitutes a reason for the state to engage in international *coalition* activities (Table 6-4). To exemplify, at COP-15, in Copenhagen, Governor of São Paulo Jose Serra and Governor of California Arnold Schwarzenegger held a joint side event. On the occasion, Governor Schwarzenegger made a speech explicitly recognising that:

> Certainly, it would be terrific if the world's governments reached an agreement... Attempting to reach such an agreement is good and is actually very, very important. But why do we put so many hopes and eggs into the big international agreement basket when, according to the UN itself, up to 80% of GHG mitigation will be done at the subnational level? (...) So ladies and gentlemen, the world's governments alone cannot make progress, the kind of progress that is needed on global climate change. They alone cannot do it. They need everyone coming together, everyone working together. They need the cities, they need the states, they need the provinces and the regions...So ladies and gentlemen, let us regain our momentum, let us regain our purpose, let us regain our hope by liberating the transformative power beneath the national level...[174]

This issue is also recognised by actors at the national level. However, while actors involved with paradiplomacy at the state level see their international action as a logical and necessary reaction to the limitation of multilateralism, actors at the national level are more cautious about what subnational representatives can actually do without the framework of an international agreement.[175] Asked about why subnational governments are developing an international agenda, the Secretary of Climate Change and Environmental Quality at the Ministry of Environment replied that:

> Subnational governments may not want to wait until nation-States reach an agreement. The multilateral process is slow; member-states can unilaterally block decisions, and rules require consent to be bound. But then you see subnational REDD projects and subnational bilateral agreements popping up like mushrooms... These initiatives lack an international framework; they create expectations without a legal base behind them.[176]

However, while environmental paradiplomacy reacts to the slow pace of international negotiations, subnational governments are not discrediting multilateralism. On the contrary, the fact that the state of São Paulo and many other subnational governments and non-governmental actors are participating in international rulemaking processes reinforces - rather than weakens - multilateral institutions. Therefore, while the crisis of

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[174] Presentation given at the joint side-event "Governor of California Arnold Schwarzenegger and Governor of Sao Paulo Jose Serra" (Schwarzenegger, 2009).
[175] As mentioned (Chapter 5), collaboration initiatives between subnational governments are voluntary and non-binding, and coalition initiatives can only develop within constitutional limits.
[176] Interview No.33 - national official.

international environmental multilateralism drives subnational governments to engage in international relations, by performing this engagement so these actors confirm multilateralism's continuing relevance.

	DRIVER	COLLABORATION	COALITION
Global	**Crises of environmental multilateralism**	Agreements entered by subnational governments are less formal and can be implemented by state regulators without further approval of legislators	Subnational governments from all around the world commit to take action to address global environmental problems

Table 6-4 Global drivers for environmental paradiplomacy: crises of environmental multilateralism
Source: Author

In summary, officials involved in environmental paradiplomacy react to the opportunities of a globalised world, to limitations of traditional diplomacy and to the challenges of multilateral environmental decision-making. But while they are reacting to these global determinants, subnational governments also believe that they can contribute to multilateral processes as well as to the implementation of policies that address global environmental problems. Having shown recognition in practice of these international factors, I now explore the domestic opportunity structures driving environmental paradiplomacy in the state of São Paulo.

6.4. DOMESTIC DETERMINANTS

Domestic factors have been more important in driving subnational diplomacy than is often assumed. In fact, actors involved in paradiplomatic activities in the state of São Paulo do not share the academic fixation with the global level, or with the changes in the sovereign stance of nation-States. Hence, in contrast to the previous section, I now examine the claim that paradiplomacy is driven by domestic determinants. I approach the domestic explanation for environmental paradiplomacy taking into consideration the decentralisation of government in Brazil, and the state leadership in environmental policymaking.

First, São Paulo's involvement in foreign affairs activities is justified in terms of a decentralisation movement from the national to the subnational level (Subsection 6.4.1). Second, the state engages in foreign affairs and undertakes an international environmental agenda because it sees itself, and it is seen by others, as a leader in the area (Subsection 6.4.2). Although there is a component of 'filling up a gap' left by the

central government, and eventually an attempt to 'by-pass the nation-State', ultimately, São Paulo's environmental paradiplomacy is dependent on the state's leadership in regulating and implementing environmental policy (Subsection 6.4.3). The section ends (Subsection 6.4.4) with a consideration of the motivations for environmental paradiplomacy from an individual level (Subsection 6.4.5).

6.4.1. Decentralisation

Decentralisation established by the federal system constitutes an important driver of São Paulo's environmental paradiplomacy. As discussed in Chapter 5, the Brazilian Federal Constitution (Articles 21, I; and 84, VII and VIII) made exclusive to the federal government the power to promote the country's environmental policy in the international spheres. Therefore, a strict interpretation of the Constitution would suggest that only the federal government has the power to direct international relations. However, Articles 1 and 18 of the Constitution established an administrative decentralisation which allows the national government, the federated states, and the municipalities to engage in environmental issues. As a result, the three levels of government have equal administrative competence to protect the environment and combat pollution (*common competence* - Article 23)[177] and *concurrent competence* to create laws and regulations on environmental subjects (Article 24).[178]

For policymakers in São Paulo, eventual constitutional limitations for the participation of the state in foreign policy and international decision-making can be overcome by the Constitutional powers granted to the states to legislate and enforce legislation to protect the environment. It is CETESB's President who articulates this most clearly:

> In our federative pact there is an assumption that the nation-State represents the country in the international sphere. But it also recognises that Brazil is a complex country that cannot be represented by one single voice (...) In the environmental area, subnational governments can legislate and enforce environmental policies. Even if their international competence is not clear, with this amount of decentralisation, it is quite obvious that the Constitution recognised subnational governments' capacity to resolve problems. Consequently, if resolving such problems involves having an international agenda, then this is implicit in the constitutional text.... So I believe that there is a space for different international lives, both for the nation-State and also for subnational governments.[179]

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[177] This common competence translates the notion of a *cooperative federalism*, which emphasises the importance of engaging multiple levels of governance in policymaking, particularly in the effort to deal with environmental problems (Boyd, 2011; Carlson, 2008) – see Chapter 2.

[178] This means that where there is no federal law, states have full legislative competence. The existence of a general federal law suspends the effects of the state law in case of discrepancy.

[179] Interview No.2 - SP official.

In an interview Fabio Feldmann, the main author of the environmental chapter of the Federal Constitution, confirmed this view. He suggested that if a new Constitution was written today, perhaps it would grant subnational governments not only the power to protect the local environment, but also to undertake international relations to deal with global environmental problems. In his account:

> In the 1988 Constitution we reproduced the same model of the previous constitutions, allocating all foreign policy to Itamaraty. This made sense in a world where domestic and foreign policies were independent. But if I was writing the Constitution today I would change this, and certainly for environmental issues. To give all the representation powers to Itamaraty is a mistake; the environment is a strategic theme for all levels of government.[180]

Accordingly, several legal scholars now emphasize the importance of subnational actors in plural approaches to global environmental problems, especially climate governance. For example Resnik (2008) discusses the role of "translocalism" in climate governance, Stewart (2008) argues in favour of a plural model of climate regulation that allows for multiple regulatory systems, and Osofsky (2010) concludes that climate governance necessarily implicates multi-scalar, diagonal forms of regulation.

In São Paulo's case the decentralisation established by the Federal Constitution provided policymakers with incentives to undertake *collaboration* initiatives (Table 6-5). Generally, decentralization offers opportunities for subnational governments to make direct contact with other subnational governments across national boundaries, as opposed to contact with foreign entities mediated at the national level (Tjandradewi et al., 2006). In Brazil, Itamaraty stimulates subnational governments to establish partnerships within the framework of an agreement previously established between the Brazilian government and the national government where the other party is located.[181] Yet, states still make use of the powers they have been granted by the Constitution to establish different kinds of cooperation without a mediation from the central government.

The state's autonomy to legislate and enforce environmental legislation locally and regionally also helps São Paulo to undertake *coalition initiatives* (Table 6-5). For example, it justifies São Paulo's participation in transnational networks and its interest in the national position in international negotiations. CETESB's President acknowledges this idea:

> It has been a natural step for the state to go beyond the establishment of good practice agreements and decentralised cooperation, and become engaged in a

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[180] Interview No.46 - NGO.
[181] See Chapter 5 and the recent Additional Protocols to the Cooperation Agreements on Decentralised Cooperation entered between the Brazilian government with Italy and France.

more political agenda with the United Nations and the multilateral environmental treaties. Our experience is that the Constitution has granted us wide competences to address environmental problems, and we can advance more if we act independently from the central-state.[182]

	DRIVER	COLLABORATION	COALITION
Domestic	**Decentralisation**	Subnational governments contact other actors across borders	Subnational governments contact other actors across borders and participate in the country's foreign policy

Table 6-5 Domestic drivers for environmental paradiplomacy: decentralisation
Source: Author

Therefore, São Paulo's international agenda to deal with global environmental problems is driven, and at the same time expands, the application of cooperative federalism.[183] This structure is underpinned by the subsidiarity principle and by the division of powers that is determined by the 1988 Federal Constitution. Such a domestic structure makes the state capable of legislating and implementing environmental legislation, and also enables the state to undertake international roles in both coalition and collaboration initiatives across borders.

6.4.2. Learning opportunities

There is a vast social science literature addressing the topic of policy learning. The term is most commonly used as an overall category for learning in the policymaking context - as opposed to learning in education or cognitive human development. A number of definitions and sub-categories of policy learning exist. The most common are social learning (Hall, 1993; May, 1992; Sabatier, 1988) and lesson-drawing (Rose, 1991); Radaelli (2009) further suggests instrumental learning, emulation and political learning. Bennett and Howlett (1992) provide a widely cited overview on government learning, lesson-drawing and social learning. For this research, policy learning is understood as the process of cognitive change driven by experience and information, and the diffusion of policies within political systems (Selin & VanDeveer, 2007, p. 15). More specifically, it relates to the process of cognitive change experienced by officials and bureaucrats in the state of São Paulo, resulting from their international activity, which in turn is diffused within the state administrative structure.

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[182] Interview No.2 - SP official.
[183] The idea that paradiplomacy expands the application of cooperative federalism is further discussed in Chapter 8.

From interviewee accounts, learning is a significant reason driving *collaboration* activities in the state (Table 6-6). The idea that by establishing partnerships and participating in information-sharing networks SMA and CETESB can learn from international experiences was present in a number of accounts:

> By collaborating with other subnational governments and environmental agencies we have access to more knowledge. This is not to say that the state is lagging behind in environmental policymaking, but there are some countries that have been dealing with similar problems for longer. We don't want to make the same mistakes they already made, and we want to be partners of other institutions of excellence.[184]

> More than command and control, we [the environmental agency] have to promote governance and information exchange. Information-sharing networks help promote this. They are an open, free and transparent space for communication. Having access to the experiences of other subnational governments we can form stronger policies...[185]

The learning aspect also justifies São Paulo's participation in *coalition* activities (Table 6-6). Asked why ICLEI brought a delegation of state representatives to UNFCCC COP-14, the Latin America/Caribbean Director replied that:

> We want to promote the capacity building of state officials and state decision-makers. First, this is a unique opportunity for them to understand the international policymaking process. Second, by experiencing it they can realise the importance that is being given by the international community to the topic. Third, we want them to get familiarized with the Brazilian position. Related to this, we hope that their presence will help promote an interaction between state representatives and the Brazilian delegation.[186]

	DRIVER	COLLABORATION	COALITION
Domestic	**Learning**	Subnational governments exchange information and experiences	Subnational governments can understand the international policymaking process and confirm the importance of the topic

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[184] Interview No.8 - SP official
[185] Interview No.11 - SP official.
[186] ICLEI took to COP-14, in Poznan a group of representatives from three state governments (environmental Secretaries of Mato Grosso and Pernambuco, plus two state officials of each one of the three participant states). The project, funded by the British Embassy, helped these three states developing policies and action to combat climate change, and it took place between 2008 and 2009. Interview No.47 - NGO.

Table 6-6 Domestic drivers for environmental paradiplomacy: learning
Source: Author

In summary, policymakers from the state of São Paulo engage in international relations because they expect to learn from other subnational governments' experiences. They can also understand the international policymaking system, and learn the content and the type of measures that will be established by the international community before it becomes national legislation.

6.4.3. Environmental leadership

Although environmental paradiplomacy in São Paulo benefited from Brazilian decentralised federalism in environmental policymaking and learning opportunities, the interview findings suggest that the main driver for São Paulo's environmental paradiplomatic activity is the *leadership status of the state in environmental policymaking*. When asked why they believed the state undertakes an international agenda, in different ways officials and/or staff in the national and subnational levels suggested that São Paulo exercises a leadership on environmental policy development, which in turn drives the state's international agenda - both for collaboration and coalition initiatives (Table 6-8).

In fact, the state of São Paulo is a national reference point for environmental policymaking (Lucon & Goldemberg, 2010; Ribeiro & Pacheco, 2011), as well as for supervising and monitoring polluting activities (Garcia-Johnson, 2000). In addition, the climate change agenda offered the state an opportunity to play a particularly strong leadership role. This leading approach to global environmental problems began in 1995, when the climate change prevention programme was launched, and it culminated in November 2009, when the state enacted its own state climate policy (Law 13,798). Not only São Paulo's climate law was enacted ahead of the federal government regulation, but most importantly it established a mandatory and economy-wide GHG reduction target of 20% by 2020, considering 2005 as a baseline. As Lucon and Goldemberg (2010, p. 348) argue, the target confirmed São Paulo's position as "the other Brazil": it "has no precedent in the developing world and stands as the most far-reaching climate policy initiative on the subnational level in a developing economy". The Coordinator of the Climate Campaign for Greenpeace Brazil also acknowledged that "São Paulo is usually on the avant-garde of environmental policymaking, and once again it took the forefront establishing a reduction target - and a mandatory and ambitious one".[187]

This leadership, in turn, fuels the international agenda of the state. In terms of its *collaboration* initiatives, the leadership aspect constitutes a bond between the state and its counterparts. Actors in the state and at the national level often refer to or compare the state's position in Brazil with that of California in the US. São Paulo is referred to as

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[187] Interview No.48 - NGO.

'the South American California'[188], or the 'equivalent to California in Brazil'[189]. This is explicit in the MOU entered between the two states, which recognises that both São Paulo and California "are leaders in adopting policies related to climate change", California by establishing targets and leading governments to adopt policies related to climate change, and São Paulo by wanting to be recognised as the first subnational government from a developing country to adopt reduction targets.[190]

In addition, CETESB and SMA represent the state, as well as the country, in a number of transnational information-sharing networks.[191] By participating in these networks state representatives expect to share their experiences in environmental policy development, disseminating them nationally and internationally. Being chosen to become a member of such networks further confirms the states' expertise. For instance:

> The decision of making the state a Regional Centre to the Stockholm Convention on POPs implied in the Ministry of Environment recognising that CETESB and SMA are better qualified than any other national institution, state agency or university in the country to discuss the issue of persistent organic pollutants.[192]

The state can also play an active participation within the networks. For instance, it was within São Paulo's environmental agency that the idea of a UNEP network for sustainable consumption and production emerged:

> When I met the representative of UNEP's Regional Office for Latin America and the Caribbean to sign the third protocol on the International Declaration on Cleaner Production I told him that I didn't think a protocol was the most adequate implementation mechanism for the Declaration. My suggestion was that CETESB could help UNEP to build and implement a new network [Red PyCS]. He accepted the proposal and in 2009 the network was launched. Now we are part of the network's advisory group and we help UNEP to manage it. We input information and we invite institutions and governmental agencies to join.[193]

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[188] Interview No.12 – SP official.
[189] Interview No. 32 – national official.
[190] California passed its Global Warming Solutions Act in 2006, aiming at reducing GHG emissions by 25% by 2020. Sao Paulo passed its state Climate Policy in 2009, aimed at reducing GHG emissions by 20% by 2020. Other similarities between both parties are also mentioned: Sao Paulo and California are responsible for the major share of economic production in their countries (representing 30 and 15% of their respective GDPs); both are the most populous of their respective countries, with each having more than 35 million inhabitants; both face the most serious air pollution problems in their respective countries; both have been making efforts and legislating to reduce air pollution; both are significant GHG emitters; and both are interested in the economic benefits resulting from pro-active efforts to mitigate GHG and improve energy efficiency.
[191] See Chapter 4 for a list of such networks.
[40] Interview No.10 - SP official.
[193] Interview No.11 - SP official.

In terms of *coalition* initiatives, the environmental leadership of the state also plays a relevant role in driving São Paulo to international realms. As mentioned in Chapter 4, since the 2000s representatives from the state have been engaged not only in information-sharing networks, but also in transnational networks that represent subnational governments at global level. Back in 2002 São Paulo was a founding member of the Nrg4SD, in 2008 it was elected the co-chair for the South, and re-elected for this position in 2011.[194] São Paulo's environmental leadership motivates such active participation in this network. Literally: "We [the state of São Paulo] represent the southern hemisphere within the Nrg4SD because of our leadership in environmental policymaking".[195]

São Paulo's leadership also drives the state to engage with national representatives in the agenda-setting of UNFCCC and CBD meetings, as well as to attend such meetings as a member of the national delegation. In the agenda-setting phase, state representatives meet national representatives and offer their opinions on topics that are under discussion. For example, before CBD COP-10 subnational officials met the diplomats responsible for representing the country in the negotiations. The state of São Paulo, as a member of the Nrg4SD, wanted the CBD meeting to recognise the importance of subnational governments in implementing the Convention. During the meeting in Nagoya the state continued articulating its position and views with the national negotiators. The state Secretary for the Environment confirmed these efforts:

> We arrived at Nagoya [for COP-10] with an agreed action plan. São Paulo, as the co-chair of the Nrg4SD, intervened before Itamaraty, collaborating towards the draft. We also articulated with the province of Quebec, among other stakeholders. We confirmed that São Paulo has an avant-garde position among other subnational governments, standing out for its policies, including the payment of environmental services established by the state policy on climate change and the establishment of three marine protected areas that account for 1.1 million hectares. I could attest to the diplomat's enormous effort to reach an agreement. And São Paulo helped to consolidate responsibilities that were in line with its capabilities and with its importance within the federation.[196]

At these international environmental negotiations, the state of São Paulo undertakes different roles. Representatives from the state not only attend the negotiations and side-events, but also organise their own side-events, and hold formal and informal meetings with business, NGOs, and members of the national delegation. The leadership aspect justifies the state's participation in such meetings. For instance, São Paulo went to COP-

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[194] The two Chairs and Vice-chairs are elected by the General Assembly by simple majority (50% plus one) for a mandate of three years, renewable once (Nrg4SD, 2011).
[195] Interview No.42 - academia.
[196] Interview No.1 - SP official. Similar account in an article published in the newspaper Folha de Sao Paulo (Azevedo, 2010).

15 of the UNFCCC representing the Nrg4SD because it had recently enacted its climate legislation.[197] SMA's International Relations Advisor further suggests that "it is crucial that we go [to international meetings] and present what we are doing…. If we don't, other regions won't know that we have a model that can be followed.[198]

	DRIVER	COLLABORATION	COALITION
Domestic	**Environmental leadership**	Bonds active subnational governments who have experiences to share	Joins transnational networks (representing subnational governments at the global level), influencing national negotiators and international policymaking.

Table 6-8 Domestic drivers for environmental paradiplomacy: environmental leadership
Source: Author

These accounts resonate only in part with previous investigations of why non-State actors attend COPs and side-events at UNFCCC Conferences. In Newell et al's (2012) view, for example, non-State actors want to engage in networking. This involves debating new ideas, discussing alternatives to the international regime, and meeting other non-State actors. Yet, São Paulo's officials want to influence the Brazilian position and eventually the outcome of the negotiations. Representatives from the state of São Paulo speak as governmental representatives, with the bonus that they have a robust technical knowledge and great experience in environmental policymaking. São Paulo's international advisor gives a clear account of this motivation:

> We want to promote the state of São Paulo as an international reference. It is a matter of image. But it is also important for us to have our own interests incorporated into the international legal frameworks. We don't want to be mere policy implementers. We want to make clear what is good for us and to inject São Paulo's view in the international debate in order to satisfy our own interests.[199]

The next Chapter further discusses subnational influence over international rulemaking. Briefly, it is still unclear whether subnational representatives can influence the national position or the international outcomes. Nevertheless the mere idea of being able to make a difference in global environmental governance constitutes a driver for subnational representatives to forge an international agenda as well as to place efforts in influencing the national foreign policy and eventually international outcomes.

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[197] Interview No.11 - SP official.
[198] Interview No.9 - SP official.
[199] Interview No.17 - SP official.

6.4.4. Leadership, filling a vacuum, or bypassing the nation-State?

Subsection 6.4.3 argued that São Paulo's international environmental agenda is driven by the state's long history of environmental stewardship and environmental policy action. This account differs from the most common explanation found in the MLG and federalist scholarships - that it is the absence of federal action that drives individual states to become active in climate policy (*filling the vacuum*). It differs even more significantly from an explanation often found in the paradiplomacy literature that subnational governments undertake an international agenda to go against or to bypass the nation-State (*bypassing the nation-State*). In the following pages I contrast these two alternative explanatory factors with that of subnational leadership as the principal driver of international action. The analysis confirms that São Paulo's desire to be involved in the debate of global environmental problems largely follows a leadership - rather than a competitive or a separatist - objective.

Filling the vacuum

MLG and federalist scholars commonly explain the high level of subnational action on climate change as an attempt to compensate for a lack or insufficiency of national action. A number of empirical studies of local and regional initiatives to promote climate mitigation and adaptation strategies examine countries where national governments are reluctant to take action (Andonova & Mitchell, 2010; Engel, 2006; Ostrom, 2010; Selin & VanDeveer, 2009; Thomson & Arroyo, 2011). Derthick (2010) coined the phrase "compensatory federalism"' to describe this situation. Other studies examine subnational action taken where there is weak federal effort (Dernbach et al., 2010; Gore, 2010; McAllister, 2009). Others, still, examine this hypothesis comparing the US and Canada, and conclude that the raise of action in North America is related to the US' refusal to ratify the Kyoto Protocol and to Canada's weak leadership (Gore, 2010; Harrison, 2007; VanDeveer, 2004).

The initial absence and the further insufficiency of federal action are also relevant factors explaining São Paulo's action to address climate change. Initially São Paulo established its climate policy ahead of the nation-State, and the absence of a national position or framework was an important driver behind the state's action (Setzer, 2009). Even after the national climate policy was enacted, São Paulo's climate policy continues to act ahead of the national government (Lucon & Goldemberg, 2010). While the national policy only defined broad principles and no reduction targets, São Paulo's climate policy established mandatory reduction targets.

But to what extent is this correlation also valid for the case of São Paulo's environmental paradiplomacy? In some cases, environmental paradiplomacy is used by state

representatives to distinguish the state from the federal government. As CETESB's president commented:

> By participating in transnational networks of subnational governments we distinguish ourselves from the central government. One of the reasons why the state of São Paulo joined the Nrg4SD was because it did not agree with the country's position in relation to climate policymaking – the fifth major GHG emitter refusing to adapt or mitigate climate change, refusing to take present and future responsibilities. São Paulo was tired of hearing the 'common but differentiated responsibilities' and the historical emissions story. Also, we didn't want to be laggards or to hear developed countries saying that nothing is being done to address climate change in the South.[200]

Even if related, the absence of federal action is not a determinant explanatory cause for the state's international agenda. By enacting its climate law, the state found an opportunity to become an international precedent - the first subnational government in a non-Annex I country to establish a mandatory reduction target. Moreover, thanks to its state climate law, São Paulo became a member of the Climate Group, a "strong global network of leading governments" which "acts as a catalyst for the wold's most powerful governments, brands and public figures" (Climate Group, 2011). Therefore, rather than filling the vacuum of the federal government, São Paulo's leadership in addressing climate change is a way of further propelling the state into international grounds.

This argument complements a point made by Bruyninckx et al. (2012), that subnational governments are conscious of the fact that sustainable development is a policy with international drivers, and thus they have to act internationally to shape the decisions that they have to implement. Similarly, when asked why subnational governments attend multilateral negotiations, the International Affairs Advisor within the Presidency of the Republic answered that:

> Subnational governments want to see their interests being recognised by the UN. That is nothing to do neither with deficiencies of the multilateral system, nor with something that the national government should be doing and is not doing.[201]

In summary, the drivers for subnational climate action are different from the drivers for environmental paradiplomacy. São Paulo's environmental paradiplomatic agenda (both collaboration and coalition initiatives) is driven by the state's capabilities and leadership in environmental policymaking. This capacity underlines São Paulo's decision of undertaking an international agenda, of establishing transnational relations, and of influencing the national government on matters of foreign affairs.

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[200] Interview No.1 - SP official.
[201] Interview No.25 - national official.

Bypassing the nation-State

Within studies on paradiplomacy, scholars have identified a strong political motivation for subnational foreign activity in regions with national aspirations or governed by parties seeking sovereign statehood. In some cases (e.g. Quebec), the term 'protodiplomacy' has been applied to describe subnational governments' aim of achieving independence and, therefore, replacing the diplomacy of the current state within which that entity is trying to develop its own external relations (Aguirre, 1999; Aldecoa & Keating, 1999b; Bursens & Deforche, 2010). More commonly, however, is a strategy of seeking recognition as something more than a mere region, but without raising the spectre of separatism (Keating, 2000). This is the case of Catalonia, the Basque government and Wales. In such cases, foreign activity and linkages serve the purpose of consolidating the image of the region as an international personality with forging common interests. Moreover, as Happaerts et al. (2012, p. 15) suggest, it shows subnational governments' intention of bypassing the state by trying to influence positions in global negotiations.

Environmental paradiplomacy undertaken by the state of São Paulo could potentially be conflicting, with the state bypassing the national exclusive constitutional competence in undertaking foreign affairs. Although the state has no separatist objectives, many times in history São Paulo has upheld an audacious or even provocative position against the federal government. The most emblematic episode was the Constitutionalist Revolution of 1932, a regionalist revolt lead by the state against the provisional government of Getulio Vargas. The state mostly aimed at reinstalling the autonomy that it had until Varga's *coup d'etat*. Yet, part of the movement evolved in the direction of advocating the secession of São Paulo from the Brazilian federation. During the almost three months of conflict, São Paulo experienced a war effort, with a balance of 934 official deaths, though non-official estimates report up to 2,200 dead (CPDOC, 2012a). In spite of its military defeat, still today the day that the uprising started (July 9th) is a holiday in the state, celebrated with a parade in the capital.

In addition to São Paulo's historical past, the bypassing hypothesis could be supported by the argument that the state's environmental paradiplomatic agenda is driven by political matters. An indication would be the recent increase in São Paulo's paradiplomatic activity, which coincides with a period when opposing political parties were governing the national and the subnational levels. However, the 'bypassing the nation-State' account finds limitations in the case of environmental paradiplomacy undertaken by the state of São Paulo.

Firstly, in the past 15 years the federal government gradually began to accept the international agenda of its subunits, institutionalising it within the governmental

structure (see Chapters 5 and 8). Even if policymakers in the state of São Paulo believe that having a paradiplomatic agenda is necessary to overcome the federal inaction or ineffectiveness to deal with environmental problems, *the institutional structure found in both the national and state levels provides little indication that São Paulo is trying to bypass the federal government in undertaking international relations*. With the federal government's acceptance of the idea of a subnational 'federative diplomacy', and without any incident or conflictual event so far, it is clear that São Paulo's objective is not to challenge the national order or the Federal Constitution.

Secondly, São Paulo's involvement is related to a desire *to confirm the state's technical capacities and through such recognition to be present at the global level*.[202] São Paulo's state Secretary for the Environment, for instance, acknowledged that "Itamaraty pays attention to what the state is doing, and they are happy for us to participate because of we have such wide experience in environmental policymaking".[203] A similar account was given by the International Relations Advisor at the Ministry for Environment:

> In most cases the drivers are political and economic, rather than technical. But eventually a subnational government will have a view on some topic being discussed in international negotiations and will try to contribute to the discussion. The state of São Paulo has traditionally proven to have more sensitivity and technical baggage to make contributions to international processes.[204]

A few interviewees even contrasted São Paulo with other subnational governments that are members of the Nrg4SD, such as the Basque Country and Quebec, to whom the main driver for engaging in international activities would be to go against their central government.[205] Or, as a CETESB officer declared, "many members of this network [Nrg4SD] have separatist intentions, but this is clearly not our case … at most we want the federal government to recognise that we require a special treatment because of our technical capabilities".[206] CETESB's President also expresses this idea, highlighting the absence of conflict between the state and the national levels:

> The environmental agenda is very technical, and Itamaraty knows that the state of São Paulo is a reference in this area, from climate change to solid waste, biodiversity, and POPs… What the state of São Paulo wants is not to go against the federal government, but to have its own international life, to establish

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[202] Similarly, the Flemish involvement in environmental paradiplomacy is explained "by a desire to be present at the global and at the European level", what Happaerts (2010, p. 73) designates a 'politics of attendance'.
[203] Interview No.1 - SP official.
[204] Interview No.32 - national official.
[205] Interviews Nos. 3, 20 - SP officials; Interview No.42 - academic.
[206] Interview No.11 - SP official.

relationships with other regions across borders that have similar interests and to get involved in the international decision-making arena.[207]

Thirdly, São Paulo's international environmental activities are very much connected to the state's engagement with the governance of global environmental problems.[208] *Rather than going against the national government, São Paulo's environmental paradiplomatic activity allows the state to follow the on-going decisions on these matters.* In the view of São Paulo's Deputy Secretary for the Environment:

> Our approach to addressing climate change and biodiversity loss follows the international regime. So having an international agenda allow us to calibrate our developments in these areas with the international debate. And so far we think we have been moving in the right direction.[209]

Finally, there has been some debate in the paradiplomacy literature about the extent to which subnational governments participate in foreign relations varies depending on the partisan relationships between the two levels of government (McMillan, 2008; Porto de Oliveira, 2010; Schiavon, 2010). As mentioned in Chapter 4, between 1995 and 2002 the same political party (PSDB) governed the country and the state of São Paulo, and from 2003 to 2010 PSDB continued to be in power in the state, while the country was ruled by its main opposing party, the centre-left labour party (PT).[210] This rupture naturally impacted the relationship established between the state of São Paulo and the national government. However it is not possible to conclude whether the opposing parties at the two levels also affected São Paulo's environmental paradiplomatic agenda. When asked about this possibility, actors operating in the federal and state levels affirmed that *the state's international agenda is developing independently of partisan relationships between the two levels*.

In sum, São Paulo's environmental paradiplomatic agenda is not driven by an attempt to bypass traditional diplomacy. The state participates in international decision-making mostly because it hopes to support the national government in expanding its capacity to confront transnational issues such as global environmental problems, and not to replace the role of diplomats. In this aspect, environmental paradiplomacy is similar to transgovernmental networks, in which domestic officials consult and coordinate with foreign counterparts to more adequately fulfil their responsibilities (Slaughter & Hale, 2010). Therefore, rather than bypassing or creating conflict, environmental paradiplomacy is driven by the state's established leadership in environmental policymaking, and it aims to bring coordination to areas of policymaking that foreign ministries alone are unable to handle.

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[207] Interview No.2 - SP official.
[208] See Chapter 4.
[209] Interview No.12 - SP official.
[210] See Appendix 4 for a list of Brazilian presidents and São Paulo state governors since the country's democratisation.

6.4.5. Individual level

Although this Chapter has so far considered the global and domestic motivations for environmental paradiplomacy, policy decisions are made by individuals. That is, while environmental paradiplomacy is a governmental policy, under which norms are broadly shared, each paradiplomatic action is made by policy-makers in charge. Therefore, it is also necessary to consider the motivations for environmental paradiplomacy from an individual level. In other words, to examine to what extent individuals are driving environmental paradiplomacy in the state of São Paulo. But if individuals play a role, who should we consider? Is environmental paradiplomacy driven by the high-level bureaucrats such as the Governor and the Secretary or the lower-level representatives who are actually implementing the environmental agenda?

In their analysis of transgovernmental activities, Keohane and Nye (1974) regarded only the activities of the lower-level bureaucracies, excluding presidents and other heads of state. Fifteen years later, Putnam (1988) developed the idea of the "two-level" game, whereby heads of state were seen to operate autonomously in order to improve their own domestic standing and that of their counterparts. In the case of municipal climate action, the MLG governance literature has argued that local government abatement policies are primarily based on the rational policy choices of officials and staff members (Harrison & Sundstrom, 2007; Kousky & Schneider, 2003).

In examining the global and domestic drivers for environmental paradiplomacy in the state São Paulo a number of key officials (technical personal, as well as heads of the state and national government) were interviewed. Their accounts suggest that some state political leaders have been paramount in driving São Paulo's environmental paradiplomatic agenda. At the state level, a sequence of high-level officers who valued global environmental topics as well as the consolidation of an international area within the state environmental apparatus helped promote the state's paradiplomatic agenda. This was the case of most state Secretaries and the president of the environmental agency in charge between 1995 and 2010:[211]

> ...the presence of key leaders was necessary to allow the state to effectively contribute and influence the national position. Fabio Feldmann is one of such individuals; he has an exceptional understanding of the topic [climate change], of environmental policymaking and implementation, and also of international processes. But overall subnational governments' international agenda is still personal, with only a handful of individuals really contributing to it.[212]

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[211] Particularly Fabio Feldmann (environmentalist, MP and state Secretary for the environment from 1995-1998), Professor Jose Goldemberg (scholar in energy and climate change, state Secretary for the environment from 2002-2007), and Dr. Fernando Rei (scholar in energy and climate change, director president of CETESB from 1995-2011).
[212] Interview No.32 - national official.

Some officers acknowledged being influenced by the opportunity to participate in international conferences and joining transnational networks[213], while others considered using these forums to share a view that they already had.[214] In either case, subnational officials and politicians with strong technical knowledge of environmental rulemaking and environmental policy implementation contributed to the international process by sharing their views with diplomats and national negotiators.

Moreover, state officers can have personal reasons why they want to become more involved with international issues. In the paradiplomacy literature it has been argued that an important motivation for subnational diplomacy is the symbolic capital that is generated for those politicians and officials involved. In Wales, it was found that politicians reveal "pride and pleasure at being feted by other regional leaders, delighting in the VIP treatment received" (Jones & Royles, 2012, p. 252).

In São Paulo, the international advisor for SMA suggested that working with the state's paradiplomatic agenda has a "glamour that other areas don't have"[215], and an officer at CETESB recognised that undertaking a paradiplomatic agenda is an "upgrade to civil servants' ordinary duties"[216]. Indeed, actors involved in collaboration initiatives within the state apparatus can have a more international routine than most people working for multinational corporations. CETESB's and SMA's international relations managers, for example, are often meeting representatives from the World Bank and foreign authorities or travelling abroad to accompany the negotiation of new partnerships. This is even clearer in the case of *coalition* initiatives, which create an opportunity for subnational officials to participate in UN meetings, and to interact with the national negotiators, as well as with other international officials and leaders.

Lastly, within this idea of personal reasons, subnational government officials' motivation to engage in an international agenda can be interpreted with a less positive view. As mentioned in Chapter 5, a number of interviewees suggested that when subnational representatives travel abroad on governmental missions they often are more interested in tourism or shopping than in following the agenda that they have been assigned.[217] From the perspective of some non-governmental actors, environmental paradiplomacy could also be called 'subnational tourist diplomacy'.[218]

All in all, tracing the specific impact of any given actor is exceedingly difficult, arguably requiring a careful reconstruction of the institutional journey travelled by the actors

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[213] Interviews Nos. 2, 11 - SP officials; Interview No.46 - NGO.
[214] Interview No.16 - SP official and Interview No.42 – academic, talking about Governor's Serra position in Copenhagen.
[215] Interview No.4 - SP official.
[216] Interview No.20 - SP official.
[217] Interview No.20 - SP official; Interview No. 47 – NGO; Interview No.32 - national official; Interview No.42 – academic; personal experience working for ICLEI in COP-14, in Poznan.
[218] Interview No.48 - NGO.

and the ideas to which they were exposed (Schmidt & Radaelli, 2004). Yet, most attempts are limited in assigning certain policies or results to specific individuals or institutions. As Piattoni (2010, p. 94) argues, even when responsibility for a given policy idea can be imputed to a particular individual and institutional structure, it is very difficult to trace where individuals got their first inspiration or to establish whether other institutional structures could have not achieved even better results.

In summary, alongside global and domestic factors, individual leaders can be seen to play a role in driving São Paulo's environmental paradiplomatic activity. While this section did not attempt to reconstruct the institutional pathways undertaken by the actors involved in the state's international environmental agenda, it highlighted the fact that paradiplomatic action is made by individuals, and that the consolidation of this agenda in the state can also be related to the presence of certain officials in power.

6.5. SUMMARY

This chapter analysed the drivers for environmental paradiplomacy undertaken by the state of São Paulo. Research question 2 posed: **Why does the state of São Paulo undertake an international agenda to deal with global environmental problems?** Addressing this question involved understanding why the state collaborates with other actors across borders, and why the state is involved in coalition activities. The analysis showed that the explanations given by scholars in the traditions of MLG, federalism and transnationalism for why individual subnational governments address climate change and join transnational networks are insufficient to explain the rationale for environmental paradiplomacy. More attention was given to the paradiplomacy tradition, and particularly to the analysis initiated by Bruynickx, Van den Brande and Happaerts (2012) on why subnational governments act internationally for sustainable development.

Drawing from claims made by these four groups of scholarly work, the Chapter hypothesized three determinants situated on the interplay between global and domestic determinants of why subnational governments engage in an international environmental agenda: the nature of global environmental problems; the international context (which covered the issues of globalization, problems with traditional diplomacy, and the crises of environmental multilateralism); and the federal context (which covered the issues of decentralization, learning opportunities, and environmental leadership). These seven motivations were tested using the case of São Paulo's foreign agenda, and distinguished in terms of the *collaboration* and *coalition* initiatives undertaken by the state. The findings are also summarised in Table 6-9 below.

First, the analysis showed that environmental paradiplomacy is a form through which subnational governments respond to the global nature of today's environmental problems (Subsection 6.3.1). The *characteristics of the problem* drives collaborative

initiatives with whom the state shares particular interests and concerns; in the case of coalition initiatives, the actors share a wider sense of duty for protecting the global environment.

Second, São Paulo's environmental paradiplomatic agenda is driven by the decline of the nation-State (Subsection 6.3.2). In this sense, *globalisation* drives subnational representatives to establish collaborative initiatives through which the state expects to obtain financial resources; in coalition initiatives networking is clearer. *Problems with traditional diplomacy* drive collaborative initiatives, which occur in a more flexible and effective way then those established by diplomats; in terms of coalition initiatives, the diplomats expect to bring regional/local realities into the international process. The *crises of environmental multilateralism* drives collaborative initiatives which are less formal than attempts of agreement in the international level; it also drives coalition initiatives, with subnational governments from all around the world committing to action to address global environmental problems.

Third, while participation of non-State actors (e.g. NGOs, businesses, epistemic communities) in international politics might be driven by the weakening of the State, the participation of subnational governments in international environmental politics is mostly driven by domestic factors that make them strong governmental actors. *Decentralisation* drives collaboration initiatives, allowing the state to contact other actors across borders; it also drives coalition initiatives, permitting them to participate in international relations. The prospects of *learning* drive collaborative initiatives through which subnational representatives expect to exchange information and experiences; it also drives coalition initiatives through which subnational representatives can learn about how the international policymaking processes works, and confirms the importance of the topics they are discussing. Finally, *leadership* drives collaboration initiatives, bonding active subnational governments who have experiences to share; it also drives coalition initiatives, where forerunners join transnational networks and use their leadership to influence the national position and international policymaking.

In the analysis, São Paulo's leadership in environmental policymaking emerged as the main factor driving the state's international agenda to address global environmental problems. That is to say, based on empirical evidence from São Paulo case, hypothesis 2 was only partially corroborated. A strong subnational government, with a leadership in environmental policymaking, constitutes the main determinant for environmental paradiplomacy (Subsection 6.4.3). Leadership in environmental policymaking as a driver for São Paulo's international relations plays a more relevant role than other political motivations such as the state 'filling up a vacuum' left by the federal government, or trying to 'bypass the nation-State' (Subsection 6.4.4). Rather, in this case the state undertakes an international agenda mostly in a consensual way, helping the national government to expand its capacity to confront global environmental problems.

In assessing the reasons why the state of São Paulo has an international global environmental agenda of its own, this Chapter expanded the view on foreign activities of subnational governments beyond the usual focus on EU policymaking and cities' climate action. Further, the focus on governmental actors and on domestic politics avoided the common fascination with the global factors and the 'zero-sum' debate on the power and authority of the State and transnational actors. Although not a comparative study, the analysis also helped to explain why the state has forged an environmental paradiplomatic agenda while until recently (e.g. the Amazon states Climate Task Force, in 2009) other Brazilian states have been relatively inactive in doing so.

However, while it discussed what drives environmental paradiplomacy in São Paulo, the Chapter did not assess to what extent the reasons why São Paulo undertakes such an agenda are translated into traceable outcomes. For instance, whether São Paulo's paradiplomatic activity effectively addresses the limitations of the international process, if it promotes policy learning, or if it really influences the national foreign policy and international decision-making processes. These topics will be examined in the next Chapter.

	DRIVERS	COLLABORATION	COALITION
Global determinants	**Characteristics of the problem**	Drives initiatives with actors with whom the state shares interests and concerns	Drives initiatives with actors with whom the state shares a sense of duty and concern for the global environment
	Globalisation	Drives subnational governments to seek resources and partnerships abroad	Drives subnational governments to exchange ideas, network and seek new partnerships
	Problems with traditional diplomacy	Interaction is flexible and can have more immediate results	Communication between subnational government representatives and the diplomats bring the regional/local reality to the international process.
	Crises of environmental multilateralism	Agreements entered by subnational governments are less formal and can be implemented by state regulators without further approval of legislators	Subnational governments from all around the world commit to take action to address global environmental problems
Domestic determinants	**Decentralisation**	Subnational governments contact other actors across borders	Subnational governments contact other actors across borders and participate in the country's foreign policy
	Learning	Subnational governments exchange information and experiences	Subnational governments understand the international policymaking process and confirm the importance of the topic
	Leadership	Bonds active subnational governments who have experiences to share	Join transnational networks (that represent subnational governments at the global level), influencing national negotiators and international policymaking

Table 6-9 Drivers of environmental paradiplomacy (collaboration and coalition).
Source: Author

CHAPTER 7: OUTCOMES OF ENVIRONMENTAL PARADIPLOMACY IN SÃO PAULO

7.1. INTRODUCTION

The purpose of this Chapter is to discuss the outcomes of environmental paradiplomacy undertaken by the state of São Paulo. Chapters 4 and 5 explored how environmental paradiplomacy evolves in the state (*Research Question 1*), while Chapter 6 examined what drives the state to undertake international relations to address global environmental problems (*Research Question 2*). In this Chapter, I critically assess the legal and institutional outcomes of São Paulo's international environmental agenda. The research question that guides the analysis is **what are the results of the international environmental agenda undertaken by the state of São Paulo** (*Research Question 3*)?

The analysis builds upon the analytical framework which combines the literatures on MLG and paradiplomacy. Drawing from this framework, it is hypothesised that São Paulo's environmental paradiplomatic agenda impacts environmental policymaking in the state. It is also hypothesised that as a result of its international environmental agenda dealing with global environmental problems, São Paulo is influencing higher levels of governance, that is, decision-making processes on the national and international levels.

Chapter 7

Research Question 3

What are the results of São Paulo's international environmental agenda?

Hypothesis 3

Environmental paradiplomacy in São Paulo expands the state government's capacity to address global environmental problems, and through it the state influences higher levels of governance.
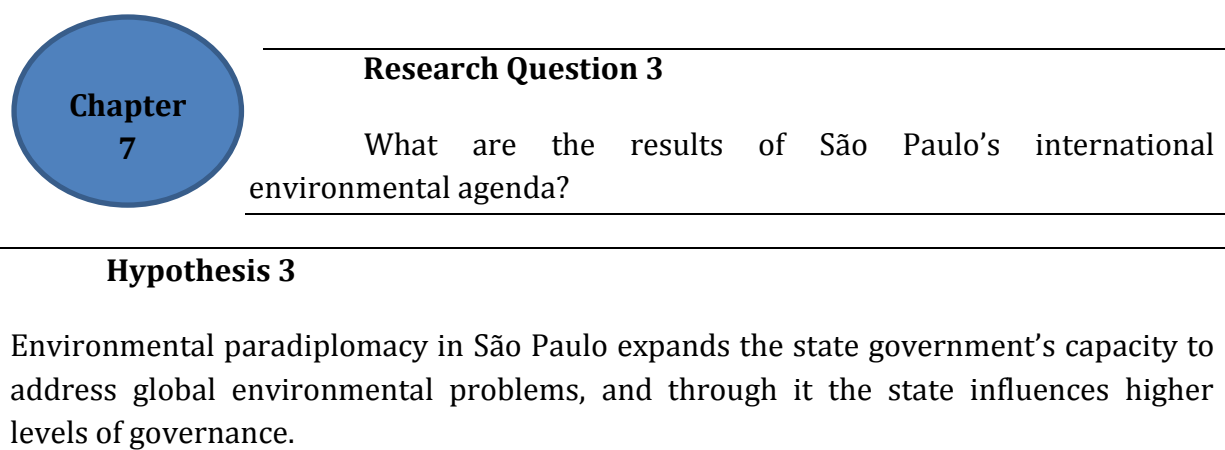
Figure 7-1 Research question and hypothesis that guides Chapter 7
Source: Author

The Chapter further argues that São Paulo's environmental paradiplomacy has a distinctive character. The case study demonstrates that this agenda is capable of creating new legislation in the state, transforming *soft law* into *hard law*. São Paulo's international environmental agenda is also influencing the national position-forming process and, to a lesser extent, international environmental negotiations.

The Chapter reflects and reports on discussions found in previous Chapters. That is, the outcomes of environmental paradiplomacy relate to how and why environmental paradiplomacy evolves. Yet, if assessing the processes of and rationale for environmental paradiplomacy meant looking at its potentials, I now proceed with a more critical analysis and assess the extent to which those objectives are being met. Such analysis is based fundamentally on interview and observational data. This was necessary as, surprisingly, the Brazilian and São Paulo's governmental bodies do not assess the results of their subnational diplomacy activities. In addition to the accounts given by the actors involved in environmental policymaking at the subnational and national levels, in this Chapter I make use of interviews with policy-makers from other countries involved in regional governance and international policymaking, who had some interaction with representatives from the state of São Paulo. While there are limitations in relying on subjective data, the use of primary source data provides a unique and original picture of the results and impacts of São Paulo's environmental paradiplomatic activity.

The Chapter contains five main sections. In Section 7.2, I consider how the conceptual framework upon which this research draws might explain the outcomes of environmental paradiplomacy. In Section 7.3, I explore the changes to the state's capacity to address global environmental problems, and, in Section 7.4, I discuss its capacity to influence other governmental actors through its international agenda. In Section 7.5, I conclude with a summary of the findings.

7.2. OUTCOMES OF SUBNATIONAL DIPLOMACY

It is not easy to assess the impacts of the international environmental relations undertaken by subnational governments. Ideally it would be possible to measure such outcomes in terms of the extent to which undertaking an international environmental agenda resulted in actual improvements to the environment. Undertaking an international agenda would, for example, result in better environmental quality, reduction of GHG emissions, or improved protection of biodiversity. However, understanding input in terms of improved environmental outcomes is not a straightforward matter (Betsill & Corell, 2007, p. 203). Some argue that subnational efforts are unlikely to have any major impact on GHG emissions reductions (Rose, 2008), while others suggest that subnational regulations are adept at influencing behaviour, and through behavioural changes they can indirectly promote GHG

reductions (Doremus & Hanemann, 2008). The fact is that there are no substantial indicators for measuring this and, in addition, an improvement of environmental quality is the result of multiple factors, interacting at multiple levels, of which governance strategies and institutions constitute no more than a means through which better environmental quality might be achieved.

In this study, rather than trying to assess environmental improvements, the outcomes of environmental paradiplomatic activities undertaken by the state of São Paulo are measured in terms of their *legal and institutional effects*. But even after setting this focus, a number of possible questions can be posed. For instance, are we interested in examining the influence, the impact and/or the transformations that an environmental paradiplomatic agenda promotes? At what level should this be assessed, the subnational, national, and/or international level? In evaluating influence, what types and degrees of influence would be considered, and in what moment in the policy cycle is change important (agenda-setting, negotiation, and/or implementation)?

The fact is that a systematic empirical assessment of the outcomes of subnational governments' international agenda to deal with global environmental problems is lacking in the literature.[219] In this case, a review of the two conceptual categories that underpin the thesis' analytical framework - MLG and paradiplomacy – provides some insights of the outcomes of subnational foreign activity. When examining the case of the state of São Paulo, contributions provided by the literature on federalism and on participation of non-State actors in IR are also brought in as they help confirm and/or falsify the explanatory value of the hypothesis.

Scholars writing under the *MLG approach* have already discussed the impact of subnational mobilisation (Bomberg & Peterson, 1998; Hooghe & Marks, 1997; Jeffery, 2000). Overall, the understanding of these scholars is that the dispersion of governance across multiple jurisdictions is both more efficient than, and normatively superior to, central state monopoly (Hooghe and Marks, 2010, p. 17). When considering the MLG of climate change, a number of empirical studies envision the outcome of subnational involvement in higher levels of governance as facilitating access to funding (Bulkeley & Kern, 2006), and providing incentives for learning. These, in turn, can lead to socio-technical transitions (Geels, 2011, p. 18). Additionally, involvement in transnational climate governance can promote information-sharing, capacity-building, and rule-setting (Bulkeley, 2010). Participation in transnational networks is also said to trigger local action (Schreurs, 2008), but the impact of these networks on member-city actions seems to be network specific (Krause, 2012).

However, it is possible that the MLG literature is overstating the autonomy of subnational authorities, mistaking subnational mobilisation for evidence of influence.

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[219] I also highlighted that a there are no frameworks to assess the motives driving environmental paradiplomacy (Chapter 6).

Piattoni (2010), for instance, argues that mobilization often results from an attempt on the part of subnational governments to overcome the informational advantage that government executives derive from their role as gatekeepers between the national and the supranational level. Yet, subnational influence on the provisions and procedures of higher level policies might be actually very small (Piattoni, 2010, p. 94).[220] Behind this limitation lies the fact that the governance literature rarely separates out law from other socio-political ordering (Osofsky, 2009). MLG scholars also seem to forget that in order to be able to act as international actors, subnational governments should be competent to do so.[221]

Attempts to assess the impacts of the international agenda undertaken by subnational governments are also found in scholarly work on *paradiplomacy*. In this case there has been some examination of subnational influence over national foreign policy. In the environmental realm, Happaerts et al (2010) examine the impact that participation has on the Nrg4SD on members' policies. Their conclusion is that the impacts can vary from virtually non-existent to tangible benefits.[222] In a more recent work Bruyninckx et al (2012) started assessing subnational governments' influence over multilateral decision-making. Using the case of the C40 network, Acuto (2013b) analyses the role of cities in reshaping the structures of global governance.

Altogether, the outcomes of subnational governments' international agenda remain insufficiently illuminated. MLG scholars take into consideration both the domestic and the international levels, but overstate subnational governments' autonomy. These scholars also envisage the outcomes of subnational foreign agenda at the domestic level (in terms of their influence over the national government), but give less attention to their international impact. The scarce literature on environmental paradiplomacy concentrates on access to international forums and actors, rather than on what actually results from their international agenda.

Having already discussed *how* and *why* environmental paradiplomacy evolves, I now advance these findings revealing *what* results from this agenda in the state of São Paulo. The effects identified by the theoretical framework are: economic returns; learning opportunities; new policies and action; and influence over higher levels of governance. These outcomes are tested in terms of the extent to which (i) through its environmental paradiplomatic agenda São Paulo expands its capacity to address global environmental

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[220] Piattoni (2010) suggests five criteria according to which MLG should be assessed: the mode, the degree, the timing, the scope, and the impact of action. Based on these criteria, she argues that in the EU policy-making decisions are basically made by the Commission and national governments.

[221] See Chapter 5.

[222] Their conclusion is based on three case studies. In Flanders, Nrg4SD's activities appeared in some policy documents, but had no concrete influence on Flemish sustainable development policy. In the Basque Country, the network was often mentioned in policy documents, and it offered Basque officials access to COPs. In the North Rhine-Westphalia, participation in the network resulted in bilateral contacts, sometimes leading to bilateral cooperation.

problems (Section 7.3); and (ii) São Paulo is influencing higher levels of governance (Section 7.4). In addition to these outcomes identified by the literature, I suggest that São Paulo's environmental paradiplomacy is transforming *soft law* into *hard law* (Subsection 7.3.3). I also provide a more specific account of the impacts that a subnational government can have over both the national position-forming process and the international environmental regime (Subsections 7.4.2 and 7.4.3).

7.3. EXPANDING GOVERNMENTS' CAPACITY TO ADDRESS GLOBAL ENVIRONMENTAL PROBLEMS

This Section analyses the outcomes of São Paulo's environmental paradiplomatic agenda taking into consideration the first part of *hypothesis 3*:

> **Research Question 3**
> What are the results of São Paulo's international environmental agenda?
> **Hypothesis 3** (*first part*)
> Environmental paradiplomacy in São Paulo expands the state government's capacity to address global environmental problems.

Lessa (2007) argues that Brazilian paradiplomacy is constrained by its informality, dispersion of objectives, asymmetry, extrapolation of competences, personal basis and discontinuity. To a certain extent, such constraints affect the outcomes of the international environmental agenda undertaken by the state of São Paulo. Take the signature of a MOU or a Protocol of Intentions, for example. Although it is assumed that these instruments have a presumption of legality, and thus the state should undertake the obligations therein assumed, MOUs and Protocol of Intentions are weak commitments (the problem of informality). Most are written in generic terms, and list open aims, with no assessment of the results (the problem of dispersion of objectives). Often their benefits are uneven, benefiting one party more than another (the problem of asymmetry). Moreover, the initiatives can be legally challenged if subnational governments act beyond their constitutional competences (the problem of extrapolation of competences). Once legally accepted, the permanence of the initiatives depends purely on political will; a new Governor or state Secretary in power is not required to continue the projects established by their predecessors. Participation in transnational networks is even looser, and almost exclusively dependent on officials who are interested in carrying out such initiatives. As one interviewee suggested, "it all depends on the energy of the individuals involved in one particular moment, and no one can be made accountable for not giving continuity" (the problem of the personal basis and continuity).[223]

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[223] Interview No.41 - academic.

In this view, a simple conclusion would be that São Paulo's international environmental agenda cannot contribute to expanding the state's institutional capacity to address global environmental problems. The relationships established by state officials across borders would result in little more than a series of informal political acts, the implementation and continuity of which is subject to individual engagement, and often simply abandoned (e.g. when one of the parties leaves the government). In the case of environmental paradiplomacy, the fact that the initiatives deal with topics that escape the regional constituency of subnational governments aggravates the situation. As some actors involved in environmental policymaking in Brazil believe:

> In general, I don't see many tangible results to the states. The subnational representatives that attend international negotiations will say 'I was there', but I don't see them coming back and doing much about it.[224]

However, there are changes in the way that the state of São Paulo addresses global environmental problems that are associated with its paradiplomatic agenda. For example, as the manager of the global affairs division at CETESB highlighted, once the state presented its mandatory GHG emission reduction target at the COPs and within the networks it participates in, "São Paulo gave a message to the world... There is no return now, the next Governor, it doesn't matter who or from which political party, won't be able to take a step backwards".[225]

This Section examines to what extent São Paulo's environmental paradiplomatic agenda is capable of expanding the government's capacity to deal with global environmental problems. It does so by examining the economic returns (Subsection 7.3.1), the policy learning (Subsection 7.3.2), as well as the new legislation (Subsection 7.3.3), that resulted from São Paulo's environmental paradiplomatic agenda in the period between 1995 and 2010. Each one of these outcomes is considered for São Paulo's *collaboration* and *coalition* initiatives.[226]

7.3.1. Economic returns

For many decades economic returns have motivated subnational governments to have an international agenda. A recent study by McMillan (2012), which analysed sixty-six governors of twenty-five American states from 1995 to 2005, concluded that American governors' involvement in foreign economic relations occurs mostly through the recruitment of Foreign Direct Investment (FDI) and the promotion of state exports.

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[224] Interview No.32 - national official.
[225] Interview No.11 - SP official.
[226] The differences between collaboration and coalition initiatives were presented in Chapter 4, and were further developed in Chapter 6. They are again highlighted in this Chapter when considering the extent to which environmental paradiplomacy contributes to Sao Paulo's capacity to address global environmental problems.

In the state of São Paulo, a number of accounts given by the interviewees suggested that the expectation of economic opportunities and financial benefits drives the state to establish partnerships with actors across borders (Chapter 6, Subsection 6.3.2). São Paulo uses its international environmental activities to attract FDI to the state. The state's International Relations Plan (São Paulo, 2012) suggests that these resources could create 1.5 million direct and indirect jobs in the state until 2014.[227] With the increase of the state debt ceiling, it became even more necessary for the government to go abroad in search of credits.[228] As a result, the state government officially defined attracting foreign investments and loans as a priority policy, establishing quantifiable objectives for most state Secretariats (São Paulo, 2012).[229]

Over recent years, São Paulo's *collaboration* initiatives have resulted in direct financial benefits to the state. Between 2002 and 2012 approximately 13 million US dollars were granted by the World Bank/International Bank for Reconstruction and Development (IBRD), the French Development Agency (AFD), the Latin American Development Bank (CAF), the Japanese Bank and its Agency for International Cooperation (JBIC/JICA) mostly to infrastructure projects in the state.[230] In addition to direct benefits, *collaboration* initiatives can result in indirect financial benefits to the state. The signature of a MOU is perceived as a demonstration of commitment and effort, and is considered by the World Bank when providing grants and loans to subnational governments.[231]

However, there is some discussion whether FDI received by the state results in positive or negative outcomes. One of the points raised involves how the money is invested.[232] While at the federal level the Ministry of Foreign Affairs and the Brazilian Agency for Cooperation (ABC) establishs general guidelines and geographic and thematic areas that are prioritised (Puente, 2010), at the subnational level international cooperation projects develop with limited coordination. Coordination with Itamaraty is not sufficient, despite the existence of state legislation which requires that international relations should be held in coordination with the Ministry of Foreign Affairs (state Decree 33.129, of March 15, 1991).

Another limitation is that these foreign investments can create a dependence of the state on foreign resources, and certain policies and projects risk being interrupted if the donor stops financing it. For instance, it is unclear what will happen if the British

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[227] As does the press release http://www.saopaulo.sp.gov.br/spnoticias/lenoticia.php?id=218538.

[228] In 2012 Sao Paulo's debt ceiling was raised to 7 million Brazilian Reais (almost 3.5 million US dollars), a factor that also drove the state to adopt its IR Plan. Interview No.17 - SP official.

[229] No specific objective was given by the Plan to SMA in terms of obtaining foreign funding or adopting exchange and cooperation programs.

[230] Figure provided by Sao Paulo's International Relations advisor, based on data from the state Treasury Office (personal communication, October, 2012).

[231] Interview No.37 - private.

[232] Interviews Nos. 29, 31 - national officials.

Government stops supporting CETESB to develop São Paulo's GHG Inventory.[233] In this sense, there is an understanding that "there are many opportunities that are being missed out… These resources should be seen as 'anchors of continuity' of state policies".[234]

Coalition initiatives can also result in economic returns. As mentioned (Chapter 6, Subsection 6.3.2), the state of São Paulo participates in UN conferences or transnational network meetings because it expects to forge new partnerships. And indeed this is one of the outcomes of the state's international agenda. For example, when the state participated of COP-10 in Nagoya, new initiatives with Quebec and JICA were discussed. As the state Secretary concluded "being there made it easier to meet other subnational governments with whom we established new partnerships".[235] This is a result that transnational networks of subnational governments promise to their members. For example, the R20 network suggests that "…cooperation between subnational governments of developed and developing countries will mobilize and leverage technology and private sector finance aimed at promoting robust economic recovery and based on a new green paradigm…"[236]

However, while the paradiplomatic agenda offers economic returns, it is still unclear whether having an international agenda is a "good-business" for the state. There are costs involved in travelling, organising side-events, and the environmental co-benefits are difficult to perceive. Often the public and even subnational officials see international initiatives with suspicion, suggesting that the actors involved are more interested in travelling abroad than in implementing policies which would be more directly relevant to the state. The extent to which cooperation and coalition initiatives result in positive outcomes depends on the extent to which they develop local capacities, or at least promote the continuity of policies and projects. This is what I examine in the following pages.

7.3.2. Policy learning

It has been seen (Chapter 6, Subsection 6.4.2) that policymakers in the state of São Paulo engage in environmental paradiplomatic initiatives because they seek opportunities to learn from and exchange experiences with peers across borders. To what extent is their aim to learn actually leading to learning processes?

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[233] The £130,000 agreement entered between CETESB and the British Embassy was signed in 2008 for estimating GHG in the state (http://www.cetesb.sp.gov.br/proclima/convenios-e-parceirias/217-13/agosto/2008).
[234] Interview No.46 - NGO.
[235] Interview No.7 - SP official.
[236] http://ces.ucdavis.edu/ggcs3/index.cfm?fuseaction=app.R20. The R20 is a non-profit organization founded in 2010 by Governor Arnold Schwarzenegger and other global leaders in cooperation with the UN (R20, 2013).

MLG scholars investigate processes through which cities learn from one another to advance climate action. They argue that the participation of subnational governments in transnational networks results in policy learning and exchange (Betsill & Bulkeley, 2004; Sugiyama & Takeuchi, 2008). Policy learning has also been identified as an implication of transborder environmental relations between Canadian provinces and the US (Selin & VanDeveer, 2005). Garcia-Johnson's (2000) study suggests that transnational communication with American experts promoted environmental ideas and attitude changes in Brazil and Mexico. Subnational participation in COP side-events is said to have similar effects (Schroeder & Lovell, 2012).

Recent work on paradiplomacy also assesses policy learning as a result of subnational governments' international environmental agenda (Chaloux & Paquin, 2012; Jones & Royles, 2012). Views vary, however, on the extent to which subnational diplomacy promotes policy learning. Happaerts et al. (2010), for instance, found limited impacts resulting from the engagement of active members of the Nrg4SD on their sustainable development policies. Possible explanations given by scholars writing in this trend are that policy learning is an intangible benefit of engaging in networks, that there might be little to learn, and that ultimately subnational diplomacy is associated with promoting and legitimizing nation-building (Royles, 2012).

In São Paulo, views vary on the extent to which the state's international environmental agenda enables policy learning. Views also vary depending on the type - *collaboration* or *coalition* – of activities.

Collaboration activities helped the state in establishing its environmental management apparatus, and in becoming a national reference in supervising and monitoring polluting activities. In the 1970s the state had a limited capacity and needed help to start setting up an environment policy system. The partnership arrangements that representatives at the newly created environmental agency established with counterparts in developed countries promoted technical know-how and skills transfer. These international collaboration initiatives promoted learning and brought financial resources to the state environmental apparatus, which were used to develop and implement policies.[237]

As CETESB's international relations manager stated that, "thanks to these international partnerships our technical body is always updated. We learn from other agencies' successes and mistakes. We choose what is adequate for us and we adapt for our reality".[238] In this case, one of the conditions for learning to occur is that the interaction should be established with parties who have common problems and successful solutions to share. According to the manager for global environmental problems at

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[237] Interviews with CETESB officials. Also see Garcia-Johnson (2000, p. 169).
[238] Interview No.6 - SP official.

CETESB, "if the relevant actors are participating, these networks really promote exchanges, learning, and increase our capacity to have good ideas.[239]

The learning aspect is also observed in *coalition* initiatives. Networks of subnational officials serve as platforms for policymakers to present their experiences and learn what their peers are doing in other parts of the world. The state of São Paulo also used these networks to act as a regional leader. As the international affairs advisor within the Regional Ministry of Agriculture, Livestock and Environment of Aragon, Spain, affirmed: "São Paulo enabled Latin American and Caribbean regions to join efforts and to carry out a stronger commitment to tackle climate change".[240] Participation in the agenda-setting of international negotiations and in the negotiations further enables subnational governments to learn about the importance given by the international community to global environmental problems, as well as to learn about the international policy-making process.

In both *collaboration* and *coalition* initiatives, the learning process within these networks is not unidirectional, with the state following the examples from developed countries. Rather, a point often missed by the literature is that there is a mutual learning and exchange processes are occurring. In their book 'Greening Brazil', Hochstetler and Keck (2007) explicitly try to address this limitation by focusing on domestic politics. The authors recognise that "the best-known stories of Brazil in these contexts have stressed its resistance to environmental protection when pushed from abroad" (p.6). They conclude that international and transnational actors influence Brazil's environmental politics by engaging Brazilians who have the authority, charisma, or organisational ability to bring about changes in policy and practice (p.7). Conversely, in the case of São Paulo's climate policy, the state became a reference case, and CETESB and SMA officials have been promoting training to other subnational governments abroad:[241]

> We participate in these networks and we present what we have been doing. We realise that other subnational and national governments can learn from our experiences. The state of São Paulo already influences the federal government and other regions in Brazil. Now we think we can influence other regions around the world.[242]

The state's International Relations Plan (São Paulo, 2012, p. 19) confirms this potential by assigning to the SMA (and also the Secretariats of Public Safety, Water & Sanitation, Energy, Agriculture, and Housing) the responsibility for strengthening the state's

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[239] Interview No.11 - SP official.
[240] Interview No.50 – foreign policy-maker (original in English).
[241] Interview No.2 - SP official and Interview No.53 – foreign policy-maker (original in English).
[242] Interview No.9 - SP official.

position as a provider of technical cooperation to developing nations in Latin America, Africa and Asia.

Still, policy learning is not a guaranteed outcome of the state's international environmental activities. *Collaboration* initiatives face problems of continuity, and so far there are no monitoring mechanisms to assess their effectiveness. Many Protocols of Intentions and MOUs are never put into practice.[243] As for *coalition* initiatives, some argue that "the only tangible result is tourism, the state Secretary going abroad with his wife on holidays and doing some shopping … they are so unprepared that when they have to design a strategy that is a bit more complex, they have to ask the NGOs for help…".[244] Or, as another NGO representative affirmed, "even if the individuals that participated learn something, in most states the institutions are weak, and learning is not shared with the institution; if the official leaves, then all the knowledge will leave with him/her".[245]

Perhaps, the accounts of NGO and government representatives would not be so distinct if there was a framework to assess the results of the state's international environmental activities. The need to establish mechanisms and forums for the parties to meet and evaluate the results was foreseen by the Protocol of Intentions entered between Brazil and Italy (Brazil, 2007a):

> Article 5.1. To verify the level of implementation of this Protocol and identify new instruments aiming at increase the effectiveness, visibility and impact of decentralised cooperation, the Parties agree in establish a Joint Committee, formed by representatives from the national governments and regional/local entities of the two countries, which will meet annually.[246]

Learning might not always happen. Or at least it might be an outcome observed in a context where institutions are strong and thus more capable of transforming what one official has learnt into a project or a policy that will see some continuity within the state organisation. In the case of São Paulo's environmental paradiplomacy, although state officials have many opportunities to share environmental ideas, values and experiences, the continuity of these processes is not guaranteed.

7.3.3. New policies – and new legislation

Chapter 5 considered that the initiatives that structure São Paulo's international activities create *soft law*. *Soft law* is a loose and adaptable framework in which to share

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[243] Interview No.4 - SP official.
[244] Interview No.49 - NGO, talking about his experience with the Amazon states.
[245] Interview No.45 - NGO.
[246] A similar disposition is found in the Protocol entered with France.

information, ideas, and resources.[247] On the one hand, despite obligations being weak and non-legally binding, the opportunities for exchange of experiences and learning are high: *soft law* arrangements can be highly effective (Raustiala, 2002; Slaughter, 2004). There are examples where collaboration between subnational governments across borders has led to environmental improvements. The action between New England states and Eastern Canadian provinces in the mid-1980s, for instance, promoted a region-wide action on sulphur emissions, which paved the way for subsequent federal action (Aulisi et al., 2007; Chen et al., 2010). On the other hand, the voluntary nature of these initiatives can limit their effectiveness. As *soft law* cannot be enforced, parties might take advantage, and the agreements are less likely to survive changes in leadership (Chen et al., 2010).

As seen above, paradiplomatic activities in Brazil suffer from a number of constraints (including those highlighted by Lessa, 2007 - informality, dispersion of objectives, asymmetry, extrapolation of competences, personal basis and discontinuity). Furthermore, even if new policies emerge within the government, advances met through public policies are seen as precarious. One of the reasons is that Brazilian public policy is highly politicised, and often suffers from weak enforcement (Hochstetler & Keck, 2007). In sum, the effectiveness of São Paulo's international initiatives is limited when its outcomes are *soft law* arrangements and public policies.

What is different in São Paulo is that the outcomes of environmental paradiplomacy go beyond non-binding *soft law* and public policies. Indeed, environmental paradiplomacy also promotes an increase of new formal legislation in the state. As CETESB's President affirmed when explaining why the state enacted its climate change law, "we mix public policy with law, and only legislation is recognised as something that should be followed and that can be enforced".[248] Driving new norms in the state, thus transforming *soft law* into *hard law* (i.e. new environmental legislation), is an important outcome of São Paulo's international agenda.

Hard law can be an outcome of *collaboration* initiatives established by the state of São Paulo. One of the best examples is the collaboration established between CETESB and the German Federal Ministry of Economic Cooperation and Development.[249] The technical cooperation agreement they established in 1993 aimed at building up institutional capacities for management of contaminated sites in the state. Beyond the learning opportunities, a working group was established, and a Division for Contaminated Areas was created within CETESB's structure. Moreover, the working group drafted the text of what in 2009 became a state law, approved by the Legislative

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[247] Soft law is a concept that refers to "guidelines, recommendations, coordinating measures and other instruments which are not formally binding but nonetheless normative" (Shelton, 2003).
[248] Interview No.2 - SP official.
[249] The Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) was replaced by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in January 2011.

Assembly, establishing guidelines and procedures for protection of soil quality and management of contaminated areas.[250] As one of the officials involved in the collaboration and in the work group declared:

> The law was drafted by the specialists who had been involved in the cooperation. The law took full use of what they learned in Germany, 100% really. So the partnership created expertise among CETESB, which justified the creation of a special division, and then the Law came as a necessity to legitimise the acts that we were taking without an adequate legal framework.[251]

Hard law can also result from *coalition* initiatives. For instance, the process through which São Paulo's climate change policy was established can easily be connected to its participation in UN environmental conferences and in transnational networks. This process began three years after the realisation of Rio-92, with the creation of PROCLIMA, the state program on climate change. In February 2005, the same month as the Kyoto Protocol entered into force, the state created the state forum on climate change and biodiversity ('Forum Paulista'), the first of the type in the country. Among its responsibilities, the Forum should elaborate the state climate policy; promote synergies between the themes of climate change and biodiversity; and incorporate decisions made by the UNFCCC, the CBD and other MEAs into the state policy.[252] In October 2009, a few weeks prior to COP-15 in Copenhagen, São Paulo's Climate Law was approved.

Overall, São Paulo's Climate Law had a strong connection to international norms, and with the international activities of the state. As the state had been following the international debate on climate change since 1995, policymakers in São Paulo had a sound understanding of was being discussed, as well as of other norms enacted by other countries and other subnational governments. Also, as one of its main authors confirmed, "Big effort was made so that our legislation did not to contradict existing international norms".[253] A clear indication of the connection between São Paulo's climate change policy and its international activities is that participation in the Nrg4SD, as well as the collaboration initiatives established by the state are explicitly mentioned in the justification of the climate law:

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[250] State Law 13,577, of July 9, 2009.

[251] Interview No.8 - SP official.

[252] The Forum was created through the state Decree 49,369, of February 11, 2005. It is chaired by the Governor, headed by 11 state Secretaries, and has representation from business, academic and civil society actors. Among the international treaties it should consider the Decree mentions: the Vienna Convention and Montreal Protocol for the Protection of the Ozone Layer; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Ramsar Convention; and the Inter-American Convention for the Protection and Conservation of Sea Turtles.

[253] Interview No.46 - NGO. Similarly, one of the main authors of the climate legislation for the state of Amazonas affirmed that "you need to understand the archetypes and create something that is within the international and the national frames" (Interview No.34 - private).

With due regard for the sovereignty of nations, and recognising the importance of the sub-national level for making ambitious progress in current discussions about the environment, São Paulo must take a leading role in the question of mitigating greenhouse gas emissions. To that end, it has already set up several cooperation agreements with other states and provinces, and is the focal point in the Americas for the Network of Regional Governments for Sustainable Development (Nrg4SD).[254]

São Paulo's state climate policy therefore illustrates how São Paulo's environmental paradiplomacy motivates the emergence of new regulation in the state. While in the first instance *soft law* constitutes the main result of environmental paradiplomacy, in the second instance the interactions it promotes are capable of generating hard, legal instruments. Put differently, new enforceable legislation can emerge from collaboration and coalition initiatives undertaken under a paradiplomatic agenda.

Of course, having a law does not necessarily lead to law enforcement. On the one hand it is common in Brazil that "some laws catch on, and others don't" (*tem lei que pega, e tem lei que não pega*), and those laws that don't catch on will simply "stay on paper" (*ficam no papel*). On the other hand, in recent decades Brazilian prosecutorial enforcement has contributed to enforcing environmental legislation in the country (McAllister, 2009; Milaré, 2009). Policymakers in the state recognise this and the fact that they might face legal action if the GHG reduction targets established by the state law are not met:

The difference [in relation to Kyoto] is that there will be sanctions if we don't achieve our reduction target. Not only we face a moral sanction… but because our target is established through a Law, the state government can be prosecuted if we don't achieve it.[255]

In summary, the analysis above of the outcomes of São Paulo's environmental paradiplomatic agenda showed that by engaging in international relations the state is expanding its capacity to address global environmental problems. The first part of *hypothesis 3* is confirmed in that: (i) collaboration and coalition initiatives bring economic resources to the state; (ii) learning opportunities arise from the engagement of state officials with peers across borders; and (iii) new policies are put in place as a result of São Paulo's international environmental agenda. In addition, São Paulo's environmental paradiplomatic agenda resulted in enforceable environmental legislation which is directly related to the state's international agenda. In the next section the analysis turns to the second part of *research question 3*, assessing the state's influence over higher jurisdictions.

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[254] The draft and the justification of Sao Paulo's state climate change policy are available from http://www.cetesb.sp.gov.br/tecnologia/draft_climate.pdf

[255] Interview No.3 - SP official.

7.4. INFLUENCE

The analysis so far showed that undertaking an international environmental agenda can expand the governments' capacity to address global environmental problems. This Section continues by analysing the outcomes of São Paulo's environmental paradiplomatic agenda taking into consideration the second part of *hypothesis 3*:

> **Research Question 3**
> What are the results of São Paulo's international environmental agenda?
>
> **Hypothesis 3** (*second part*)
> Through its environmental paradiplomatic activities São Paulo influences higher levels of governance.

The actors involved in environmental paradiplomacy in the state of São Paulo explicitly aim to influence higher levels of jurisdiction. References were made to influence over (i) the national government and national environmental policymaking; (ii) national environmental foreign policy; and (iii) international environmental negotiations. I address whether, and to what extent, the state of São Paulo, through its international environmental agenda, can influence the policies of higher levels of governance. I focus on *coalition* initiatives[256], and on the three levels of influence which the interviewees referred to – national policy, foreign policy and international negotiations.

A fourth type of influence could be considered, one which involves the diffusion of São Paulo's environmental policy and opinions to other subnational governments, e.g. to other Brazilian cities and states. In this case, cities and states that lag behind learn from leading subnational governments, with the benefit that the frontrunners will not act alone in a way that could disadvantage their economy (McAllister, 2009; Rabe, 2009). São Paulo's environmental policies clearly impact other states and municipalities in the federation. In the climate change matter, for instance, after the state created its Forum, in 2005, other states followed, and today sixteen states also have climate forums (Romeiro & Parente, 2011). However, this type of policy diffusion is a very indirect result of environmental paradiplomacy and therefore it is not an object of analysis in this study.

I draw particularly on Betsill and Corell's (2007) definition of influence in environmental policymaking. They define influence as the process that "occurs when one actor intentionally communicates to another so as to alter the latter's behaviour from what would have occurred otherwise" (p.24). Although used to explain the influence of NGO's over international environmental negotiations, this definition is

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[256] *Collaboration* initiatives (e.g. MOUs signed with other subnational governments across borders) generally do not have this political component of trying to influence higher levels of government (see Chapters 4 and 6).

broad enough to be extended to other non-State actors such as subnational governments.[257]

The following analysis suggests that there is evidence that São Paulo's actions have resulted in relevant incremental changes in federal action, as well as over the national foreign policy. The evidence also shows that influence over the international regime has been limited, yet existent. On a scale of intensity of influence, the highest degree of influence is over the national government's policies, followed by the influence over the national foreign policy, and lastly over the international regime.

7.4.1. National policy

Scholars drawing from *MLG* and *federalism* often understand subnational governments' influence in terms of cities prompting climate action at the national level. First, subnational governments can serve as a model for federal regulators creating the political and legal climate necessary to induce enactment of a federal regulatory program (Engel, 2006; Kousky & Schneider, 2003; Stewart, 2008). Second, facing weak national action, municipal initiatives can potentially inspire citizens to support or call for national policy change (Gore, 2010; Rabe, 2009; Schreurs et al., 2009; Selin, 2011; Selin & VanDeveer, 2005, 2007). Third, city networks gaining international attention may create pressure for national change (Gore, 2010; Resnik et al., 2008; Selin & VanDeveer, 2005). Scholars researching *paradiplomacy* reach a similar conclusion, that bypassing federal authorities subnational governments exert direct influence over federal policies (Chaloux & Paquin, 2012). In the Brazilian paradiplomatic literature scholars have placed little attention on the extent to which increased international participation of subnational governments can affect national politics.

While there seems to be a correlation between subnational and national action, it is unclear from these literatures how influence over national policymaking is measured. Federalist scholars have tried to develop specific frameworks. In Engel's (2006) analysis, three mechanisms of influence are considered: developing programs that form the basis of federal policies (state as 'laboratories'), catalysing regulatory action by higher jurisdictional levels of government, and banding together with other subnational governments in regional coalitions or interstate groups. More recently, Gore (2010) suggested a set of indicators to evaluate the potential influence that municipal climate networks have over Canadian national climate policy. These include: knowledge generation and dissemination; use of demonstration effects; market expansion and

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[257] Betsill and Correll (2007) suggest a set of five indicators to assess the influence of NGO diplomats. The first three indicators focus on the effects of NGO diplomats on negotiation *processes* (influencing the issue framing, the agenda-setting process, and the positions of key actors). The other two indicators focus on negotiation *outcomes* (influencing procedural issues, and/or substantive issues in the final agreement). They demonstrate that it is possible to make qualitative judgements about levels of NGO influence. The differences between influence by NGOs and subnational governments were noted in the Introduction (Section 1.2).

transformation; policy learning; the creation of norms; research to support policies; and evidence of achievement. This work assumes that if a network holds these characteristics, its national influence will increase.[258]

Transnational networks of subnational governments explicitly advocate that subnational governments are laboratories for future national policy, which help to accelerate the implementation of international agreements. For example, the R20 network, states that:

> Environmental policies and projects successfully implemented at the subnational level are often adopted by national governments. Subnational action will spur action at national levels.[259]

Alongside its tradition of being a leader in environmental policymaking (see Chapter 6), policy-makers, NGO representatives and academics suggest that the state of São Paulo influenced the national government in promoting its climate policy. To illustrate this idea, I turn again to the state's climate policy.[260] São Paulo's Climate Law was not only a legal outcome of the state's international agenda (Subsection 7.3.3), but also it triggered action at the national level. Previous research confirms that the adoption of the Brazilian climate policy was related to the early adoption of a more ambitious policy by subnational governments. Two works in particular, Romeiro and Parente (2011) and Lucon and Goldemberg (2010) argue that São Paulo's legislation played a key role in advancing the national policy. The same argument was made by a number of relevant actors at the state and at the federal level.

In fact, the federal government approved its National Climate Change Policy on the 29th of December 2009, six months after the city of São Paulo, and almost two months after the state of São Paulo enacted their municipal and state climate policies. The national policy, on the one hand, established a "voluntary commitment" to adopt mitigation actions for GHG emissions that reduce between 36.1% and 38.9% of projected emissions by 2020 (article 12). The state and the city, on the other hand, established mandatory reduction targets of 20 and 30%, based on their 2005 inventory of emissions (Table 7-1). In this view, the climate laws enacted by the city and the state of São Paulo not only broke the national inaction, but, establishing a mandatory (not voluntary) goal, and in establishing the reduction of CO_2 emissions in absolute terms (not only a deceleration or a decrease per unit of GDP) they continued to be more ambitious than

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[258] Gore (2010) also suggests indicators of sustainability: stability, diversity, recruitment, financial resources, traction of issue, information exchange. His conclusion is that the influence of Canadian networks is weak, "given the loose nature of the network and the fact that municipalities are not significant units of political analysis in national political and policy debates".

[259] See: http://ces.ucdavis.edu/ggcs3/index.cfm?fuseaction=app.R20.

[260] There are other examples of state policies that influenced the national government, for instance, the state policy on waste management (Interview No.6 - SP official) and the state policy on groundwater contamination (Interview No.8 - SP official). However, these are not object of attention here as they deal mainly with local/regional, rather than global, problems.

the national legislation, as well as ahead of the major deadlock in climate negotiations - the cumbersome issue of 'historical responsibilities'.

	São Paulo's Municipal Policy on Climate Change	São Paulo's state Policy on Climate Change	National Policy on Climate Change
Norm	Municipal Law 14,933, of June 5, 2009	State Law 13,798, of November 9, 2009	Federal Law 12,187, of December 29, 2009
Targets	30% by 2012	20% by 2020	36.1% and 38.9% voluntary reduction by 2020
Baseline	Based on the inventory of 2005	Based on the inventory of 2005	Emissions projected by 2020

Table 7-1 Climate change policies in the national, state and municipal level
Source: Author

The pressure on the federal government was not limited to the fact that subnational governments were taking a leadership role. Politicians and policy-makers from São Paulo[261] started questioning and addressing President Lula, the Minister for the Environment, and the diplomats, calling for further action and for the adoption of reduction targets. While São Paulo's law was being discussed, Fabio Feldmann, one of the lead authors of the state law, had an informal conversation with Carlos Minc, the Minister for the Environment.

> I told Minc that we were planning to include reduction targets in our law. And he said 'I think it's great. If you do this, I will use São Paulo's case to push forward the idea of national targets'.[262]

It is not unanimous, but a number of national officials emphasised the role played by the state of São Paulo. The following fragments from an interviewee from Itamaraty and another from the Ministry of Environment draw attention to the relative importance of São Paulo's climate policy over the federal government's decision to enact a federal law with voluntary reduction targets:

> São Paulo's law is probably not the only or the main factor behind the national policy, but when a state with the importance of São Paulo establishes reduction

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[261] Although it is easy to consider the city and the state of Sao Paulo together, I focus in the state by concentrating in accounts given by officials of the state bureaucracy.
[262] Interview No.46 - NGO.

targets, it clearly influences the federal government to take more ambitious action.[263]

São Paulo's climate law had a relevant political weight. When the richest state enacts a piece of legislation like that, and manages to do so with the support of the private sector, it sends a clear message to the national government. It makes us think 'if they did it, why wouldn't we be able?' And this is what the Minister [of the Environment] said when he was making a point for approval of the national policy... The two laws are very different, but by legislating and adopting targets symbolically São Paulo impacted on our position.[264]

Alongside the view expressed by the actors involved, the state incorporated the argument that it influenced the federal government in official documents. The report prepared by SMA to be distributed at the biodiversity COP-10, in Nagoya, for example, emphasised that the state "has played and is still playing a fundamental pioneering role in the federative scope", and that it "leads and boosts the laws, programmes and projects for the preservation of ecosystems and the promotion of sustainable development" (São Paulo, 2010).[265]

Yet, subnational governments might overstate their influence. It is also possible to argue that the national and the state policy are unrelated. Since 2007 national policy had been under discussion[266], and the national government aimed at presenting results at COP-15 in Copenhagen (the national law was announced there and enacted two weeks after the Conference). In addition, national policy makers design policies that are broad enough to be applicable for the entire nation, which not necessarily is the case with regional/state policies. In the words of the National Secretary for Climate Change within the Ministry of Environment:

The different levels of government certainly communicate. However, I don't think that their work impacts us. The technical aspects are different and we need to create our own methodologies, which will work for the whole country. Their most important role is pressure. We can't work in a total comfort zone because they are also taking action. We have to speed up.[267]

All in all, even if the state was not the exclusive driver, its climate action played a role in motivating the federal government to enact a national climate policy, and most

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[263] Interview No.26 - national official.
[264] Interview No.32 - national official.
[265] The report mentions the law that protects the Cerrado biome (state Law 13,550/2009), the decree that instituted the sustainable procurement programme (state Decree 53,336/2008), and the Climate Law.
[266] In November 2007 the federal government created an Inter-Ministerial Committee on Climate Change, which was assigned with preparing the National Policy on Climate Change and the National Climate Change Plan. The Committee was coordinated by the Office of the President of the Republic, and composed of seventeen federal bodies (Decree 6,263/2007).
[267] Interview No.33 - national official.

importantly to establish a voluntary CO_2 reduction target.[268] Further, influencing the national government is not the same as saying that the subnational level tried to impose something that the national government disagreed with. The conversation between Minc and Feldmann mentioned above, for example, supports the idea that the national level agrees that it benefited from the subnational level setting the example, as this can help the national government to do the same.

7.4.2. National position-forming process

As seen previously (Chapter 6, Subsection 6.4.2), another objective of São Paulo's environmental paradiplomacy is to influence national environmental foreign policy. Waltz's (1959) classic formulation suggests that foreign policy can be influenced at the individual, the national and the international level. In other words, negotiation processes and their outcomes are shaped by more than what happens during the formal negotiating sessions (Betsill & Corell, 2007).

São Paulo's pressure over the national position-forming process is observed over these three levels: in the efforts of particular leaders or policymakers (individual), in formal and/or informal meetings that state officials have with the country's negotiators during the agenda-setting phase (domestic), and during the negotiations (international). On these occasions, subnational contribution is targeted to help the diplomats' understand the highly complex, technical and specific nature of most environmental issues. Evidence that pressure is occurring at the individual, domestic and international levels, however, primarily tells us *how* São Paulo engages in the country's foreign policy and in international environmental negotiations, but does not confirm the subsequent *effects* of its subnational diplomacy.[269] Therefore, it still remains to be assessed whether and to what extent São Paulo actually influences the national position-forming process and the positions that the country takes at international environmental negotiations.

The origin of foreign policy in Brazil has historically been under the monopoly of Itamaraty. Scholarly treatment of Brazilian foreign policy agrees that "Itamaraty has maintained an impressive degree of bureaucratic autonomy and isolation" (Cason & Power, 2009, p. 120), and that until recently its policy responsibilities were monopolistic (Cason & Power, 2009; Rodrigues, 2008; Vigevani, 2006). In the post-1995 period, however, the traditional bureaucratic insulation of Itamaraty started to change. According to Cason and Power (2009) this was due to an increase in the number of

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[268] In parallel, businesses, NGOs and academics were also pressuring the federal government through the Brazilian Corporate GHG Protocol Program (lead by the World Resources Institute, the Brazilian branch of the World Business Council for Sustainable Development and FGV), the Business for Climate Program, the Climate Observatory, the Forum Clima (lead by Ethos Institute), the National Federation of Industry´s Climate Change Program, the Carbon Disclosure Project and the BMF&BOVESPA stock exchange ICO2 carbon index. However these initiatives are not coordinated and do not include relevant emissions reductions commitments.

[269] A similar argument is made by Bestill and Corell (2007) in relation to NGO diplomacy.

actors who were influencing or attempting to influence foreign policymaking, as well as an increase in presidential diplomacy. But, as the authors highlight, any pluralisation of the foreign policymaking process since the mid-1900s has to be understood in relative rather than absolute terms: "pluralisation departs from a unique baseline, the quasi-monopolistic reputation of Itamaraty" (p.120).

Similarly, in this research, the interviewees confirmed that in the mid-1990s subnational governments started to have more access to foreign officers.[270] Nevertheless, actors involved in national and subnational policymaking confirmed the understanding that the design and execution of Brazilian policymaking is still closed and non-transparent. In many ways, then, it is not easy for any actor in Brazilian politics to exert influence over the country's foreign policy. It is the perception among national and subnational policy-makers, as well as from NGO representatives, that the opportunities for participation are scarce:

> All foreign policy is exclusive to the federal government. Consequently, the subnational level playing field is very strict. Without Itamaraty's authorization, the state of São Paulo cannot be part of anything related to the UN system. Therefore I don't believe that the federal government is really open to discuss with state representatives. They might be more open to the CNI [National Confederation of Industry] than to a state government. For me, this is all very limited. Our federalism is extremely complicated, and we are far from reaching a balance.[271]

Not even representatives from the Ministry of Environment consider that they are capable of influencing the national position:

> Our international position-forming process is not really transparent, and not sufficiently rich to contemplate the variety of interested actors. Itamaraty is a very strong institution within the government, and during the Lula government it became even stronger; he increased the number of diplomats, as well as their salaries. Of course there are situations where we [the Ministry of Environment] are heard, and where we are part of the position-forming process. But for most of the time we are seen as external actors trying to influence the process.[272]

Nevertheless, when the diplomats were asked whether subnational governments could or have already been exerting some influence over their position, their answer was generally positive. The Head of Environment Division Ministry of Foreign Affairs, for example, mentioned that "subnational governments are increasingly putting more

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[270] This coincides with the period when coalition initiatives in Sao Paulo's environmental paradiplomatic agenda emerged (see Chapter 4).
[271] Interview No.5 - SP official.
[272] Interview No.32 - national official.

pressure over Itamaraty".[273] When asked to give examples, he mentioned two situations in the period before and during the COP-15 in Copenhagen: when the governors of the Amazonian states were pressuring the national government to accept a REDD proposal, and when the state of São Paulo was calling for the acceptance of reduction targets.

Since the Kyoto Protocol, in 1997, Itamaraty has been defending the position that industrialised countries should be responsible for their historic emissions before developing countries are expected to forgo development to reduce their emissions. For the past fifteen years most Brazilians – policymakers, academics and even NGOs – accepted this strong version of the principle of 'common but differentiated responsibilities' adopted by the diplomats.[274] The state of São Paulo, however, positioned itself explicitly *against* it, and started calling for the country to commit to reducing its emissions and invest in mitigation and adaptation policies. As mentioned above, in 2009 the state exerted a strong pressure over the national government arguing that the country should adopt a reduction target in its national policy. Yet, São Paulo's influence was not limited to the national level. The state also wanted to influence the national government to take a different stand at COP-15.[275]

The state began by participating in coordination meetings with the negotiators. Generally, coordination meetings occur before the negotiations, to promote the dialogue between the federal government, the Foreign Office and the subnational governments. In such meetings subnational governments' voice tends to be incipient. MMA's international advisor was one of the interviewees who made this point:

> The states are invited to participate [in coordination meetings], but their considerations are very rarely taken into consideration. When Itamaraty invites a state to one of these meetings, it is because there is a specific question related to that state that Itamaraty wishes to hear about. In addition, subnational governments don't really know how to contribute. Understanding these international conferences requires an expertise that they don't usually have. And this is natural, as subnational governments are mostly focused in the local and regional levels, and in financial resources that they can obtain. The national government and particularly Itamaraty can think more broadly.[276]

However, in 2009, subnational governments not only wanted to understand the position that Itamaraty would take to Copenhagen, but they also wanted to influence it. In a meeting organised by the Brazilian Forum on Climate Change one month before

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[273] Interview No.27 - national official.
[274] The formulation indicates that all countries need to address global warming, but that they should have different time frames and obligations according to their historical contributions.
[275] In parallel, the Amazon states were asking Itamaraty and the President to change their strategy in terms of accepting REDD.
[276] Interview No.32 - national official.

COP-15, President Lula and the future President Dilma Rousseff[277] met the Governors of the Amazon states and São Paulo's Governor. With the state law already approved, Serra's speech was described as strategic in convincing the President. As the diplomat and International Relations Advisor for the state reported, "Governor Serra was capable of summarising the most important reasons why the national government should be in favour of reduction targets. He said this was an opportunity for Brazil to assume a leadership role, and that the state of São Paulo had already shown the path".[278]

At Copenhagen, for most of the time, President Lula and the national diplomats were still demanding that developed countries needed to set more ambitious targets for their emissions reductions. Nonetheless, in his formal plenary address in 2009, President Lula highlighted that Brazil was ready to spend US$160 billion of its own money by 2020 to reduce its expected emissions by 35% or more.[279] The next day, in an informal plenary session, he went further and said that Brazil would not only shoulder its own cost of emission reductions, but would step up to provide the financial resources to help other countries (Hochstetler, 2012).

A number of actors involved in Brazilian climate policy posited that the national position in Copenhagen was influenced by São Paulo's action:

> We are not being pretentious in claiming that the national position in Copenhagen is directly related to the adoption of São Paulo's climate policy. In face of what we had done in the state, it would have been embarrassing for the diplomats to arrive at Copenhagen without a minimally decent proposal... Because of São Paulo, in the last minute before Copenhagen Brazil had to change its strategy.[280]

> We were consciously trying to influence the national position. I was representing the state in the meetings of the Brazilian Forum [on Climate Change – FBMC]. I would constantly ask whether the country would adopt reduction targets. In one of the meetings they asked those who were in favour of the adoption of targets to raise their hands. I raised my hand, and my hand was worth 40 million hands. Of course they had to consider this seriously. Until we enacted our climate policy the federal government kept saying that they would not commit to targets. But a fortnight after we approved our law the federal government also decided to adopt a reduction target.[281]

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[277] Dilma Rousseff was President's Lula Minister of Energy until 2005, and Chief of Staff until March 2010, when she left the cabinet to run for President. She was elected President in a run-off on 31 October 2010, assumed the presidency on January 1st, 2011.
[278] Interview No.16 - SP official.
[279] Media coverage: http://www.estadao.com.br/noticias/vidae,em-copenhague-lula-diz-que-reuniao-do-clima-nao-e-jogo,483701,0.htm.
[280] Interview No.2 - SP official.
[281] Interview No.3 - SP official.

Up to November President Lula and the diplomats were saying they would not have targets. Then São Paulo enacts a law with mandatory CO_2 reduction targets, and the Amazon states call for deforestation reduction targets. The NGOs start echoing the same claims. The federal government had little alternative other than to establish targets. It is all quite subtle, but I am positive that the states were successful in influencing the position the country took to Copenhagen.[282]

At Copenhagen, Governador Serra organised a side-event with Governor Schwarzenegger. On that occasion, Governor Serra emphasised that the state of São Paulo influenced the national strategy. In his speech, he affirmed that "the purposeful action of the state of São Paulo encouraged Brazil to put forward its proposal at COP-15, especially the target – even if voluntary – of GHG reductions. The pioneering work of governments such as those of Quebec, California and São Paulo are reference points for their countries and other regions around the world".[283]

Despite the content of all these claims, of course São Paulo was not the only actor or factor influencing the national government. First, there were other actors lobbying the federal government before and during COP-15. As the Conservation International representative remarked, "I doubt the state of São Paulo was as influential as they believe. São Paulo was just one more actor adding pressure, but the NGOs, business representatives, and academics were also very active".[284]

Then, there were also other subnational governments trying to influence the national government. The pressure exerted by the Amazonian states was even more influential. Not only did they want to influence the national government, but they were advocating an "Amazonia states' position", which consisted of supporting REDD and avoided deforestation mechanisms. Such an approach, however, was beyond what the negotiators accepted, and the federal governments reacted against the Amazonian states position. As the international advisor for the Ministry Environment clarified, "there is only one position to be presented, and this is the Brazilian position. We can even incorporate their perspective, but subnational governments can't have a distinct stand".[285]

Second, there was a political aspect surrounding the national decision. While agreeing that São Paulo influenced the Brazilian position, the coordinator of Greenpeace's climate campaign in Brazil stated that:

> President Lula saw that Serra had a mandatory reduction target, so he wanted to do the same. It's like a race, São Paulo took the forefront and the federal government had to pick it up. So São Paulo and the Amazon states were

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[282] Interview No.38 - academic.
[283] Speech by Governor Jose Serra (2009).
[284] Interview No.49 - NGO.
[285] Interview No.32 - national official.

influenced by the international regime, and they influenced the national strategy. However, there was also a heated political game happening: the elections that would soon take place, and all the main pre-candidates were there [at Copenhagen], starting to present their platforms.[286]

Indeed, Copenhagen had a strong appeal for Brazilian politicians. It happened less than one year before the Presidential elections. Not only President Lula was present, but the three main pre-candidates José Serra (PSDB), Dilma Rousseff (PT) and Marina Silva (PV – Green Party) also participated. These candidates "transformed the climate negotiation deadlock in their pre-electoral dispute".[287] Yet, this political dispute between Presidential candidates did not diminish the voice of subnational governments at the Conference. In addition to the collective meetings with the Brazilian negotiators (together with representatives from NGOs, businesses and subnational governments), Governor Serra and the Amazon Governors had a more exclusive meeting with President Lula, Carlos Minc (Minister for the Environment) and Dilma Rouseff.

Photo 7-1 President Lula, Carlos Minc and Dilma Rouseff in a meeting with the Governors from São Paulo, Amazonas, Tocantins, Pará, Acre and Amapá, in Copenhagen (December 16, 2009)
Source: Retrieved from http://www.casacivil.gov.br/multimidia/fotos/ministra-dilma-rousseff/6/presidente-lula-e-a-ministra-dilma-rousseff-durante-encontro-com-governadores-copenhague-dinamar5.jpg/view

The results achieved by the member-States at COP-15 fell short of the stated objectives. A new binding agreement was not achieved, and instead the member-States signed the "Copenhagen Accord", which ratified the commitment to limit the temperature increase

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[286] Interview No.48 - NGO.
[287] http://www1.folha.uol.com.br/folha/ambiente/ult10007u666600.shtml. December 15, 2009. Serra and Marina defended that Brazil should contribute with US$ 1billion to the Green Climate Fund, while Dilma was against the proposal.

to 2°C and required signatories to confirm their unilateral commitment proposals announced during the conference. Despite COP-15's failure, the state of São Paulo left Copenhagen feeling victorious. As the statement made by São Paulo's International Relations Advisor at the time recounts:

> NGOs, subnational governments, businesses, transnational networks, all these actors exert pressure over the negotiators. A subnational government has little chance of influencing the final outcomes of the negotiations, but it can influence the national position. And, in my view, this is what happened at Copenhagen; the state of São Paulo succeeded in its mission of influencing the national position.[288]

All in all, evidence suggests that in the past few years subnational governments in Brazil are exerting more pressure on the national government, and playing an increasingly significant role in forming the national position in its international environmental policy. Other than the actual influence over the matter of targets, the outcome of São Paulo's – and other subnational governments' – engagement was twofold. First, it made the Brazilian position a more democratically legitimate proposal. As a SAF officer put it, "thanks to the states the Brazilian proposal did not emerge from an office, without consideration of regional realities… it enabled Itamaraty to be closer to the real world".[289] Second, it changed the way the diplomats see subnational governments. This idea was acknowledged by another SAF officer, when he remarked that "the Governors changed the way the diplomats saw the states. When the diplomats went to the negotiation table they didn't see the topic in the same way they used to".[290] As a result, "more and more subnational interests will be considered in the formation of the Brazilian position".[291]

7.4.3. International environmental regime

Although subnational governments are one of the 'nine Major Groups' that can participate in the UN activities on achieving sustainable development[292], influence of subnational governments over the international environmental regime has been the object of limited attention. Generally, to influence international negotiations, subnational governments join transnational networks that pressure decision-makers at the international level. Still, scholars in the MLG tradition suggest that local governments apply important pressure on governments, but that there are practical limits to how effective they can be during the negotiations (Newell et al., 2012;

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[288] Interview No.16 - SP official.
[289] Interview No.24 - national official.
[290] Interview No.25 - national official.
[291] Interview No.34 - private.
[292] The Agenda 21 actually refers to 'Local Authorities', together with Women, Children and Youth, Farmers, Indigenous Peoples, NGOs, Trade Unions, Science and Technology, Business and Industry.

Schroeder & Lovell, 2012, p. 32).[293] In the legal literature, there has been some investigation of cities' influence over international efforts to address climate change (Osofsky & Levit, 2008), and how transnational networks of cities could be integrated into the treaty process (Osofsky, 2010).

In the paradiplomacy literature, it has been argued that subnational governments' ability to impact the international environmental regime is contingent on networks' capacity to enable subnational governments to influence sustainable development discussions at the international level (Royles, 2012, p. 166). Others have gone further and suggested that subnational governments rarely influence international decision-making on sustainable development. The reasons are, firstly, that subnational governments have more opportunities via the national context, and, secondly, because most EU institutions are not involved in the discussions (Happaerts et al., 2012, p. 257). So far, most non-State actors' influence seems to happen before and not actually at the negotiations. In Brazil, subnational impact on international dynamics is arguably becoming increasingly important (Vigevani, 2004), but there are no empirical examples of the impact of Brazilian subnational governments on the international regime. Overall the role of subnational governments and transnational networks of subnational governments influencing international environmental governance requires more attention.

Before proceeding with an examination of São Paulo's influence over the international environmental regime, it is important to stress that the scope of this thesis is not to proceed with an in depth investigation of subnational influence at multilateral environmental negotiations. To do so, the theoretical framework, the methodology and the actors interviewed would have to be different. For example, it would be necessary to consider to a greater extent the accounts given by policymakers involved at the international level in order to characterise subnational governments' potential contribution to intergovernmental policy debates or change. Nevertheless, from the interviews given by national diplomats and subnational representatives, together with the accounts given by policymakers who experienced environmental paradiplomatic activities, it is possible to draw some conclusions on the impact that subnational governments are having/can have in the international environmental regime.

Subnational influence over international environmental negotiations mostly aims at having the UN recognise them as *governmental actors* in the multilateral rule and decision making process. That is, rather than influencing the outcomes of the negotiations, so far subnational government's influence has been limited to (or focused on) making the nation-States, recognise the legitimacy that this level of governance has

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[293] While it tries to assess the impact of side-events over formal UNFCCC negotiations Newell (2012) strangely uses as a measure the extent to which the side-events presenters and participants referred to the formal negotiations.

in promoting sustainable development and addressing climate change. This is illustrated in the following statement made by the Secretary General of the Nrg4SD:

> The full potential of subnational and local governments as governmental stakeholders must be recognized and transposed into enhanced engagement within the United Nations decision-making processes. This is not about questioning the role of United Nations Member States as sovereign representatives in United Nations multilateralism. It is about empowering coherent, complementary and synergetic action from all tiers of government. In a nutshell, it is about multi-level governance and leadership in the interest of a much-needed realistic, courageous and results-oriented path towards sustainable development (Cardame, 2012, p. 43).

Transnational networks of subnational governments play an important role in this objective. These networks act "as the voice and representative of subnational governments at global level in the field of sustainable development" (Nrg4SD, 2012a). In the past years Nrg4d's capacity represent its members has been enhanced. The network gained accreditation to the UN, including observer status within the UNFCCC and the CBD. The state of São Paulo and other subnational governments have been using their memberships within the Nrg4SD to advocate a better recognition of this level of government in the international environmental governance and institutional sustainable development framework. As the international relations advisor of the Ministry of Environment commented:

> The networks give more visibility to subnational governments, but all within the parallel process of the side-events. I don't see many interactions with the negotiators or opportunities to influence the final decisions. The character of subnational participation is mostly one of claiming that their voice is heard, rather of content. Similar to indigenous peoples or the other Major Actors, they have to be included in the discussion, but their contributions are still limited. This might change, but for the time being I'm still sceptical.[294]

The state of São Paulo has embarked on this effort to have the UN recognise subnational governments as governmental actors. In October 2010 the state actively participated at COP-10 to the CBD in Nagoya, and together with other subnational governments the state exerted pressure to influence the outcomes of the Conference. As SMA's international relations advisor reports:

> The state Secretary, two experts in biodiversity and I attended the COP and had several meetings with other Nrg4SD members. We articulated mostly with Quebec, and we influenced the final text of the Action Plan [on Subnational Governments, Cities and other Local Authorities for Biodiversity]. We wanted

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[294] Interview No.32 - national official.

them to recognise that after the nation-State, regions and states are the most important level of governance. But also we wanted to distinguish ourselves from local governments. This is why we needed to negotiate the term 'subnational governments' in the document. Thanks to our work, a footnote was included into the final document stating that subnational governments are different from local governments.[295]

Decision X/22, adopted by the parties of the CBD, endorsed the Plan of Action on Subnational Governments, Cities and other Local Authorities for Biodiversity 2011-2020. The Plan includes the footnote referred to above, which distinguishes subnational and local governments.[296] The Plan also provides national governments with set of guidelines in support of subnational implementation of the Convention. It invites the CBD parties to involve subnational governments when revising their national biodiversity strategies and action plans; and to encourage them to elaborate their respective subnational strategies and action plans. Additionally, the Plan refers to the establishment of advisory committees on subnational governments.[297]

However, similar to the influence over the national government, subnational influence might be inflated by state representatives. Although participating in UN Conferences and organising side-events became an important aspect of the state's international agenda, it is open to debate whether the state has really been successful in influencing the negotiations. According to the international relations advisor for the Ministry of Environment:

> In Nagoya subnational representatives were present, they had an active participation, but nevertheless I don't think they had an expressive influence over the results. Their experiences, opinions and policies are circumscribed, they will hardly reverberate internationally. Maybe it is because there are few international mechanisms for them to be heard. Subnational participation is poorly institutionalised. Maybe if there was a clearer process, where subnational governments were officially called to present a paper, then their opinion would have more chances to be reflected in the final decisions.[298]

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[295] Interview No.9 - SP official.

[296] As mentioned in the Introduction (Subsection 1.2.1), the footnote states that "For the purposes of this document, 'local authorities' include all levels of government below the subnational, national or federal level (prefectures, districts, counties, municipalities, cities, towns, communes, etc.), while 'subnational governments' (states, provinces, domains, territories, regional governments) applies only to the first immediate level of government below the national".

[297] Decision X/22 identified the Nrg4SD as a key partner for the Advisory Committee of Subnational Governments, which was launched in April 2011 in Curitiba, Brazil. The Nrg4SD is accredited to the UN CBD and a partner in the Global Partnership for Biodiversity, so it enjoys close collaboration with the Secretariat of the Convention.

[298] Interview No.32 - national official.

Most subnational representatives will interact with other subnational governments. "Subnational government representatives seek their similar, they have their own agenda, and they are not interested in influencing the negotiations".[299] This confirms previous findings that although side-events are effective forums to exchange ideas and network, their current format as events 'on the side' does not offer sufficient coordination between non-State actors and the UN process (Schroeder, 2012):

> Subnational governments might be able to give their options and influence their national delegation. However, during the negotiations they do not have a voice. They are governmental actors, but not the nation-State.[300]

Subnational governments' influence over the international negotiations is, therefore, mainly indirect (via the negotiators), and occurring through contacts and advocacy carried out before the negotiations, in the agenda-setting phase. In this case, subnational influence over the national negotiators is achievable and can reflect more tangible results, for example, with the national government implementing policies and regulation domestically. Nevertheless, it is a fact that environmental paradiplomacy is being incorporated within the most important international environmental regimes - UFCCC, CBD, Rio+20. So far subnational governments' efforts are resulting in recognition. This confirms Schroeder (2012)'s argument that non-State actors "are acting authoritatively and in their own right in the informal climate arena beyond the formal UNFCCC regime" (p.26). It also suggests an argument put forward in Chapter 8, that subnational governments have acquired both transnational *actorness* and *agency*. All in all, maybe it is just too early to affirm whether subnational governments can spur on or steer international environmental regimes.

In summary, the analysis carried out in Section 7.4 of the outcomes of São Paulo's environmental paradiplomatic agenda showed that by engaging in international relations the state is influencing higher levels of governance. The second part of Hypothesis 3 was, therefore, also confirmed: the state has influenced (i) the national government and national environmental policymaking; (ii) the national position-forming process on climate change and biodiversity; and (iii) the international environmental regime on the extent to which it recognises the important role played by subnational governments in the governance of global environmental problems. This analysis advances the existent literature by providing a more specific account of the impacts that a subnational government can have over both the national position-forming process and the international environmental regime. Further, it suggests that on a scale of intensity of influence, the highest degree of influence is over the national government's policies, followed by the influence over the national foreign policy, and lastly over the international regime.

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[299] Interview No.35 – private. Also, Interview No.32 - SP academic.
[300] Interview No.26 - national official.

7.5. SUMMARY

Addressing *research question 3* (**What are the results of São Paulo's international environmental agenda?**) this Chapter analysed the effects of São Paulo's environmental paradiplomatic agenda in the state of São Paulo, in Brazilian domestic policy, in Brazilian foreign policy, and in international environmental negotiations. The processes used by the state to bring about these effects were assessed in Chapters 4 and 5, whereas the reasons why they engage in such activities were explored in Chapter 6. Some outcomes of environmental paradiplomacy were tightly linked with how and why environmental paradiplomacy evolves, while others were not so clearly related. In any case, the Chapters should not be understood separately. Indeed, the factors influencing subnational governments to undertake an international environmental agenda are likely to shape the outcomes of their agenda.

The analysis showed that we still lack a systematic theoretical explanation of what the implications of subnational (environmental) diplomacy are. By integrating the competing arguments suggested by the literature on paradiplomacy and the MLG approach, and analysing what results from São Paulo's international environmental agenda, this Chapter advanced previous research in developing such a framework. The assessment considered the impacts of environmental paradiplomacy over subnational governments' capacity to deal with global environmental problems (first part of Hypothesis 3 – section 7.3) and to influence higher levels of governance (second part of Hypothesis 3 – section 7.4). The impacts were measured in terms of legal and institutional effects as assessed by participating actors and observational findings.

In summary, environmental paradiplomacy undertaken by the state of São Paulo is part of broader transnational and paradiplomatic processes, but it has specific dynamics and impacts in its own right. First, São Paulo's environmental paradiplomatic agenda can be concretely translated into state legislation. Face-to-face interactions and learning opportunities are incorporated into state laws and decrees. Second, São Paulo is influencing the national government to enact new policies and legislation, and to change its strategy in international environmental negotiations. Put differently, the state is transforming a *soft* international agenda into *hard* regional legislation, and there is an indication that the state has been able to influence national foreign policy, as well as international environmental negotiations.

Because the state is able to transform policies and informal commitments into enforceable law, environmental paradiplomacy exceeds the outcomes of other transnational activities. Following Heyvaert's (2013b) definition of *transnational environmental law and regulation* as "a shorthand for law that deliberately engages with those challenges that characterize contemporary global environmental threats, with climate change first in line" (p.81), the law and regulation established by the state of São Paulo to address global environmental problems is a form of transnational

environmental law and regulation. Moreover, São Paulo's environmental paradiplomacy might contribute to 'bottom-up lawmaking processes' (Levit, 2007), where informal rules embed in a more formal legal system and thereby become law.[301]

The next Chapter continues by examining the outcomes of environmental paradiplomacy by drawing out some of the broader implications of São Paulo's environmental paradiplomatic agenda.

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[301] Levit (2007, p. 395) suggests that private parties, NGOs, and/or mid-level technocrats coalesce around shared experiences and interests, codifying norms that reflect and condition group practices.

CHAPTER 8: THEORETICAL IMPLICATIONS OF ENVIRONMENTAL PARADIPLOMACY

8.1. INTRODUCTION

Chapter 7 addressed the third research question: **What are the results of the international environmental agenda undertaken by the state of São Paulo?** Drawing from the MLG and paradiplomacy framework, it was hypothesised that by engaging in environmental paradiplomacy the state expands its capacity to deal with global environmental problems. It was also hypothesised that São Paulo is influencing higher levels of governance, that is, decision-making processes on the national and international levels. Chapter 7 further suggested that São Paulo's environmental paradiplomacy has a distinctive character of promoting new legislation in the state.

The purpose of this Chapter is to infer **further theoretical implications of the international relations undertaken by the state of São Paulo**. Is it possible to argue that paradiplomatic activities direct our attention towards new forms of government or new forms of State? Do they represent a challenge to the sovereignty of the nation-State? I argue that São Paulo's environmental paradiplomacy results in a change of patterns, in different – if not new – types of relationship, which emphasise enhanced channels of communication between the subnational, the national, and the international, and reinforce the image of rescaling that was discussed in Chapter 5. Ultimately, *environmental paradiplomacy represents new alignments of authority in global environmental governance*.

These new alignments of authority promoted by environmental paradiplomacy are seen, first, in the changing relationships between subnational governments and the nation-State. In the case of the international environmental relations undertaken by the state of São Paulo, these new relationships are observed in terms of (i) how paradiplomacy is being instutionalised within the national government and the state; (ii) how the international environmental agenda undertaken by subnational governments is expanding Brazilian cooperative federalism; and (iii) the prospects of conflict and cooperation between the national government and its subunits.

These new alignments of authority are seen, second, in terms of subnational government' transnational presence. I argue that by engaging in international initiatives subnational governments produce a distinctive paradiplomatic identity, where (i) by

undertaking collaborative initiatives they become transnational actors; and (ii) by undertaking coalition initiatives they acquire transnational agency.

This Chapter is divided into five main sections. Section 8.2 goes back to the different bodies of literature that guided the research, looking at how they identify the broader implications of subnational governments' engagement in international relations. Section 8.3 assesses the changing relationships that can be observed between subnational governments and the nation-State as a result of environmental paradiplomacy. Section 8.4 looks at how the international environmental initiatives undertaken by subnational governments translate into a broader transnational presence. Section 8.5 presents a summary of the findings.

8.2. NEW ALIGNMENTS OF AUTHORITY

The theoretical implications of subnational governments' engagement in international relations for the international system can be approached through the different bodies of literature that guided the research.

For *transnationalists*, the expanding role of non-State actors in international affairs motivates a discussion of sovereignty and implications for State authority. Almost forty years ago Keohane and Nye (1974) acknowledged that the nation-State was no longer the only foreign policy actor. Wapner (1998) developed the argument and claimed that transnational actors reoriented the notion of State sovereignty. Studies within this trend indicate that transnational actors are addressing the limitations of traditional interstate diplomacy. Their involvement in institutionalised policy processes contributes to the democratisation of world politics (Raustiala, 2002), promotes flexibility and responsiveness: through information exchange, discussion and coordination, they avoid the obstacles that draw out efforts to negotiate formal treaties (Slaughter, 2004). Transgovernmental actors, in particular, contribute to the discussion of highly technical issues in which foreign ministries lack expertise (Slaughter & Hale, 2010, p. 359). Moreover, transnational actors challenge environmental multilateralism. They represent a more multiscalar notion of the actors involved in environmental multilateralism (Osofsky, 2010), and enhance the legitimacy of governmental and intergovernmental policies (Andonova & Mitchell, 2010; Osofsky, 2010; Raustiala, 1997b; Schroeder & Lovell, 2012; Zürn, 1998).[302]

MLG scholars also envision the changing role of the State. It is argued that the idea of 'foreign affairs' is no longer a sustainable category separate from 'domestic concerns': globalization has brought a wave of situations in which the two categories overlap (Piattoni, 2010, p. 188). MLG permits the participation and representation of subnational interests that are not always authorised to be involved in policymaking in

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[302] See Chapter 6.

their national contexts (Piattoni, 2010, p. 242). Researchers drawing upon a MLG framework further argue that the nation-State is no longer the principal entity in climate governance (Bulkeley, 2005; Gore, 2010). Along these lines, cities became a prime example of a public authority that transcends such dichotomy. From this perspective, there is only an elusive boundary between the foreign and the domestic, and often these concerns are intertwined (Acuto, 2013a; Betsill & Bulkeley, 2006; Bulkeley & Betsill, 2003).

Alternatively, Hoffmann (2011) understands this situation as a transition from a centripetal to a centrifugal cycle. On the one hand, the participation of transnational actors in international environmental negotiations confirms the importance of multilateral processes. By attending the negotiations and orienting their discourses and practices, non-State actors reinforce the idea that multilateralism is the way to respond to global environmental problems. On the other hand, in a context where multilateral processes are no longer the only way to approach environmental problems:

> Cities, states/provinces, corporations, and more have begun to see themselves as authoritative actors in general, and this translates into an enhanced proclivity to see themselves as authoritative actors in climate change (Hoffmann, 2011, p. 66).

Within the *paradiplomacy* literature there has been less interest in understanding the new alignments of authority that result from the engagement of subnational government in international relations. Some scholars writing within this trend point out that the traditional distinction between foreign and domestic policy has become harder to sustain (Hocking, 1993a; Kincaid, 1984). Diplomacy, which was regarded as a phenomenon of international politics, assumes a domestic dimension. The exclusive territories of the domestic and international are blended by a range of forces located at differing political levels (Aguirre, 1999; Hocking, 1993a). Others argue that diplomacy is losing its traditional function as NGOs and subnational governments continuously overlap or bypass central governments' foreign policy (Aguirre, 1999).

However, the extent to which transnational actors and new modes of governance impact the State remains insufficiently supported by empirical research (Andonova & Van Deveer, 2011). The literature also lacks a consideration of the global impacts of the growing interaction between cities and global governance (Acuto, 2013b). Trying to draw further theoretical insights of paradiplomacy, I consider the new alignments of authority that are established when a subnational government undertakes an international agenda. More specifically, the analysis suggests that environmental paradiplomacy impacts the relationships between subnational governments and the

nation-State (Section 8.3), and it characterises subnational governments as both transnational actors and agents (Section 8.4).[303]

8.3. CHANGING RELATIONSHIPS BETWEEN SUBNATIONAL GOVERNMENTS AND THE NATION-STATE

The environmental paradiplomatic agenda undertaken by the state of São Paulo affects the interactions or relationships between the national and the subnational in foreign policymaking. In this web of interactions, subnational governments are exerting diplomacy with the approval of the central government, and paradiplomacy is being institutionalised within the national and the subnational level (Subsection 8.3.1). As a result, environmental paradiplomatic activity is playing a role in expanding cooperative federalism in Brazil (Subsection 8.3.2). Examining the outcomes of these relationships, it is possible to conclude that environmental paradiplomacy in Brazil results in more cooperation than conflict (Subsection 8.3.3).

8.3.1. Institutionalising paradiplomacy

In the paradiplomacy literature, the institutionalisation of the international relations apparatus of subnational governments has been measured in terms of the number of people involved in subnational diplomacy, the organisation type (i.e. Department, Secretariat etc.), the type and amount of activity undertaken, and the level of communication established with the central government (Salomón & Nunes, 2007). The fact that the international activity of Brazilian subnational governments is poorly institutionalised was mentioned in Chapter 4. The states and municipalities that engage in external relations have limited resources, they establish different types of organisation, and there is no requirement to coordinate the activities with higher or lower-level authorities.

Institutionalisation of paradiplomacy (or federative diplomacy, to use the official term chosen by Itamaraty) was further discussed in Chapter 5. In the national level, in 1997 an advisory board was created within the Ministry of Foreign Affairs to help subnational governments to develop their international relations (ARF, replaced in 2003 by AFEPA). In parallel, a Division for Federative Affairs (SAF) was created within the Presidential Office, which also supports international cooperation in involving states and municipalities. Within São Paulo state government, the first Special Advisory Office for International Affairs was created in 1991, abolished in 1996, and reinstated in 2005. In 2010, the Green Party coalition submitted a white paper requesting the creation of an International Relations Secretariat within the newly installed state government. The document justified it on the basis that São Paulo has an economic relevance and its own

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[303] Note to reader: Sections 8.3 and 8.4 partially draw upon a paper I presented at the ISA Annual Convention (Setzer, 2013c).

interests in the international scene.[304] The proposal was based on one of the items of Fabio Feldmann's candidature for Governor of the state, which argued that:

> São Paulo has its own interests and economic weight on the international scenario. This justifies the creation of a state International Relations Department that can act in defence of our state's interests (…), establish cooperation agreements and foster technological and scientific interchange with other countries, as well as contribute to São Paulo's international visibility as the country's economic and political centre (Feldmann, 2010).

The institutionalisation of paradiplomacy in the state also reduces the personal/individual character of São Paulo's international relations. When asked about it, Fabio Feldmann explained that:

> We need to institutionalise our international agenda. It can no longer remain dependent on the politicians and officials who are in charge in a particular moment. In six years in power Governor Covas travelled only once abroad. The Governor has to defend the state in this globalised world…. However, just creating a department or a secretariat does not guarantee this… we need to create a paradiplomatic culture within the government. The costs are very little compared to the potential benefits.[305]

Although a specific Department was not created, clear measures to strengthen the state's international relations were put out in place. In April 2012 the state made public its International Relations Plan, the first of its kind in Brazil, providing the state with guidelines in the field of international relations for the period of for 2011-14, with a view to fostering sustainable development in the state and augmenting the state's international influence (São Paulo, 2012).

Environmental paradiplomacy, in particular, was institutionalised within the state structure. After 25 years of existence, in 2011, the Special Projects Advisory Office was abolished and a specific International Advisory Body was created, which reports directly to the state Secretary for the Environment. The new International Advisory Body is now in charge of international cooperation and of organizing the visit of international authorities, but it was designated two new responsibilities that directly relate to coalition activities: participation in international conferences and participation in transnational networks.[306]

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[304] Article on the Green Party request for the creation of an International Relations Secretariat available on http://blogs.estadao.com.br/radar-politico/2010/11/25/pv-pede-a-alckmin-criacao-de-secretaria-de-relacoes-internacionais/
[305] Interview No.46 -NGO.
[306] Resolution SMA 37/2011.

Despite these measures, SMA and CETESB officials called for better staffed and equipped structures to meet expanding organisational demands. There are three officers within SMA and six within CETESB working in the international relations division. Also, the state lacks stronger channels of communication and coordination with the SAF and/or the diplomatic body at Itamaraty. SAF has no control over the initiatives established by subnational governments. As the international relations advisor at SAF confirmed, "if the state signs a MOU that conflicts with a previous MOU, or if an initiative is abandoned, we will never know".[307] Itamaraty might be more involved and better informed, but not on a regular basis. The diplomat who was São Paulo's international advisor until 2010 acknowledged that:

> Because I am a diplomat I try to make this bridge between the state government and Itamaraty, and to keep Itamaraty informed of what we are doing. I also often get information from my colleagues in Brasilia, and add the specific information provided by the state secretariats. But not all subnational governments have a diplomat working in their international relations division.[308]

Regulating paradiplomacy could help address this institutionalisation and communication problem. As mentioned in Chapter 5, this is what the PEC (Proposal of Amendment to the Constitution) presented by the federal deputy and diplomat Andre Costa attempted to do. According to a SAF officer, "if subnational diplomacy was regulated through a specific law it would help Itamaraty have more control over subnational international initiatives".[309] It is also, perhaps, a matter of time. As another interviewee highlighted, "until recently subnational governments didn't have a permanent forum to act internationally. The bridges have been built; the challenge now is to maintain them. As the saying goes 'one swallow doesn't make a summer'".[310]

8.3.2. Expanding cooperative federalism

In the changing relationship between subnational and the central governments, environmental paradiplomacy is also impacting Brazilian federalism. If initially Itamaraty was reluctant to support subnational diplomacy, diplomats are becoming more open to cooperation with state representatives. As a result, not only it is expected that the state will maintain its international life, but it can also be said that this paradiplomatic activity is playing a role in expanding cooperative federalism in Brazil. Such a change was acknowledged by SAF's international relations advisor:

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[307] Interview No.24 - national official.
[308] Interview No.16 - SP official.
[309] Interview No.25 - national official.
[310] Interview No.34 – private.

These last events [climate COPs] have offered us an opportunity to explore how a cooperative federalism operates, a true federalist dialogue has been taking place.[311]

The notion of *cooperative federalism* was introduced in Chapter 2 and further developed in Chapter 6. Cooperative federalism emphasises the importance of engaging multiple levels of governance in policymaking, particularly in an effort to deal with environmental problems (Boyd, 2011; Carlson, 2008). Environmental paradiplomacy emphasises this idea, while it relativizes the federal governments' exclusivity on international relations.

However, by emphasising the notion of cooperative federalism, paradiplomacy is not promoting a *devolution* movement from the national towards subnational governments. Under a context of devolution, the division of powers (administrative, judicial or legislative) is conferred by the central government, which retains the capacity to revoke them (Gregory et al., 2009, p. 156). Duran (2011) argued that in France subnational governments' external relations and diplomatic activities are driven by devolution processes. In a context of cooperative federalism, the division of powers is instead determined by the Constitution. This is the case of Brazil, where subnational governments' power emanates from the original constituent power, and is exercised within the limits established by the Federal Constitution (Article 225, Paragraph 1).

Instead, this structure is underpinned by the *subsidiarity principle*, according to which decisions within a political system should be taken at the lowest level consistent with effective action. It also relates with to already established idea in the MLG literature, that the involvement of lower levels of government can make policymaking reflect local citizens' preferences more closely (Hooghe & Marks, 2003; Jordan & Jeppesen, 2000; Scharpf, 1988). Yet, environmental paradiplomacy cannot be justified by the idea that the level of jurisdictional authority should best 'match' the geographic scale of the problem - referred by environmental lawyers as the *matching principle* (Sovacool, 2008). If environmental paradiplomacy strictly followed the matching principle, then global environmental problems would only be addressed through institutions of equivalent scope of the problem in question. Foreign affairs would remain an exclusive competence of the federal government.

Therefore, São Paulo's international agenda to deal with global environmental problems is driven by, and at the same time it expands, the application of cooperative federalism. This structure is underpinned by the division of powers that is determined by the Federal Constitution (and not by *devolution* processes) and by the *subsidiarity principle* (and not by the *matching principle*). Such a domestic structure makes the state capable of legislating, implementing environmental legislation, and also undertaking international roles in both coalition and collaboration initiatives across borders. More

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[311] Interview No.24 - national official.

generally, environmental paradiplomacy affects our thinking about the constitutional dimension of federalism.

8.3.3. Between conflict and cooperation

The institutionalisation of paradiplomacy and the expansion of cooperative federalism characterise the international environmental relations undertaken by the state of São Paulo mostly as a *cooperative relationship*.

So far, the paradiplomatic literature has been examined using a dichotomist approach, where a subnational foreign agenda is either conflicting with or cooperative to the diplomatic activities of the nation-State (Cornago, 1999; Duran, 2011). The majority of studies have identified paradiplomacy as conflictual involving subnational governments and the nation-State in the execution of international relations. Subnational diplomacy is seen to potentially fuel tension with the central government and can strengthen the position of nationalist leaders (Lecours & Moreno, 2003). Empirical studies also emphasise the conflicting nature of the relations between subnational and central governments. A number of cases examine subnational governments that are pushing the boundaries of what is subnational and what is foreign policy by strengthening their national identify (Royles, 2012), or placing themselves as "a minority nation in the wider family of nation-States" (Keating, 1997, p. 708).

A minority of studies have argued that paradiplomacy can increase the potential for cooperation in central-subnational relations (e.g. Aldecoa, 1999). Along these lines, Soldatos (1990, p. 51) argues that paradiplomacy should place less emphasis on conflict. In his words, "it will increasingly be a cooperative rather than a parallel paradiplomacy; but, although cooperative, it will continue to pose problems for federal governments' foreign policy in terms of harmonization and global coherence". Following his work, Hocking (1993a, 1999) called for a concept of 'multilayered' diplomacy, where subnational governments integrate a complex diplomatic environment which blends the domestic and international. Duran (2011) further argued that diplomatic practices surpass the conflictual logic according to which subnational entities win what the national diplomatic level loses. Instead, paradiplomacy is "an integral part of diplomacy, aimed at emphasizing the commonalities instead of the differences or separateness between polities" (p.340).

In Brazil environmental paradiplomacy has resulted in more cooperation than conflict. As noted above, through this increased the dialogue of São Paulo with the nation-State, diplomats were able to reach more balanced and representative national positions (Subsection 7.4.2). Furthermore, although a paradiplomatic agenda makes international relations more complex, with more actors involved, at no point has São Paulo challenged the national authority over the country's foreign affairs. Andre Costa, the diplomat who wrote the paradiplomacy PEC, argued that subnational governments are

not intending to question or replace the nation-State as the country's representative in foreign relations:

> Brazilian federated units have the support of the Presidency and the Ministry of Foreign Affairs, and the division of competences is clear - the national government establishes and defends the national interests in the international sphere, while on the other side subnational governments undertake initiatives in areas such as commerce, culture, and cooperation (Costa, 2005a, p. 12).[312]

Many actors at the state and national level confirmed this idea that "although states have their claims, they are not made in a confronting way"[313], and that "when São Paulo disagrees with the national foreign policy, we take a differentiated, yet respectful, position".[314] Agreement was achieved even in potentially conflicting situations, such as the pre-Copenhagen period:

> Before COP-15 the states and Itamaraty defended antagonist positions. We [SAF] helped mediating them, and President Lula was also involved. At the end I think that the states won the dispute, with the federal government giving its support. I don't know if the diplomats share this opinion, but in my view the states played an important role and emerged victorious.[315]

While in their assessment of influence the accounts of state and national representatives were unbalanced, the understanding of what paradiplomacy means in terms of a co-existence between diplomats and subnational representatives was more harmonious. This implied that subnational representatives accepted the need for national endorsement when loans are involved, as well as accepting Itamaraty's primacy in international policymaking:

> The fact that we have an international environmental agenda does not create conflict with the federal government. When there are financial aspects involved, we ask for federal endorsement. In the other situations we remain in contact with Itamaraty. We know until where we can go with our international agenda.[316]

> Even when the state government has a different stand, there is a general understanding that the national position in an international negotiation is made by the federal government and by Itamaraty. The governor can emphasise São Paulo's achievements and policies, but this is not the same as saying this is the national position. In any meeting between the governor and foreign authorities,

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[312] Author's translation.
[313] Interview No.24 - national official.
[314] Interview No.2 - SP official.
[315] Interview No.24 - national official
[316] Interview No.1 - SP official.

we make it clear that the governor's opinion is a personal one, or the opinion of the state government, and not the position being defended by the country. So there is no margin for conflict if the state makes it clear that its position is distinct from that of the negotiators. Itamaraty accepts it as normal because there is no confrontation.[317]

At the same time, the participation of subnational government representatives in diplomatic processes allows them to understand the roles of 'real diplomats', and the difficulties that they face. Many subnational representatives who experience multilateral environmental negotiations feel overwhelmed and frustrated with the pace at which decisions are taken. Nevertheless, they leave with an increased respect for the diplomats' ability to deal with complex themes, especially after sleepless nights in the final stages of the negotiations.

At the federal level, the acceptance of subnational diplomacy requires trust, and an understanding that divergent opinions must be coordinated domestically. This is reflected in the comments made by the head of AFEPA:

> We stimulate subnational participation in bilateral agreements and multilateral forums. We are not worried or suspicious that subnational governments will act in a way that is contrary to our orientation. There is no distrust… The Constitutional competence is clear, and I don't think subnational governments would encroach on this… Even when subnational governments have a divergent opinion and try to influence us, as in the case of COP-15, after a few coordinating meetings we were able to achieve a common ground… Domestically we can disagree, but internationally there is only one position, the Brazilian position".[318]

The recognition that multilateralism is not the only way to address global environmental problems is also implied. As the Head of the Environment Division at Itamaraty put it:

> There might be [potential conflict between subnational governments and the negotiators], but I have never experienced such a situation. Maybe there is some bureaucratic jealousy, not more. The MOU entered between Governor Serra and Schwarzenegger had intensive media coverage, but it did not lead to conflict. The agendas are not conflicting, subnational and national governments want similar things, even if eventually through different means. We just need to understand that multilateralism is not the only way to address global environmental problems.[319]

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[317] Interview No.16 - SP official.
[318] Interview No.28 - national official.
[319] Interview No.27 – national official.

In addition, Itamaraty's support of federative diplomacy underlies the idea that subnational engagement in international regimes helps legitimise the diplomat's role in international policymaking.

Although the opportunities for dialogue between subnational representatives and foreign officers are still limited[320], the analysis above shows that cooperation features prominently in Brazilian environmental paradiplomacy. Subnational representatives might say that Itamaraty does not have exclusivity over Brazilian foreign policy[321] and that multilateralism is not the only solution to global environmental problems.[322] Yet, subnational representatives respect the diplomats' authority. Thus far, the federal reaction to subnational foreign affairs has been mostly cordial and supportive. There have been no major conflicts, and when some animosity began (e.g. prior to COP-15 in Copenhagen), it was clear that Itamaraty's voice represented the national opinion. These accounts draw attention to the fact that environmental paradiplomacy undertaken by the state of São Paulo gave rise to more cooperation than conflict and, ultimately, it leads to new interactions and relationships between the actors in the subnational and national levels.

8.4. ACQUIRING A TRANSNATIONAL PRESENCE

In addition to changing the interactions or relationships between the national and the subnational in foreign policymaking, undertaking international environmental initiatives affects how subnational governments place themselves internationally. Taking into consideration the case study of this thesis, I argue that by undertaking a mix of *collaboration* and *coalition* activities[323] the state of São Paulo produces a distinctive paradiplomatic identity, through which it becomes a *transnational actor* and acquires *transnational agency*. Overall the analysis shows that subnational actorness and agency coincides with the characteristics that define subnational government's international environmental agenda in terms of collaboration and coalition initiatives (Table 8-1).

	Collaboration	Coalition
Transnational actorness	*Yes*	*Yes*
Transnational agency	*No*	*Yes*

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[320] Interview No.19 - SP official, and the previous Subsection.
[321] Interview No.46 - NGO.
[322] Interview No.2 - SP official.
[323] Chapter 4 suggested a new typology for paradiplomatic activity, consisting of *collaboration* and *coalition* activities. Coalition initiatives were shown to be particularly strong in Sao Paulo's environmental agenda: all the networks in which the state participates have environmental and sustainable development objectives; the only multilateral negotiations which the state follows are on global environmental problems (climate change and biodiversity); and the majority of the international missions that the state hosted had environmental topics in their agenda.

Table 8-1 Relation between collaboration and coalition, actorness and agency in environmental paradiplomacy
Source: Author

Subsection 8.4.1 presents the state of São Paulo as a transnational *actor*. The state's actorness is evaluated using the paradiplomacy literature, mostly Duran's (2011) conceptual framework. Subsection 8.4.2 examines how subnational governments acquire agency. The transnational agency of subnational governments is considered through the lenses of the MLG literature, using the conceptualization of agency brought by O'Neil et al (2004) and Schroeder (2010). The analysis also addresses a call in the literature for further clarification of the differences between actors and agents (O'Neill et al., 2004).

8.4.1. Transnational actorness

The notion of 'actorness' has been subject of considerable discussion within the IR literature, especially with scholars assessing EU's actorness in foreign policy. In this context, different criteria for actorness have been developed. For instance, in their analysis of the EU as an actor in international environmental politics, Bretherton and Vogler (2008) conceptualised EU's actorness based on the notions of *opportunity*, *presence* and *capability*.[324] Whilst it has been possible to understand EU's actorness, would it be appropriate to consider such propriety in relation to subnational governments?

Scholars writing on paradiplomacy assume, in a rather unproblematic way, that subnational governments become 'international actors' because of their involvement in international activities (e.g. Cohn & Smith, 1996). Hocking (1999) expanded this analysis looking at subnational government's actorness and the different criteria which demonstrate their capacity to pursue foreign policy. He demonstrates that foreign policy constitutes only one dimension to subnational government's international activity. Drawing upon Bretherton and Vogler (2008), Duran (2011) developed a conceptual framework of actorness for subnational governments. In his examination of the French region of Provence-Alpes-Cote d'Azur (PACA), Duran defines actorness as "the ability to make one's presence felt internationally" (p. 346), and proposes four criteria to discern the actorness of a region:

> (i)   *Authority*, which deals with the legal competences that allow a region to engage in international relations;

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[324] For Bretherton and Vogler (2008), *presence* conceptualizes the ability of the EU to exert influence beyond its borders. *Opportunity* refers to ideas and events that constrain or enable actorness. *Capability* refers to the capacity to formulate and implement external policy.

(ii)   *Presence*, which refers both to the external recognition by which other actors recognize the region's international role, as well as the internal identity of the region as an international actor;

(iii) *Autonomy*, which is the ability to set up and develop an institutional diplomatic structure; and

(iv)   *Opportunity*, which refers to the external environment enabling the international activities.

Applying this framework Duran concludes that PACA is an international actor. The criterion of *authority* is met as French regions can manage foreign policy issues which touch upon their competences, for example, through decentralised cooperation. The criterion of *presence* is met as French regions are allowed to sign international agreements[325] within the domain of their competences (external recognition), and PACA entails a distinct identity integrating the Mediterranean macro-region (internal recognition). The criterion of *autonomy* is observed as PACA has a department for international relations. Finally the criterion of *opportunity* manifests itself in institutional niches (Committee of the Regions), transnational cooperation frameworks (European Territorial Cooperation) and geographical partnerships (Euro-Mediterranean Partnership) through which the region acts beyond the State borders.

This framework has some conceptual and terminological shortcomings. First, Duran (2011) uses the term 'international' as a generic designation for the relations between actors across borders, whether they are private or public, State or non-State. As clarified in the Introduction, non-State actors are now widely recognised as *transnational actors* (Stripple & Pattberg, 2010). The term 'transnational' is, hence, more appropriate to characterize the international agenda of non-State actors, including that of subnational governments. Second, Duran (2011) considers actorness and agency as synonyms. However, not only the differences between actorness and agency are crucial (O'Neill et al., 2004; Schroeder, 2010), but also, I argue, they reflect the differences between collaboration and coalition.

Despite these differences, Duran's framework can be extended to the analysis of São Paulo's transnational actorness. As previously examined:

(i)   *Authority* – the state is allowed to engage in international relations, with some limitations (see Chapter 5);

(ii)   *Presence* – the state establishes decentralised cooperation agreements within the domain of its competences (external recognition – see Chapter 4). It also demonstrates a distinct regional identity through its leadership role in environmental policymaking (internal recognition - see Chapter 6);

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[325] There is a problem with the way in which Duran uses the term 'international agreements'. It would be more adequate to use 'cooperation agreements'. See Mitchell (2003).

(iii)   *Autonomy* – the state has a department for international relations, which during the past 20 years have become more institutionalised; the same can be said for SMA's and CETESB's international relations advisory offices (see Chapters 4 and 5); and

(iv)   *Opportunity* - São Paulo participates actively in initiatives through which it acts beyond the state borders (see Chapters 4 and 5).

Therefore, establishing cooperation initiatives across borders and formalising an international agenda gives subnational governments the authority, presence, autonomy, and the opportunity they need to become transnational actors. In the case of the state of São Paulo, considering the characteristics of its international environmental agenda examined during this thesis, it is possible to conclude that by having formalised an international agenda, and undertaking collaboration initiatives across borders, the state of São Paulo acquired transnational actorness.

8.4.2 Transnational agency

In addition, it can be argued that São Paulo's international agenda advances a step up the ladder of paradiplomatic activity. São Paulo's international activity is not limited to information-sharing opportunities enabled through decentralised cooperation or through participation in networks. It's international environmental agenda promotes a real paradiplomatic shift which involves a consistent presence in international negotiations, engagement in the agenda-setting for these negotiations, membership in transnational networks that represent regional governments in global forums, and engagement with topics that are global - and not only regional and local - in nature. Such leap characterises the state as a *transnational agent*.

The argument that the state of São Paulo is not only an actor, but also an agent, requires a brief consideration of the concept of agency. Agency is a widely applied concept in social science and among one of the most difficult to define (O'Neill et al., 2004). While traditional IR theorists suggested that States were the sole agents, more recent scholarship understands agency in terms of influence of actors, both State and non-State, over international politics. This capacity is observed within networked individuals and groups (Keck & Sikkink, 1998; Stripple & Pattberg, 2010), as well as within units of government (Keohane & Nye, 1971; Raustiala, 2002; Risse, 1995; Slaughter, 2004). However, not all actors are automatically agents. As Schroeder (2010) clarifies, actors participate in decision-making without directly shaping outcomes, while agents prescribe behaviours with consent of the governed. In short, an agent is an 'authoritative actor' (Schroeder, 2010), who has the capability to 'make a difference' in the production of definite outcomes (O'Neill et al., 2004). For agency to occur, it is necessary to have a "purposeful steering of constituents either indirectly (by influencing the decisions of other actors) or directly (by making steering decisions)" (Schroeder, 2010, p. 320).

Transnational networks of subnational governments such as ICLEI and C40 have already been seen to have agency. They "illustrate that the drivers of climate policies can no longer be equated with governments and their diplomatic corps, but have diversified to include the local as a central level of climate governance" (Pattberg & Stripple, 2008, p. 379). The *transnational political agency* of C40 "has focused on formulating joint statements, calls for actions and collective plans targeted towards expanding and reproblematising the role of metropolises in global environmental politics" (Acuto, 2013b, p. 8).

The state of São Paulo, through and also independently from transnational networks, follows these paths. São Paulo's agency in the governance of global environmental problems was confirmed in the interviews conducted with different policy makers in the state and in the federal level. For instance, SMA's International Affairs Advisor remembers 1995, the year when the special division for global environmental problems, the PROCLIMA and the PROZONESP programs were established, as the landmark for São Paulo's international environmental agenda:

> Until 1995 we were mainly concerned with our own problems, the creation of parks, air pollution. The Special Advisory was in charge of international cooperation, but the topics we dealt with were local in nature. When Fabio Feldmann became the state Secretary, the international treaties signed at Rio 1992 and global international problems started to become part of our concerns. We organized a publication containing all the international environmental treaties so far in force, and a team of SMA's officials travelled all around the state, explaining the new International Conventions and the topics they dealt with. Until then, people had no idea about these Treaties or about global environmental problems. Soon after, we began to join international forums and networks. This is when we really became international.[326]

After 15 years of a constant international activity focused on global environmental problems, it is now possible to make sense of this agenda, grouping the different activities undertaken by SMA and CETESB in the two major types of behaviour mentioned above (collaboration and coalition), and recognising the diplomatic and rule making roles acquired by the state. Once again, this was implicitly acknowledged by CETESB's President and by SMA's Legal Advisor:

> São Paulo's international agenda goes beyond the South-South or North-South cooperation. We have a political agenda within the United Nations and the Multilateral Environmental Agreements, where we engage in many of the same core diplomatic functions that characterize the work of the diplomats.[327]

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[326] Interview No.4 - SP official.
[327] Interview No.2 - SP official.

> We don't see international cooperation initiatives as international diplomacy. But São Paulo has a diplomatic agenda when it participates in international conferences and transnational networks.[328]

Importantly, and confirming what the previously analysed scholarship envisioned as agency (Schroeder, 2010), the international activities undertaken by the state of São Paulo are not confined to lobbying and advising national governments in the creation and implementation of rules. Rather, the state of São Paulo frequently becomes an agent substantively participating in and/or setting its own legislation (see Chapter 7). In addition, policymakers in the state have joined other subnational governments in calling for recognition within the international system:

> I believe that subnational governments have to be recognised as 'special international public-law entities', and the networks as 'special international organisations'. It is important to differentiate subnational governments from NGOs in the international system. Initially subnational governments accepted to being classified as NGOs, because this was the only way they found to attend international negotiations. Now this terminology is an object of much discontent among subnational governments. Still, I believe it doesn't matter the name or the colour of our hat. What matters is to be part of the process, and to have a voice. With time I'm sure that the UN system will react and correct this.[329]

São Paulo's agency is also recognised by policy-makers across borders. In fact, the state is generally perceived as a relevant player in environmental paradiplomacy. For example, the climate change and sustainable development coordinator within Quebec's Department for International Relations acknowledged São Paulo's leadership role within the Nrg4SD, and the fact that "São Paulo's diplomacy is clearly getting more important, structured and organised".[330] In the view of the former Secretary General of Regions United (FOGAR), "São Paulo's international relations play an important role in promoting Brazil as an emerging force in global politics".[331]

While these sources confirm the transnational agency of this subnational government, they inevitably include a degree of personal bias. They all represent subnational governments and they are either state officials, or had direct involvement with São Paulo officials. The view of a NGO representative and also of a diplomat São Paulo's transnational agency this is not so obvious:

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[328] Interview No.5 - SP official.
[329] Interview No.2 - SP official.
[330] Interview No.52 – foreign policy-maker. Justifying this statement he mentions Sao Paulo's involvement in the Regions Leaders' Summit, the state's IR Plan and its increased contact with the federal government in dealing with international issues.
[331] Interview No. 51 – foreign policy-maker (translated from French).

Itamaraty still doesn't really see subnational governments as international actors. For them all this activity is marginal. They have a division to deal with subnational governments, but it's a very small division, and it works almost as a travel agency, booking tickets and organising international trips for governors and subnational representatives.[332]

...Care must be taken, as international relations require particular skills that only real diplomats have. When the Governor goes abroad, I always do the final revision of his speech. And the international community knows how to differentiate the Brazilian official position, from that of the Governor, state Secretaries and other subnational representatives.[333]

Despite challenges that still exist in regards to subnational governments engaging in international relations, the amplitude of São Paulo's international environmental activities produces a distinctive identity which provides the state with transnational agency. Positioning itself as a leader in environmental policymaking, both for local/regional and global problems, the state of São Paulo has expressed what Acuto (2013b, p. 8) calls "entitlement to membership in the complex of stakeholders engaged in global environmental governance".

8.5. SUMMARY

This Chapter aimed to draw out further theoretical implications in respect to the international environmental agenda undertaken by the state of São Paulo. The analysis started with a review of the literature that examines the impacts of subnational governments' engagement in international relations for the international system (Section 8.2). It was shown that the increased participation of non-State actors - including subnational governments - in international environmental relations reflects broader changes in the nature of diplomacy and of multilateralism in world politics.

With the aim of contributing to the development of theory, two arguments were made: that environmental paradiplomacy can change the relationships between subnational and national governments in foreign policymaking (Section 8.3); and that environmental paradiplomacy can provide subnational governments with a transnational presence (Section 8.4).

First, the case study helped to demonstrate the *changing relationships established between subnational and national governments* which can arise from environmental paradiplomacy. These changing relationships were observed in terms of the institutionalisation of environmental paradiplomacy (Subsection 8.3.1), the softening of federal governments' constitutional exclusivity on international relations (Subsection

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[332] Interview No.49 - NGO.
[333] Interview No.16 - SP official.

8.3.2), and the cooperative mode in which environmental paradiplomacy is being undertaken by the state of São Paulo (Subsection 8.3.3). In contrast to what seems to be the case for the majority of examples of subnational diplomacy, São Paulo is pushing the boundaries of subnational/foreign policy without conflicting with the nation-State.

Second, the analysis showed that by having formalised an international agenda and undertaking *collaboration* initiatives with other actors across borders, the state of São Paulo acquired *transnational actorness* (Subsection 8.4.1). It also showed that *coalition* initiatives promoted a real paradiplomatic shift, which characterises the state of São Paulo as a *transnational agent* (Subsection 8.4.2). Altogether, subnational actorness and agency coincide with the characteristics that define subnational government's international environmental agenda in terms of collaboration and coalition initiatives.

Following the systematization of environmental paradiplomacy suggested in Chapter 4, the study suggests that by undertaking a mix of collaboration and coalition initiatives the state of São Paulo produces a distinctive paradiplomatic identity, through which it becomes a transnational actor and acquires transnational agency. By establishing partnerships and attracting foreign direct investment the state becomes an international actor, and by engaging in further diplomatic roles the state acquires transnational agency. Therefore, it becomes possible to differentiate subnational governments as actors with agency based on their paradiplomatic agenda being of collaborative or coalition initiatives.

The analysis also indicates that through environmental paradiplomacy the local, the regional and the global levels become interdependent and in some cases co-existent. Beyond a rescaling of environmental policy, the simultaneity of local, regional and transnational levels embodied in environmental paradiplomacy make subnational governments transnational agents capable of restructuring in environmental policy. They transcend the hierarchical divide between the different levels of government observed in the description of rescaling and promote new alignments of authority in global environmental governance.

This is why, for the most part, environmental paradiplomacy is a new concept, which required a specific framework to explain its rationale and outcomes. Indeed, the existing concepts were simply insufficient to understand the transnational activity of subnational governments aimed at addressing global environmental problems. Environmental paradiplomacy is unique in terms of the nature of its actors, the scale that it operates, and the kind of problem it addresses. The analysis of how environmental paradiplomacy evolves, its reasons, and its outcomes, pointed to broader theoretical implications of this phenomenon. These implications, include the changing relationship between subnational and national governments in foreign policy-making, and the transnational presence that subnational governments acquire once they start undertaking international relations to address global environmental problems.

CHAPTER 9: CONCLUSION

9.1. INTRODUCTION

The study has demonstrated that subnational governments are engaging in international environmental relations. In doing so, subnational governments are altering established relationships between different levels of government in national and international policymaking. The study has called attention to this phenomenon, developing a conceptual framework to analyse its processes, drivers and outcomes.

The framework was applied to the case of the state of São Paulo, a subnational government that is strongly engaged in international environmental activities. The thesis analysed the processes by which São Paulo develops its international environmental agenda, the reasons behind it, and its impact on regional and national policymaking, as well as on the dynamics of global environmental governance. This research generated both empirical findings and analytical insights.

The purpose of this conclusion is to provide a summary based on the case study examined in the thesis, to highlight the original contributions of the thesis, and to identify avenues for future research. The structure of the Chapter reflects these three aims. In Section 9.2, the findings are summarized by reviewing the research questions and hypotheses. The original contributions of the study and its policy implications are discussed in Section 9.3. Section 9.4 concludes with suggestions for future research.

9.2. SUMMATIVE OVERVIEW AND REVIEW OF THE RESEARCH QUESTIONS

This Section summarises the findings of each chapter of the thesis, highlighting the answers given to the three research questions that informed the study. While the key points of the work will be presented here, in-depth results can be found in the concluding sections of the respective chapters.

The Introduction argued that, for it to occur, **environmental paradiplomacy has to meet three criteria**: the main actors involved have to be subnational governments; their action has to occur across borders; and they have to be directed at addressing global environmental problems. The chapter also justified the choice of subnational governments for the study, and outlined the three main research questions, as well as their related hypotheses.

To contextualise the research questions, Chapter 2 introduced the different strands of literature that examine the international environmental relations undertaken by subnational governments: non-State actors participating in IR, federalism, and global

environmental governance. Within these three strands, special attention was drawn to MLG theory and to the concept of paradiplomacy. The Chapter argued that the **existent literature provides elements, but not a comprehensive framework, to explain environmental paradiplomacy. A combined MLG and paradiplomacy analytical framework was developed** to explain the international environmental relations maintained by subnational governments.

Once the research questions and the analytical framework to address them were established, Chapter 3 presented the research methodology. The chapter **justified the choice of a (single) case study framework and a qualitative approach to research**. It also explained the case selection, the use of participant observation, interviews, and document analysis, as well as some of the limitations of the research and ethical considerations involved.

The first research question - **How has environmental paradiplomacy evolved in the state of São Paulo?** - was addressed in Chapters 4 and 5. Chapter 4 confirmed that environmental paradiplomacy evolves through the international activities undertaken by the state of São Paulo to address environmental problems **across borders** (*Hypothesis 1* - first part). The analysis of São Paulo's international environmental agenda suggested **five types of international activities** that the state engages in. The chapter further advanced the existing literature, suggesting that **environmental paradiplomacy evolves through** *cooperation* **and** *coalition* **initiatives** undertaken by subnational governments across borders.

Chapter 5 examined how environmental paradiplomacy evolves through the international activities undertaken by the state to address environmental problems **across scales** (*Hypothesis 1* – second part). With such an end, two related research questions were addressed: What scales are involved in environmental paradiplomacy undertaken by the state of São Paulo? And can the state of São Paulo move across scales? A systematic analysis of **environmental paradiplomacy in the state of São Paulo was shown to involve nine rescaling opportunities**. This suggests that the linkages that subnational governments promote when undertaking environmental paradiplomacy are wider than those currently envisioned by the MLG literature. The case study also explored the **legality and legitimacy of rescaling processes**, and showed the process through which paradiplomacy was institutionalised by the Brazilian government.

The second research question - **Why does the state of São Paulo undertake an international agenda to deal with global environmental problems?** - was addressed in Chapter 6. Drawing from claims made by the literature, three determinants situated at the interplay between the domestic and international motivations were identified and tested: the nature of global environmental problems; the international context (which covered the issues of globalization, problems with traditional diplomacy, and the

crises of environmental multilateralism); and the federal context (which covered the issues of decentralization, learning opportunities, and environmental leadership). While the weakening of the nation-State is generally driving the participation of non-State actors in international environmental politics, subnational governments are mostly driven by domestic factors. More specifically, São Paulo's **leadership in environmental policymaking** emerged as the main factor driving the state's international agenda to address global environmental problems.

The third research question - **What are the results of São Paulo's international environmental agenda?** - was addressed in Chapter 7. Investigating the direct outcomes of the environmental paradiplomatic activity undertaken by the state of São Paulo, the Chapter advanced previous research, demonstrating that São Paulo's international activity has impacts of its own right. The state is **transforming a *soft* international agenda into *hard* regional legislation, and there is indication that the state has been able to influence the Brazilian foreign policy, as well as international environmental negotiations**.

The broader implications of São Paulo's engagement in international environmental relations were examined in Chapter 8. Two implications were identified. First, that environmental paradiplomacy promotes **changes in the relationships between subnational and national governments in foreign policymaking**. This change was observed in terms of the institutionalisation of environmental paradiplomacy, the softening of federal governments' constitutional exclusivity on international relations, and the cooperative mode in which environmental paradiplomacy is being undertaken by the state of São Paulo. Second, that **environmental paradiplomacy provides subnational governments with a transnational presence**. By undertaking a mix of collaboration and coalition initiatives the state of São Paulo produces a distinctive paradiplomatic identity, through which it becomes a transnational actor and acquires transnational agency.

9.3. MAIN CONTRIBUTIONS OF THE STUDY

As mentioned in Section 1.5, the study has theoretical, empirical and policy relevance. The three research questions that guided the analysis provided new and important findings, made possible by the use of the combined MLG and paradiplomacy framework. In this Section I consider the contributions of the study to theory (Subsection 9.3.1), to methodology (Subsection 9.3.2), and the policy recommendations that can be drawn from the research (Subsection 9.3.3).

9.3.1. Contributions to theory

First, the study sheds light upon a new phenomenon. In general terms the international participation of subnational governments in diplomatic activities is not new. State sovereignty never wielded complete control over diplomatic activities (Constantinou &

Der Derian, 2010, p. 12), and subnational actors have practised diplomacy since the Middle Ages (Cornago, 2010b, p. 90). However, environmental paradiplomacy is a new trend within paradiplomacy: it is new in the subject matter and the scale it deals with, as well as in some of the activities it involves, some of its drivers and outcomes. Although a few key scholarly works have begun to investigate it, so far environmental paradiplomacy has not yet been object of an in-depth analysis. Therefore, it is possible to affirm that this study contributes to the literature by offering the **first systematic theoretical and empirical analysis of environmental paradiplomacy**.

Second, the study contributes to theory development providing **an original conceptual framework with which to analyse the international environmental activities of subnational governments**. On the one hand, the combined framework added to MLG theory:

- a focus on the international relations undertaken by subnational governments from a regional level (Chapter 4);

- the idea that subnational governments can act through or independently of the national government (Chapter 4);

- specific categories to classify transnational networks of subnational governments (Chapter 4);

- a more complete picture of the rescaling processes which subnational governments promote in global environmental governance (Chapter 5);

- a consideration of the legality and legitimacy of rescaling processes (Chapter 5);

- an analysis of why subnational governments get involved in international environmental relations, beyond the commonly addressed questions of why they get involved in climate policymaking and why they participate in transnational networks (Chapter 6);

- a consideration of the leadership aspect driving subnational governments, rather than the opportunistic one of 'filling up the gap' left by the nation-State (Chapter 6);

- an indication of the impact that subnational governments have over domestic law-making and international environmental policymaking (Chapter 7);

- an account of the effects of rescaling processes in terms of institutionalising initiatives and softening hierarchical divisions within federalist structures (Chapter 8)

- a distinction between transnational actorness and agency in international environmental policymaking, depending on the type of paradiplomatic behaviour undertaken by subnational governments (Chapter 8).

On the other hand, the combined framework added to the concept of paradiplomacy:

- a more robust and systematic theoretical grasp of the international relations undertaken by subnational governments (Chapters 2, 4-8);

- a typology of paradiplomatic behaviour – termed collaboration and coalition initiatives (Chapter 4);

- a deeper consideration of the horizontal linkages (i.e. transnational networks) involved in paradiplomacy (Chapter 4);

- the notion of scale and, consequently, that subnational governments can engage in rescaling processes (Chapter 5);

- a focus on the linkages binding, rather than separating, actors located in different jurisdictional levels (Chapters 5 and 8);

- a consideration of the leadership aspect driving subnational governments, rather than the conflicting one of 'by-passing the nation-State' (Chapter 6);

- an analysis of the impacts over higher levels of governance that can result from paradiplomatic activity, including influence over national policy, the agenda-setting and the negotiation phases of international environmental negotiations (Chapter 7);

- a consideration of the new alignments of authority that results from the engagement of subnational governments in international relations (Chapter 8);

- an understanding of paradiplomacy offering subnational governments the capacity for agency in international policymaking (Chapter 8)

The combined MLG and paradiplomacy framework proved to be effective in understanding environmental paradiplomacy. Altogether, the thesis contributes a **general theory of subnational activity in international environmental relations**.

Third, the thesis took an **interdisciplinary approach**, which integrated theories from the fields of Geography, Law and IR. This approach has demonstrated its explanatory strength. The complex combination of insights brought by each one of these disciplines advances, I argue, our understanding of the international environmental relations undertaken by subnational governments. For example, the legal basis of the study added to the geography literature a consideration of the legality involved in subnational

governments moving across levels of governance; at the same time, geography works on the politics of scale added the notion of rescaling processes to the legal and IR literatures. The original contribution of this thesis, thus, also rests on its interdisciplinarity.

9.3.2. Contributions to methodology

Three key findings were made in relation to the methodology chosen for the study. These findings relate to the analysis made in Chapter 3. First, the **single case study** approach proved to be a viable method for a comprehensive analysis of the development of environmental paradiplomacy in practice. Another option would have been, for instance, a comparative analysis between two or more subnational governments, or a subject-based analysis of individual aspects such as climate change or biodiversity. While this might have led to broader results, it would not have been able to address the goal of the thesis, which sought to be a comprehensive analysis of the processes, drivers and outcomes involved in environmental paradiplomacy.

Second, the issue of representativeness, which arguably affects the validity of case study approaches, was not a constraint. Some of the findings challenged accepted generalisations present in the literature (e.g. that only *soft law* results from subnational engagement in international environmental relations). Other findings offered empirical generalisations that have not been made before (e.g. that leadership in policymaking is a driver for paradiplomatic activities). **The findings regarding the environmental paradiplomatic agenda of the state of São Paulo, thus, can be generalised as propositions and/or compared to other subnational governments** in Brazil and around the world. Such comparative analysis can be undertaken using the analytical framework put forward in the thesis.

Third the use of **expert elite interviews and participant observation produced wide-ranging qualitative data**, permitting the analysis of the various aspects involved in the international relations undertaken by subnational governments. Indeed, direct access to key actors involved provided critical views and original material. These constituted vital sources for the analytical narrative of the thesis, particularly considering the lack of data regarding the international activities in which Brazilian subnational governments engage in. Furthermore, as discussed in the methodology chapter, a quantitative approach would not have been an appropriate method for such interdisciplinary analysis of developments in the policy arena.

9.3.3. Policy implications

As previously emphasised, the international environmental activity of subnational governments assumes great importance in a context where (i) the effective solution of global environmental problems requires a coordinated and integrated approach, involving efforts at the global, national, regional and local levels; (ii) agency is no longer

exclusive to nation-States; (iii) traditional forms of diplomacy face a number of deficits; and (iv) environmental multilateralism is in crises. As a result, **international environmental relations cannot – and no longer are - a monopoly of national governments and foreign officials**. Based on this finding, three main policy recommendations can be made.

First, the extent to which subnational governments' international environmental relations can be successful or limited relates to the amount of **cooperation between the subnational and the national level**. The institutionalisation of paradiplomacy within the regional and the national government is an indication of the importance that this agenda is being given. Yet, subnational governments' potential contribution to foreign policy is overall dependent on supportive framework conditions. The effective involvement of subnational governments, therefore, depends on formal and informal channels of communication and actual communication between subnational policymakers and diplomats.

Second, environmental paradiplomacy continues to be **institutionalised at the international level**. In this sense, more attention should be given to the changes that subnational governments have achieved in terms of the UN recognising their role, and gradually incorporating them in the multilateral process. In addition to the CBD Plan of Action and the UNFCCC decision taken within the Cancun Agreement, the World Water Council has acknowledged the major role of subnational and local governments in achieving water-related targets under the Millennium Development Goals and has developed a Local and Regional Authorities Process in the framework of the editions of the World Water Forum. Further UN recognition is most likely to take place in the coming years.

Third, in approaching the engagement of subnational governments in international environmental relations it is important to consider that **environmental paradiplomacy is not giving cause to an erosion of sovereignty**. The international activity of subnational governments is not supplanting or eroding State sovereignty in a zero-sum game paradigm. Rather, the participation of subnational governments in international relations is creating new links between subnational governments and the international system. Environmental paradiplomacy can only continue to occur with the consent of States, and even if this activity bypasses the nation-State, overall it serves to enhance its legitimacy.

9.4. FURTHER RESEARCH

Based on the research carried out, three issues worthy of further study are suggested. First, **the theoretical approach used in this study can be used to analyse the international environmental activity of other subnational governments in developed and developing countries**. The application of this theoretical approach

allows for comparative analyses, for instance, comparing more than one subnational government within one country, or within different countries, as well as comparing environmental paradiplomacy with other types of paradiplomacy. Comparative work could also focus on the leadership aspect driving subnational governments into international activity. For example, assessing how the leadership of the state of São Paulo could be compared with that of California in the US, Quebec in Canada, and whether there is a new form of the 'California effect'[334], where national leadership on environmental policy making drives subnational leaders from both developed and developing countries to engage in international activities.
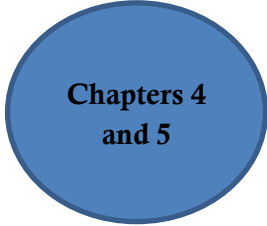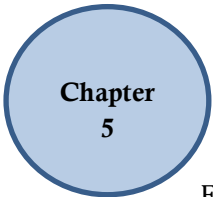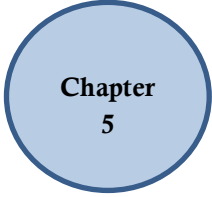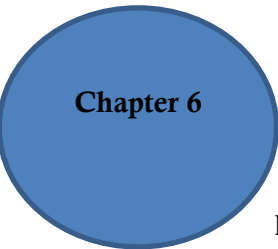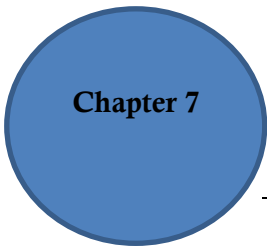
Second, the study investigated a number of activities undertaken by subnational governments which challenged domestic and foreign divides. While academics, transnational networks and subnational representatives might see subnational and foreign divides disappearing, future research could explore **the extent to which subnational governments' international environmental agenda is influencing international environmental politics and, ultimately, restructuring global environmental governance**. Related to this point, future research could explore **matters of accountability**, and whether this increased participation of subnational governments in international relations is capable of improving the democratization of global environmental governance.

Third, the **study of environmental paradiplomacy could be linked to the study of subnational markets and emission trading schemes**. Such initiatives, which clearly involve and promote the international environmental activity of subnational governments, can have a "laboratory function" that other subnational governments, as well as national governments and the international regime may want to emulate. In addition to the problems that subnational markets face, such as leakage problems and overlapping regulations, the analysis of these initiatives through the lens of paradiplomacy could further consider the legal limits of these markets, as well as issues related to the effectiveness of the initiatives.

In conclusion, the engagement of subnational governments in international environmental relations is a reality, and it can lead to improved policymaking at the regional and international levels. This research aimed at offering a valuable tool for policymakers and researchers to ask and answer questions about the governance of the global environment, and hopefully it will be developed further.

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[334] The process which Vogel (1997) originally referred to 'California effect' suggests that more stringent regulation leads large companies to adapt to that regulation, providing them with a competitive advantage, and shaping their interests in other jurisdictions (also Heyvaert, 2013a; Perkins & Neumayer, 2011; Shaffer & Bodansky, 2012).

Appendix 1: Summary of the research questions, hypothesis, and structure

Chapters 4 and 5

Research Question 1
How does environmental paradiplomacy evolve in the state of São Paulo?

Hypothesis 2
Environmental paradiplomacy evolves through the international activities undertaken by subnational governments to address global environmental problems across borders and scales.

Chapter 5

Sub-question 1A
What are the scales involved in environmental paradiplomacy undertaken by the state of São Paulo?

Hypothesis 1A
Environmental paradiplomacy evolves across multiple scales, represented by the actors, problems and levels involved. Environmental paradiplomacy has a rescaling role.

Chapter 5

Sub-question 1B
Can the state of São Paulo move across scales?

Hypothesis 1B
Legal limitations to São Paulo's international agenda impose significant constraints on its paradiplomacy.

Chapter 6

Research Question 2
Why does the state of São Paulo undertake an international agenda to deal with global environmental problems?

Hypothesis 2
Environmental paradiplomacy in São Paulo is driven by a combination of global and domestic factors - the characteristics of the problem; aspects related to the decline of the State; and aspects of Brazilian federalism.

Chapter 7

Research Question 3
What are the results of São Paulo's international environmental agenda?

Hypothesis 3
Environmental paradiplomacy in São Paulo expands the government's capacity to address global environmental problems, and through it the state influences higher levels of governance.

Source: Author

Appendix 2: Interview guide

I.   Environmental agency and secretariat - English version

Section A. General information about the initiatives

1. What international initiatives have been taken?

    (i)   When were they signed, implemented and/or renewed?

    (ii)   What kind of initiatives are they?

Section B. Legal and institutional aspects

2. What instruments were used (i.e. MOU, partnerships, terms of cooperation) to formalize the initiatives?

3. Is there a specific person and/or a department responsible for the international relations? If that is the case, how does this person/department relates to other departments?

4. Was the legality/constitutionality of these initiatives considered?

Section C. Reasons

5. What drove you/the institution to engage in international relations?

6. How did the negotiation and implementation processes take place? Who were the people involved in each of these stages?

7. Who else participated in the process? Were there networks, universities, NGOs, businesses, and other areas or levels of the government also involved?

8. What do you think are the advantages and disadvantages of these initiatives?

9. What are the biggest challenges encountered?

10. How do you think these initiatives relate to (i) international agreements on the same topic; (ii) national/federal policy and legislation; (iii) local/municipal policy and legislation

Section D. Outcomes

11. How do you see the results of the initiative(s)? What are/were their main outcomes, benefits and limitations?

12. Are these outcomes measured (or measurable) in any way?

13. Do you think the state's international relations brought about further international participation to the state?

14. Can you assess whether there were any impacts on (i) international negotiations; (ii) national/federal policy and legislation; (iii) local/municipal policy and legislation

15. What other impacts could partnerships like this have?

II.   **Environmental agency and secretariat – Portuguese version**

A. Informações gerais sobre as iniciativas

1. Em quais iniciativas internacionais vocês estão envolvidos?

    (i)   Quando foram assinadas, implementadas, renovadas essas iniciativas?

    (ii)   Qual o escopo dessas iniciativas?

B. Aspectos jurídicos e institucionais

2. Quais instrumentos foram utilizados (i.e. MOU, parceria, termo de cooperação) para a concretização das iniciativas?

3. Existe alguma pessoa e/ou departamento responsável pelas relações internacionais?

4. Houve alguma consideração quanto à legalidade dessas iniciativas?

C. Motivos

5. De onde surgiu a idéia de estabelecer relações internacionais?

6. Como essa idéia se concretizou?

7. Quem mais participou do processo? Houve envolvimento de redes, universidades, ONGs, empresas, outras áreas ou esferas do governo?

8. Você acha que existe alguma vantagem/desvantagem para o estado integrar uma rede transnacional ou atuar independentemente de redes?

9. Por que você acha importante o estado se relacionar com governos estaduais de outros países?

10. Quais aspectos legais, políticos e administrativos motivaram as iniciativas?

11. Quais os maiores desafios enfrentados e/ou superados?

12. Como você acha que essas iniciativas relacionam-se com (i) negociações internacionais; (ii) as políticas e a legislação nacional/a posição do governo federal; e (iii) as políticas e legislação dos municípios

D. Resultados

13. Quais são os resultados das iniciativas? Quais os benefícios e limitações?

14. Esses resultados são medidos de alguma forma?

15. Você acha que as relações internacionais mantidas resultaram em uma ampliação da presença internacional do estado?

16. Você consegue avaliar se houve algum tipo de impacto no âmbito (i) das negociações internacionais; (ii) das políticas e a legislação nacional; e (iii) das políticas e legislação dos municípios

17. Quais outros impactos parcerias como essa poderiam ter?

Appendix 3: List of interviewees

Category	No.	Name	Institutional affiliation	Date
SP state official	1	Pedro Ubiratan Escorel de Azevedo	Secretary, the state of São Paulo Secretariat for the Environment (SMA)	São Paulo, November/2010
SP state official	2	Fernando Cardozo Fernandes Rei	President of São Paulo's state Environmental Agency (CETESB)	São Paulo, November/2010
SP state official	3	Oswaldo Lucon	Technical Advisor on Energy and Climate Change, the state of São Paulo Secretariat for the Environment (SMA)	São Paulo, December/2010
SP state official	4	Margarette Escobar Sabella	Special Projects Advisor, the state of São Paulo Secretariat for the Environment (SMA)	São Paulo, November/2010
SP state official	5	Marcelo Gomes Sodre	Procurador do Estado, the state of São Paulo Secretariat for the Environment (SMA)	São Paulo, December/2010
SP state official	6	Fatima A. Carrara	Manager, Office of International Cooperation, São Paulo's state Environmental Agency (CETESB)	São Paulo, November/2010
SP state official	7	Rosimeire Molina	Journalist, Office of International Cooperation, São Paulo's state Environmental Agency (CETESB)	São Paulo, November/2010
SP state official	8	Ana Luiza Silva Spinola	Attorney, Legal Department, São Paulo's state Environmental Agency (CETESB)	São Paulo, December/2010
SP state	9	Ana Paula	Foreign Affairs Special Projects Advisor, the state of São Paulo Secretariat for the	São Paulo,

Category	No.	Name	Institutional affiliation	Date
official		Fava	Environment (SMA)	November/2010
SP state official	10	Lady Virginia Traldi Meneses	Coordinator of the Regional Centre for the Stockholm Convention Manager of the Environmental Management Tools, Conventions and Multilateral Agreements, São Paulo's state Environmental Agency (CETESB)	São Paulo, December/2010
SP state official	11	Flávio de Miranda Ribeiro	Manager of Sustainable and Global Affairs Division, São Paulo's state Environmental Agency (CETESB)	São Paulo, November/2010
SP state official	12	Casemiro Tércio Carvalho	Deputy Secretary, the state of São Paulo Secretariat for the Environment (SMA)	São Paulo, December/2010
SP state official	13	Marcelo Morgado	Environmental Affairs Advisor, CEO's Office, Water & Sanitation Company of the state of São Paulo (SABESP)	São Paulo, November/2010
SP state official	14	Fernando Marcato	Advisor to the CEO, Water & Sanitation Company of the state of São Paulo (SABESP)	São Paulo, November/2010
SP state official	15	Stela Goldstein	Special Assistant to the Governor of São Paulo (1995-1997); Secretary for the Environment of the State of São Paulo (1998-2001); Secretary for the Environment of the City of São Paulo (2001-2003); Deputy Chief of Staff of the Municipality of São Paulo (from 2004)	São Paulo, November/2010
SP state official	16	Paulo Elias M. de Moraes	Special Advisor for International Relations, Government of the state of São Paulo	São Paulo, November/2010
SP state official	17	Rodrigo Tavares	Adviser for International Affairs Government of the State of São Paulo	São Paulo, December/2011
SP state	18	Ana Paula	Foreign Affairs Special Projects Advisor, the state of São Paulo Secretariat for the	São Paulo,

Category	No.	Name	Institutional affiliation	Date
official		Fava	Environment (SMA)	December/2011
SP state official	19	Ana Lucia Segamarchi	Advisor of International Relations at the state Secretariat for the Rights of the Person with Disability	São Paulo, December/2011
SP state official	20	Josilene Ferre	Manager, Climate Change Program, São Paulo's state Environmental Agency (CETESB)	São Paulo, December/2011
SP state official	21	Fatima A. Carrara	Manager, Office of International Cooperation, São Paulo's state Environmental Agency (CETESB)	São Paulo, November/2011
SP state official	22	Fernando Cardozo Fernandes Rei	President of São Paulo's state Environmental Agency (CETESB)	São Paulo, November/2011
SP state official	23	Margarette Escobar Sabella	Special Projects Advisor, the state of São Paulo Secretariat for the Environment (SMA)	São Paulo, November/2010
National official	24	Ana Carolina Lorena	International Affairs Advisor, Presidency of the Republic, Secretariat of Institutional Relations, Sub-Secretariat of Federative Affairs	Brasilia, December/2010
National official	25	Alexandre Bastos Peixoto	International Affairs Advisor, Presidency of the Republic, Secretariat of Institutional Relations, Sub-Secretariat of Federative Affairs	Brasilia, December/2010
National official	26	Maximiliano Arienzo	Deputy Director, Environment Division, Ministry of Foreign Affairs	Brasilia, December/2010
National official	27	Paulino Franco de Carvalho Neto	Head of the Environment Division, Ministry of Foreign Affairs	Brasilia, December/2010
National official	28	Carlos Eduardo de	Minister of External Relations, Head of the Special Advisory Office for Federative and	Brasilia, December/2010

Category	No.	Name	Institutional affiliation	Date
		Ribas Guedes	Parliamentary Affairs	
National official	29	Antonio Junqueira	Project Analyst, Coordination of Received Bilateral Cooperation, Brazilian Cooperation Agency	Brasilia, December/2010
National official	30	Carlos Alexandre Fernandes Considera	Chancellery Official, Brazilian Cooperation Agency	Brasilia, December/2010
National official	31	Frederico Paiva	Project Analyst, Coordination of Received Bilateral Cooperation, Brazilian Cooperation Agency	Brasilia, December/2010
National official	32	Fernando Antonio Lyrio Silva	Advisor for International Affairs, Ministry of Environment	Brasilia, December/2010
National oficial	33	Branca Americano	Secretary for climate change, Ministry of Environment, negotiator in the Brazilian delegation to the UNFCCC. Worked since 1998 at the Coordination on Global Climate Change of the Brazilian Ministry of Science and Technology	Brasilia, December/2010
Private	34	Ludovino Lopes	Partner, Ludovino Lopes Advogados	São Paulo, November/2010
Private	35	Tiago Ricci	Partner, Ludovino Lopes Advogados	São Paulo, November/2010
Private	36	Renata Pires Castanho	Partner, Pires Castanho Advogados	São Paulo, November/2010
Private	37	Reginaldo Sales Magalhães	Civil Society Specialist at International Finance Corporation (IFC)	São Paulo, December/2010
Academic	38	Rachel	Deputy Director, Center for Sustainability	São Paulo,

Category	No.	Name	Institutional affiliation	Date
		Biderman Furriela	Studies, Getulio Vargas Foundation (FGV)	December/2010
Academic	39	José Eli da Veiga	Professor in the Economics Department of the University of São Paulo, Research Associate at the Capability & Sustainability Centre of the University of Cambridge	São Paulo, December/2010
Academic	40	Paulo Artaxo	Professor of environmental physics at the University of São Paulo, member of the IPCC Panel on Global Aviation Effects, member of the Scientific Steering Committee of the LBA Experiment and member of the IPCC working group on climate change impacts	São Paulo, December/2010
Academic	41	Salen Nasser	Getulio Vargas Foundation (FGV)	São Paulo, December/2010
Academic	42	Jose Goldemberg	Professor Emeritus of the University of São Paulo and Member of the Brazilian Academy of Sciences, Previously National Secretary for Science and Technology, Minister for Education (1990-1992), and Secretary for the Environment of the state of São Paulo (2002-2006).	São Paulo, December/2010
NGO	43	Daniel Aguiar Grabois	Climate Change Projects Manager, British Embassy, Brasilia	Brasilia, December/2010
NGO	44	Miriam Duailibi	Director, Instituto Ecoar	São Paulo, November/2010
NGO	45	Mario Mantovani	Diretor, SOS Mata Atlântica	Brasilia, December/2010
NGO	46	Fabio Feldman	Environmentalist, consultant, Company Manager and Executive Secretary of the São Paulo's Forum on Global Climate Change and Biodiversity. Federal Legislator (1986-1998), major author of the chapter about the	São Paulo, December/2010

Category	No.	Name	Institutional affiliation	Date
			environment in the text of the Brazilian Federal Constitution. Secretary for the Environment of the State of São Paulo (1995-1998), Executive Secretary of Brazilian Forum on Climate Change	
NGO	47	Laura Valente de Macedo	Cabinet advisor to Congressman Fabio Feldmann (1991-1994), senior advisor to Fabio Feldmann at the State Secretariat for the Environment of São Paulo (1995-1997), Coordinator of the Brazilian Climate Change Forum (2000-2002), Regional director of ICLEI´s Latin America and the Caribbean Secretariat and campaign coordinator of CCP in the South Cone since 2002	São Paulo, December/2010
NGO	48	Guarany Osório	Coordinator of the Climate Campaign for Greenpeace Brazil	São Paulo, December/2010
NGO	49	Alexandre Prado	Manager of Conservation, Conservation International (CI)	Brasilia, December/2010
Foreign policy-maker	50	Natalia Vera Pérez	In charge of international affairs within the International Centre for Water and Environment - Regional Ministry of Agriculture, Livestock and Environment of the Regional Government of Aragon, Spain. Secretary for ENCORE network	Email, December 2011
Foreign policy-maker	51	Xavier Girard	Former Secretary General of Conference of Peripheral and Maritime Regions of Europe (CPMR), Regions United (FOGAR) and former Treasurer of the Nrg4SD	Email, December 2011
Foreign policy-maker	52	Vincent Royer	Coordinator for Climate Change and Sustainable Development, Department of International Relations, Francophonie and Foreign Trade. Quebec, Canada	Email, December 2011
Foreign policy-maker	53	Lucy Mathieson	Policy and Advocacy Officer for the Nrg4SD. Brussels, Belgium	Email, December 2011

Category	No.	Name	Institutional affiliation	Date
Foreign policy-maker	54	Jon Townley	Head of International Sustainable Development and the Wales for Africa Team. Cardiff, Wales	Email, December 2011

Appendix 4: Brazilian presidents and São Paulo state governors since democratisation

President of the Republic

Mandate	President	Political party
1985-1990	José Sarney	PMDB
1990-1992	Fernando Collor de Mello	PRN
1992-1994	Itamar Franco	PMDB
1995-2003	Fernando Henrique Cardoso	PSDB
2003-2010	Luiz Inácio Lula da Silva	PT
2011-	Dilma Rousseff	PT

São Paulo state Governor

Mandate	Governor	Political party
1987-1991	Orestes Quércia	PMDB
1991-1994	Luiz Antônio Fleury Filho	PMBD
1995-2001	Mário Covas	PSDB
2001-2006	Geraldo Alckmin	PSDB
2006-2007	Cláudio Lembo	PSB (Alckmin's Vice-Governor)
2007-2010	José Serra	PSDB
2010-2011	Alberto Goldman	PSDB
2011-	Geraldo Alckmin	PSDB

Appendix 5: List of international environmental activities undertaken by the state

1. Collaboration with other subnational governments

Implementing agency	Signature	Foreign counterpart	Instrument	Issue area	Summary
SMA	Nov/2002	Provence and Cote d'Azur (PACA) Region, France	Protocol of Intentions (SPGov)[335]	Strengthen economic, social and cultural links	Promote cooperation projects in the areas of education, research and technology; cultural interchange; tourism; environment and planning.
SMA	Nov/2003	Basque Country	Protocol of Intentions (SMA files)	Sustainable development and cooperation within nrg4SD	Develop strategies, based on the Basque Strategy for Sustainable Development 2002-2005, and collaborate in the areas of industrial and household waste management, renewable energy and planning, cleaner production, industry improvements, GHG inventory, sustainability and environmental indicators, inventory of land contaminating activities, capacity building for the identification and management of contamination, interchange of experts and scientists, landscape management.
SMA	2002/2004	Provence and Cote d'Azur (PACA) Region, France	Cooperation agreement (SPGov)	Protected areas	Signed within the Protocol of Intentions established between the state of São Paulo and PACA Region in 2002 and the MOU signed between Brazil (Ministry for the Environment) and France (Ministry for Ecology and Sustainable Development) in 2004. The cooperation focuses on management of protected areas, particularly on sustainable development.
SMA	Ago/2003	Mexico state - Economic Development Secretariat	Protocol of Intentions	Sustainable Development	Foster cooperation for environmental protection and development of public policies for sustainable

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[335] http://www.ambiente.sp.gov.br/verNoticia.php?id=1138

Implementing agency	Signature	Foreign counterpart	Instrument	Issue area	Summary
			(SMA files)		development. Support common projects, plan and implement activities and projects and research for environmental protection, and develop cleaner production in partnership with businesses.
SMA	Dec/2004, addendum signed in Jan/2011	Department of the Environment, Health and Consumer Protection of the State of Bavaria, Germany	Protocol of Intentions (SPGov) [336]	Renewable energy and waste management	Managing domestic solid waste in metropolitan regions, by evaluating the management systems practiced using case studies and looking at new alternatives. Expanded with the signature of addendum in Jan/2011 to develop a waste-to-energy plant in São Paulo, and plans for the reduction of landfilling.
SMA	Dec/2005	California Environmental Agency, of the State of California, USA	MOU for Technical Cooperation (SMA files)	Renewable Energy Source, Environmental Improvement, Climate Change and Biodiversity	EPA shares its experience with SMA and CETESB on the implementation of clean air legislation; and SP shares experience in dedicated bus lanes. Share methodological approaches and research in areas such as alternative fuels, renewable energy and energy efficiency. Share information and methods to preserve forest stocks and recovery deforested areas. Explore the possibilities for emissions offset programs through the CDM. Consider a short-term educational program focusing on new environmental issues
SMA	Dec/2005, valid for two years, and resumed in 2009	Buenos Aires Province, Argentina	Protocol of Intentions (SPGov)[337]	Environmental management	Developing technical, scientific and technological cooperation for environmental management (workshops, seminars, conferences, and organize expert interchange in the areas of environmental management and education). There has been no further action within this Protocol
SMA	Jul/2006	Bavaria, Germany	Letter of Intent on Cooperation (SMA files)	Biofuel and Climate Protection	Improvement in the regional production and use of biofuels or other fuels derived from renewable energy sources. Support research and development work towards producing synthetic fuels, and towards reducing air pollutant and CO2 emissions in the transport sector.

[336] http://www.wtert.de/Default.asp?Menue=18&NewsPPV=10055; (Coelho & Guardabassi, 2007).
[337] http://www.ambiente.sp.gov.br/destaque/2005/dezembro/22_convenio.htm

Implementing agency	Signature	Foreign counterpart	Instrument	Issue area	Summary
SMA	2007	Île-de-France Region, France	Cooperation Agreement (SPGov)	Research	Make available the botanic collection of Auguste F.C.P. de Saint-Hilaire for scientific and historical research.
Sanitation and Energy	2010	Secretariat of Infrastructure, Water and Energy, and Secretariat of Industry and Commerce, Valencia, Spain	Cooperation Agreement (SPGov)	Sanitation and waste management	Knowledge transference and development of projects in the areas of regulation, monitoring and energy services, drainage, community cleaning, and waste management.

Source: Author, with data obtained from the document "Balanço de Atividades Internacionais Governo do Estado de São Paulo 2007-2010", June, 2010 ("SPGov"), and from SMA's Internal files ("SMA files") and online information/press releases indicated as footnotes

2. Collaboration with other national governments

Implementing agency	Signature	Foreign counterpart	Instrument	Issue area	Summary
SMA	Nov/2001	Australian Consulate-General	Letter of Intentions (SMA files)	Environmental management	Jointly identify potential projects to develop technical cooperation in the following environmental fields: energy management, air pollution control, water and wastewater management, solid waste management, soil and groundwater remedy, noise and vibration control, and ecotourism.
SMA	May/2002	Armenian Consulate-General	Letter of Intentions (SMA files)	Environmental management	Support the development of cooperation for environmental protection and technology development and transference.
SMA	Feb/2007	Republic of Kenya	Cooperation Project (SPGov)	Fauna protection	Signed within a MOU entered between Brazil and Kenya for fauna protection, aiming to promote the exchange of expertise in concession management, payment for environmental services and ecotourism.
CETESB	Jul/2008 to Mar/2011	Foreign and Commonwealth Office, UK	Cooperation Project (SPGov)	Climate change	Support the preparation of the state's inventory of anthropic GHG. The First GHG Inventory (1990-2008) was presented in April 2011.
SMA	Feb/2009	Ministry of the Environment and Territory, Italy	Cooperation Agreement (SPGov)	Environmental protection and sustainable development	Promote environmental protection and sustainable development in the areas of energy efficiency, renewable energy, urban green spaces, climate mitigation, and environmental education. Develop financial mechanisms to promote cleaner technologies and access international financial assistance through cooperative initiatives on environmental and climate protection.
SMA	2009	New Zealand	Cooperation Agreement (SPGov)[338]	Ecotourism	Technical cooperation to promote the management of protected areas. In April 2011 representatives from the SMA and the New Zealand Embassy met and agreed the extension of the Agreement to cover GHG reduction policies.

Source: Author, with data obtained from the document "Balanço de Atividades Internacionais Governo do Estado de São Paulo 2007-2010", June, 2010 ("SPGov"), and from SMA's Internal files ("SMA files") and online information/press releases indicated as footnotes

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[338] http://brunocovas.com.br/embaixador-neozelandes-visita-secretaria-do-meio-ambiente/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+BrunoCovas+%28Dep.+Bruno+Covas%29

3. Collaboration with International Organizations

Implementing agency	Signature	Foreign counterpart	Instrument	Issue area	Summary
CETESB	1997 to 2002	US Trade and Development Agency (USTDA)	Cooperation Project (SPGov)	Environmental management	Technical assistance and exchange of experiences in monitoring technologies and environmental management.
Secretariat for Metropolitan Business, through the Secretariat for Metropolitan Business of the São Paulo' State (EMTU)	Oct/2001	Global Environment Facility (GEF), through the United Nations Development Program (UNDP)	Cooperation Project[339] (SPGov)	Transport – hydrogen bus	Cooperation to develop a fuel cell bus. The project is executed by the Brazilian Ministry of Mines and Energy, and it is included in the federal government's policy of hydrogen introduction in the Brazilian energy spectrum. The financing by the GEF (US$ 12.3 million) results from the environmental concept of the project (zero emissions and clean fuel - the hydrogen is produced by electrolysis, using electricity from hydro-power). The Brazilian Innovation Agency (FINEP), invested US$ 3.3 million.
SMA	2005, extended until Aug/2011	Inter-American Development Bank (IDB)	Loan Agreement[340] (SPGov)	Ecotourism	Loan to support an ecotourism project to promote the conservation of the Atlantic forest and to foster socioeconomic development through the sustainable growth of ecotourism. The project will establish and strengthen six state parks as tourism products; five parks are located in the Ribeira valley and one in Ilhabela island. The loan is for a 25-year term, with a 4-year grace period at an adjustable interest rate. Amount US$9 million, being U$6 million funded by local counterpart.
CETESB	Aug/2005 to Jan/2007	US Trade and Development Agency (USTDA)	Cooperation Project (U$448,000) (SPGov)	Hazardous substances	Agreement signed to implement a Programme for the reduction of Hazardous Substances in industries, involving technical support and research to for the development of public policies, plans and programs aiming to reduce the use of raw material potentially hazardous and the generation of hazardous waste.
CETESB	Dec/2006 to Dec	The Federal Environment	Cooperation Project (SPGov)	Soil and groundwater	The Federal Environment Agency and GTZ supported the creation and implementation of the Latin American Network

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[339] http://www.emtu.sp.gov.br/h2/index.htm
[340] http://www8.iadb.org/en/news/news-releases/2005-11-09/idb-approves-9-million-loan-for-ecotourism-in-the-mata-atlantica-region-in-state-of-sao-paulo-brazil,1232.html

	2008	Agency (UBA) and GTZ (now Deutsche Gesellschaft für Internationale Zusammenarbeit - GIZ)		contamination	for the Prevention and Control of Soil and Groundwater Contamination (ReLASC)[341]. This network seeks to facilitate the identification of responses to the challenges related to the prevention and management of contaminated areas, sharing the existing knowledge in the public, private and academic sectors in Argentina, Brazil, Chile, Colombia, Mexico and Uruguay. In July 2008 ICLEI was hired by GTZ to manage and implement the Project. In November 2008 the management was transferred to Mexico's Environment and Natural Resources Secretariat.
SMA and CETESB	Jun/2008 to Jun/2010	World Bank/IBRD	Projeto de cooperação (SPGov)	Climate change	Develop a low carbon case study on reducing GHG emissions from waste management.
São Paulo State Government (Development Secretariat)	Apr/2008	Japan Bank for International Cooperation (JBIC)	Protocol of Intentions (SPGov)	Clean Development Mechanism (CDM)	Sharing information on the CDM between JBIC and São Paulo state to give impetus to financial support for CDM projects in JBIC's International Financial Operations. Focus on biomass power generation using bagasse (what remains of crushed stalks of sugar cane after extracting juice), and the recovery of methane gas from cow and pig manure. In the same occasion JBIC signed a MOU for Promoting Economic Exchange with the Federation of the Industries of the State of São Paulo (FIESP)[342].
CETESB	Sep/2009 to July 2010	US Trade and Development Agency (USTDA)	Grant Agreement[343] (SPGov)	Cleaner Production	Identify technological solutions to reduce wastewater from industrial production. Fund an evaluation of new technologies that will minimize water consumption and reduce industrial wastewater generation, thereby establishing cleaner methods of industrial production. Amount US 683,000.
SMA/CETESB	Sep/2009	Japan International Cooperation Agency (JICA)	Cooperation Agreement (SPGov)	Technical cooperation	Develop programs, projects and activities in the area of technical cooperation.
SMA	Aug/2009	World Bank/IBRD	Cooperation Agreement (SPGov)	Environmental licensing	Maintainence of side roads in the state of São Paulo. SMA and CETESB received R$10,692,500 to promote improvements the environment licensing system in the state.

[341] http://www.relasc.org
[342] http://www.jbic.go.jp/en/about/press/2008/0422-01/index.html#_1
[343] http://www.ustda.gov/news/pressreleases/2009/LAC/Brazil/BrazilWater_091709.asp (Access April, 2011)

SMA	2010	World Bank/IBRD	Cooperation Agreement (SPGov)	Water	Contribute to the protection of water supply basins in the metropolitan region of the state of São Paulo. Amount US$ 233.80 millions.
SMA	2011	World Bank/IBRD	Cooperation Agreement (SPGov)	Riparian vegetation	Develop the instruments and methodologies to promote riparian vegetation recovery in the state. Amount US$19.5 millions, being US$7.7 millions from GEF, via IBRD.
SMA	Being negotiated	World Bank/IBRD	Cooperation Agreement (SPGov)	Sustainable Rural Development	Promote sustainable rural development. Amount US$24 million, half from IBRD.
SMA	Being negotiated	Inter-American Development Bank (IDB)	Cooperation Agreement (SPGov)	Forest conservation	Promote the conservation and sustainable use of protected areas in the state. Amount US$470,2 million, being US$196,5 million from the IDB, US$214,5 million from the state government, and US$59,2 million from the federal government.

Source: Author, with data obtained from the document "Balanço de Atividades Internacionais Governo do Estado de São Paulo 2007-2010", June, 2010 ("SPGov"), and from SMA's Internal files ("SMA files") and online information/press releases indicated as footnotes

Appendix 6: List of meetings between representatives of the state of São Paulo and other national or subnational governments' representatives

Date	Foreign Gov / organization	Foreign authority	Brazilian authority	Topic discussed
Dec-11	France	Prime-Minister	Governor	Transport and pollution
Dec-11	Massachussetts, US	Governor	Governor	Clean energy and technologies, and biotechnology
Dec-11	IMF	Managing director	Governor	World economy
Oct-11	Ukraine	President	Governor and state Secretary For Economic Development, Science and Technology	Foreign trade
Aug-11	Cordoba, Argentina	Governor	President of the Paula Souza Center and Special Advisor for International Relations	Education
Aug-11	Canada	Prime-Minister	Secretaries for Development, Science and Technology, Transport and Public Security	Science and technology, transport and public security
Jul-11	Letonia	Prime-Minister	Governor	Cooperation on foreign trade
May-11	Sweden	Prime-Minister	Governor	Science, technology, innovation, environment and sustainable development
May-11	Germany	President	Governor	Environment, renewable energy, climate change, transport infrastructure
Apr-11	JICA, Japan	Vice-President	Governor	Projects on water, public security
Apr-11	France	Foreign Trade Ministry	Governor	Foreign trade
Apr-11	PACA region, France	President	Governor	Scientific and Technology Cooperation
Mar-11	Costa Rica	Chancellor	Governor	Environment, climate change, biofuels, transport and waste management
Mar-11	China	Ambassador	Governor	Foreign trade
Mar-11	US	Trade Secretary	President of Investe São Paulo	Foreign trade
Mar-11	Uruguai	President	Governor	Foreign trade
Mar-11	East Timor	Prime-Minister	Governor	Tribute to East Timor
Feb-11	Italy	Ambassador	Governor	Tribute to Geraldo Alckmin
Oct-10	UN	Secretary of CBD	Secretary for the Environment	Biodiversity
Oct-10	Czech Republic	Czech Ambassador	President of Investe São Paulo	Foreign trade
Oct-10	Geneva, Switzerland	Canton representatives and medium businesses	President of Investe São Paulo	Ethanol and PPPs on infrastructure, transport, World Cup, oil & gas
Sep-10	IDB	N/A	Governor	Financing housing and environmental recovery
Sep-10	Argentina	...ident of Agua y Saneamientos Argentinos	President of Sabesp	Technical cooperation on water
Sep-10	South Korea	N/A	Governor	Cooperation for technology in food industry
Jul-10	Japan	Ambassador	Ministry for Foreign Affairs	Financing environmental recovery
May-10	Austria	Chancellor	Coordinator at the Secretariat of Development and Director of Investe São Paulo.	Foreign trade
May-10	Letonia	Government and business delegation	President of Investe São Paulo.	Biomass, technology, car industry and port infrastructure
May-10	US	Government and business delegation	officers from the Secretariat for Agriculture	Cooperation in Agriculture
Apr-10	Israel	Ambassador	Governor	Cooperation on sanitation and agriculture
Apr-10	World Bank	N/A	Coordinator for Technical Assistance	Rural sustainable development
Apr-10	Chile	President	Governor	Foreign trade
Mar-10	South Africa	Vice-Minister	Governor	World Cup
Mar-10	Valencia, Spain	Vice-Governor	Secretary for Development and President of Investe SP	PPPs
Feb-10	South Korea	N/A	Secretary for Sport, Leisure and Tourism	Sports
Nov-09	Czech Republic	President	Governor	Foreign trade
Nov-09	Israel	President	Governor	Peace in the Middle East, water and sanitation, trade

Source Author, based on news available from http://www.saopaulo.sp.gov.br/spnoticias/[344]

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[344] Search words: chancellor, ambassador, minister, prime-minister, foreign relations, international, networks

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