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Working Paper

Increasing participation and compliance in international climate change agreements

Nota di Lavoro, No. 94.2002

Provided in Cooperation with:

Fondazione Eni Enrico Mattei (FEEM)

Suggested Citation: Barrett, Scott; Stavins, Robert (2002) : Increasing participation and compliance in international climate change agreements, Nota di Lavoro, No. 94.2002, Fondazione Eni Enrico Mattei (FEEM), Milano

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Fondazione Eni Enrico Mattei

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NOTA DI LAVORO 94.2002

NOVEMBER 2002

VOL – Voluntary and International Agreements

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Increasing Participation and Compliance in International Climate Change Agreements

Summary

Scientific and economic consensus increasingly points to the need for a credible and cost-effective approach to address the threat of global climate change, but the Kyoto Protocol to the U.N. Framework Convention on Climate Change appears incapable of inducing significant participation and compliance. We assess the Protocol and thirteen alternative policy architectures that have been proposed, with particular attention to their respective abilities to induce participation and compliance. We find that those approaches that offer cost-effective mitigation are unlikely to induce significant participation and compliance, while those approaches that are likely to enjoy a reasonably high level of implementation by sovereign states are sorely lacking in terms of their anticipated cost effectiveness. The feasible set of policy architectures is thus limited to second-best alternatives. Much more attention needs to be given - both by scholarly research and by international negotiations - to aspects of future international climate agreements that will affect the degrees of participation and compliance that can reasonably be expected to be forthcoming.

Keywords: Compliance, cost effectiveness, global climate change, international agreements, participation

JEL: Q2, Q3, Q4

Valuable research assistance was provided by Joseph Aldy, and helpful comments on a previous version were provided by: Richard Cooper, Denny Ellerman, Robert Hahn, Henry Jacoby, Peter Orszag, Jonathan Wiener, Peter Wilcoxon, and David Victor. Financial support was provided by the Electric Power Research Institute. The authors are solely responsible for any remaining errors.

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INCREASING PARTICIPATION AND COMPLIANCE IN INTERNATIONAL CLIMATE CHANGE AGREEMENTS

Scott Barrett and Robert Stavins*

1. INTRODUCTION

A growing scientific and economic consensus points to the need for a credible approach to address the threat of global climate change.¹ The Kyoto Protocol to the U.N. Framework Convention on Climate Change may or may not come into force, but serious questions have been raised regarding the Protocol's ability to induce sufficient participation and compliance to have anything more than trivial effects on the path of future climate change.² Our purpose in this paper is to assess the Kyoto Protocol and the alternative policy architectures that have been proposed in regard to their respective abilities to induce participation and compliance.³

When economists consider domestic environmental problems, they ordinarily put aside participation and compliance issues, because the existence of an effective government vested with effective coercive powers is assumed. In the international domain, however, full national sovereignty for individual nations means that free rider problems make it unlikely that adequate participation and compliance will be achieved. Free riding behavior can be expressed through either non-participation or non-compliance, and so at a fundamental level this paper is concerned with how free riding can be deterred.

The Kyoto Protocol may be characterized by its four key architectural elements:⁴ ambitious, short-term emission reduction targets, but no long-term targets; full responsibility (targets) only for industrialized

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¹See, for example, Watson, et al. (2001).

²More broadly, it is increasingly clear that the effects of the Protocol on long-term climate change, even if it were to come into force with complete participation, would be trivial. On this, see Stavins (2002a).

³By "participation" we mean whether a country is a party to a treaty intending to mitigate emissions. By "compliance" we mean the degree to which a country that is a party to such a treaty implements the treaty's obligations.

⁴The general importance of focusing on policy "architecture" and institutions in the global climate domain was first noted by Schmalensee (1996, 1998). Also see: Victor and Salt 1995; and Stavins 1997.

countries; flexibility provided through market-based mechanisms, such as tradeable permit systems; and an absence of effective instruments for promoting compliance and participation. Many of the proposed alternatives to Kyoto try to improve on the first three of these elements by incorporating: emission-reduction targets that are modest in the short-term, but increase in stringency over time; mechanisms such as growth targets intended to increase developing country participation over time; and market-based instruments. A few of the proposals also incorporate features intended to facilitate compliance and participation. Some of these are quite radical, dropping the setting of targets entirely, and in some cases even eschewing the use of market-based instruments. These more radical alternatives address the problems of compliance and participation as a priority.

Proponents of the less radical alternatives correctly claim that *if they are implemented successfully* they can achieve climate goals at relatively low cost. The more radical proposals, by contrast, emphasize that successful implementation requires effective promotion of compliance and participation. There is, to be sure, a congruence between these objectives. Countries will be more inclined to participate and comply with a more cost-effective treaty. However, cost-effectiveness is neither a sufficient nor a necessary condition for achieving full compliance and participation. By contrast, cost-effectiveness does require full participation (a requirement of cost-effective implementation is that marginal mitigation costs be equalized across *all* countries).

This paper compares these various policy proposals, and discusses their relative merits in terms of these major criteria. We find that those proposals that are best in terms of cost-effectiveness (conditional on implementation) — primarily market-based instruments, such as tradeable permit regimes — are less likely to be effective in promoting compliance and participation. Other proposals — such as various kinds of domestic “policies and measures” — appear better at promoting compliance and participation, but are less likely to be cost-effective. None of the alternatives fully meets the challenge of offering a cost-effective international regime that will enjoy a reasonably high level of implementation by sovereign states. Both criteria are important: cost-effectiveness conditional on implementation; and probability of international implementation.

A global climate regime needs to pay attention to both dimensions. Up to now, the economic literature and actual negotiations have emphasized the criterion of cost-effectiveness. This may have been based on the belief or hope that compliance and participation could be addressed in a subsequent stage. We argue that these issues need rather to be addressed up front and alongside concerns for cost-effectiveness.

In Part 2 of the paper, we describe the fundamental characteristics of the Framework Convention on Climate Change, the Kyoto Protocol, and thirteen proposed alternative policy architectures. In Part 3, we consider available methods of increasing participation and compliance, and examine the implications for the Kyoto Protocol and for the proposed alternative policy frameworks. Part 4 summarizes our main conclusions.

2. GLOBAL CLIMATE TREATY ARCHITECTURES

Incentives for increasing participation and compliance in an international agreement on global climate change will be implemented only within the context of a specific treaty architecture. Therefore, in this part of the paper, we review the fundamental architecture of the Framework Convention on Climate Change and the Kyoto Protocol, and then review the fundamental characteristics of alternative international approaches to the climate change problem. Then, we view these alternatives within the current political landscape, in which the United States has established a non-binding, voluntary-based climate change policy outside of the Kyoto framework. In particular, we ask whether it is possible for the Kyoto Protocol and U.S. policy to operate independently and co-evolve, or whether there will exist significant pressures for convergence over time.

2.1 The Framework Convention on Climate Change and the Kyoto Protocol

At the United Nations Conference on Environment and Development, held in 1992 in Rio de Janeiro, Brazil, agreement was reached on the Framework Convention on Climate Change (FCCC), which established as its ultimate objective the “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.” As an interim step, the FCCC imposed a non-binding goal of reducing greenhouse gas emissions by industrialized countries (the so-called Annex I countries⁵) to their 1990 levels by the year 2000. The FCCC allowed countries flexibility to develop and implement their own domestic policies to achieve their goals, and provided additional flexibility by allowing Annex I countries to sponsor emissions abatement and sequestration projects in other countries through “joint implementation” (a form of project-based emissions trading). Signed initially by 161 nations, the FCCC entered into force in January, 1994 after being ratified by 50 countries (including the United States). Today, the FCCC has 186 parties, more than any other international environmental agreement (Barrett, 2002b).

In December, 1997, some 160 countries negotiated the Kyoto Protocol to the Framework Convention. Subsequent negotiations filled in many of the details of the Protocol, and the treaty was substantially completed by November 2001. While the Protocol maintains the principle of differentiated responsibilities by the industrialized and developing worlds, it imposes ambitious targets and timetables for emissions reductions by industrialized nations, and it expands significantly the opportunities for countries to achieve their commitments cost-effectively through emissions trading and other “flexible mechanisms.” The agreement stipulates “binding” commitments, although, as we explain below, the nature of the requirement that commitments be binding remains unsettled.

The Kyoto Protocol provides specific greenhouse gas emissions commitments for 38 industrialized (Annex B) countries for the 2008-2012 “commitment period.”⁶ These emissions targets are expressed

⁵These include the developed nations plus economies in transition.

⁶The Kyoto Protocol designates these countries with emissions commitments as Annex B countries. With only a few exceptions, the set of countries with Annex B commitments is identical to the set of Annex I countries in the FCCC.

relative to countries' emissions in the year 1990.⁷ The relative commitments range from 8 percent below 1990 levels (for the European Union) to 10 percent *above* 1990 levels (in the case of Australia). When one considers the growth in some economies since 1990, and the collapse in others, the range of implicit targets is even broader, with the United States facing a target of about 30 percent reduction below business-as-usual levels in the year 2012, and Russia and other economies in transition facing targets that would allow substantial increases in emissions *above* anticipated business-as-usual levels in 2012. Nations must comply with these targets *on average* over the five-year commitment period. Moreover, these targets apply to six classes of greenhouse gases: carbon dioxide (CO₂), methane, nitrous oxide, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).⁸

The Kyoto Protocol acknowledged and reinforced the FCCC's principle of "common but differentiated responsibilities." Unlike industrialized nations, developing countries have no specific obligations to abate greenhouse gas emissions under the Protocol, and the Protocol provides no mechanism for developing countries to adopt emissions commitments voluntarily.⁹

The Kyoto Protocol includes three flexibility mechanisms that can help countries achieve their commitments at lower costs: international emissions trading, joint implementation, and the Clean Development Mechanism (CDM). The international emissions trading mechanism allows Annex B countries to trade emissions allowances with one another, whereas the joint implementation mechanism allows these same countries to cooperate on projects and transfer emissions allowances on the basis of such projects. The CDM allows Annex B countries to finance projects in non-Annex B countries in exchange for credits towards meeting their own emission reduction commitments.

The Protocol implicitly allows for trading across different types of gases and some limited trading across time. Since emissions commitments represent the weighted sum of a country's net emissions of greenhouse gases,¹⁰ the Protocol implicitly allows inter-gas trading. By focusing on *net* emissions, the Protocol allows for (potentially cost-effective) substitution of carbon sequestration for greenhouse-gas abatement. Emissions quotas refer to a five-year average, and countries are allowed to bank and borrow emissions allowances within this five-year window. Countries may also bank (but not borrow) emissions allowances for use in future, as-yet-undefined commitment periods.

⁷Transition economy countries were allowed to use a base year other than 1990 if their economic transition from central planning began prior to that date. Also, for all countries 1995 was employed as the base year of measuring changes in emissions of the synthetic greenhouse gases (hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride).

⁸ The agreement does not specify any obligations beyond 2012. These would have to be negotiated in a new agreement (possibly, an amendment), which would be binding only on the countries that ratified it, provided that the new agreement entered into legal force.

⁹This has confounded the attempts of two countries — Argentina and Kazakhstan — which have expressed their desires to adopt emissions commitments and participate within the Kyoto framework.

¹⁰Greenhouse gas emissions are aggregated based on their 100-year global warming potentials, and are reported in terms of "carbon dioxide equivalent."

Unlike the underlying FCCC, the Kyoto Protocol stipulates that emissions commitments are legally binding. At the same time, however, Article 18 of the Kyoto Protocol prohibits adoption of a compliance mechanism entailing “binding consequences” unless adopted by means of an amendment. The Protocol thus contains irreconcilable elements. On the one hand, it demands substantial reductions in emissions by some countries. On the other hand, it denies parties the means for enforcing these obligations (except through an amendment). A compliance mechanism was agreed in Bonn in July 2001: any industrialized country that fails to comply within the first commitment period must make up for this shortfall in the second commitment period *with a 30 percent penalty*.

The Kyoto architecture can be summarized as including four elements: ambitious, short-term reduction targets for industrialized countries; no emissions obligations for developing countries; flexibility for countries to achieve their commitments through market-based mechanisms; and non-compliance sanctioned with a penalty (not yet binding) linked to increased commitments in subsequent periods.

As of July, 2002, the Kyoto Protocol has been signed by 84 countries and ratified by 76, including 21 countries listed in Annex I of the FCCC. To enter into force, Kyoto must be ratified by at least 55 countries, accounting for at least 55 percent of the 1990 Annex I CO₂ emissions. Only the latter trigger for entry into force remains to be fulfilled. As of July, 2002, 21 Annex I countries had ratified the Kyoto Protocol. These included the member states of the European Union, the Czech Republic, Japan, Latvia, Norway, Romania, and Slovakia. Together, these countries account for only 36 percent of Annex I emissions. Entry into force will thus require participation by other Annex I countries, especially Russia. Indeed, it was to secure the participation of Russia (and other Annex I countries, including Japan) that concessions were given to these countries in Bonn and Marrakech. Giving these countries more (sink) allowances effectively relaxed the emissions constraints negotiated previously in Kyoto. Other modifications, such as the decision not to impose a quantitative limit on trading, also helped to promote participation by these countries. However, these changes also reduced the environmental effectiveness of the treaty.¹¹ This may hint at a key consequence of the Kyoto architecture: it has proven incapable of achieving high participation and compliance while reducing emissions substantially.

2.2 Alternatives to the Kyoto Protocol

The Kyoto Protocol’s architecture has been criticized on a variety of grounds, including: it imposes high costs and unfair burdens on industrialized countries; it effectively forbids developing countries from

¹¹Kyoto established an emissions ceiling for Russia well below Russia’s expected emission level—a difference sometimes referred to as “hot air.” Without trading, the treaty does not limit Russian emissions. With trading, Russia can sell its “hot air” allowances without reducing its emissions. Trading thus allows buyers of Russian hot air not only to increase their emissions but to increase global emissions, and it is in this sense that the failure to restrict trading reduced the environmental effectiveness of the treaty. Hot air allowances made participation by Russia more attractive. But they also made the “tough” emission limits for other countries more acceptable. However, Russia is given more hot air than needed to justify its participation, to compensate for the very tough emission limits set for countries like the US. Tightening up the Russian limits while relaxing the limits for countries like the US would have made participation for the US more attractive, while still making Russian participation attractive. See Barrett (1998).

taking on emissions commitments;¹² it provides ineffective incentives for participation; and it generates modest short-term climate benefits while failing to provide a long-term solution. In response to these and other perceived flaws¹³ in the agreement and in response to uncertainty regarding the agreement's future given the declared non-participation by the United States, a number of alternatives have been proposed. These proposals have been advanced in venues ranging from one-page editorials to book-length manuscripts. In the remainder of this section, we briefly describe the key architectural elements of each proposal, taking the proposals in alphabetical order according to their authors. Then we turn to a summary and synthesis of the common architectural themes that emerge from this diverse set of proposals.

First, Aldy, Orszag, and Stiglitz (2001) propose a hybrid international trading instrument that combines the sort of international trading mechanism found in the Kyoto Protocol with a safety-valve or price ceiling, which is implemented by an international agency making available additional permits at a fixed price.¹⁴ Proceeds from the sale of additional permits would finance climate change research and aid developing countries' efforts to abate greenhouse gas emissions. Developing countries would be included in the short term via voluntary measures and in the longer term via mandatory commitments. This proposal does not represent a significant departure from the Kyoto framework.

Barrett (2002b, 2001b) proposes a fundamentally different approach, emphasizing common incentives for climate-friendly technology research and development, rather than targets and time tables.¹⁵ His approach includes an R&D protocol that would support collaborative research, and a standards protocol that would require common standards for technologies identified through the collaborative research efforts. Barrett maintains that the departure from emissions commitments and market-based instruments is the necessary cost of designing a participation- and compliance-compatible regime. His proposal also includes a protocol aimed at making some short term progress, but without the pretense that this can be achieved through international enforcement.

¹²It has been suggested frequently that it is important for all countries — developing, as well as industrialized — to take on emission targets, because: (1) developing countries will account for more than half of global emissions by 2020, if not before; (2) developing countries provide the greatest opportunities now for relatively low-cost emissions reductions; and (3) if developing countries are not included, AnnexB abatement will shift comparative advantage in the production of carbon-intensive goods and services outside of that coalition of countries, and render developing economies *more* carbon-intensive than they otherwise would be. This phenomenon is characterized as “emissions leakage.”

¹³Most other critiques of the Protocol may be thought of as referring more to the details than to the general structure (architecture) of the agreement. For example, Hahn and Stavins (1999) have noted that international emissions trading program outlined in Article 17 will be less than fully cost-effective if it is implemented through a heterogeneous set of domestic policy instruments..

¹⁴The hybrid approach combining a tradable permit system with a “tax” (elastic supply of additional permits) has been examined by McKibbin and Wilcoxon (1997), Kopp, Morgenstern, and Pizer (1997), and Kopp, Morgenstern, Pizer, and Toman (1999), building on earlier work by Weitzman (1974) and Roberts and Spence (1976). A recent assessment is provided by Jacoby and Ellerman (2002).

¹⁵For other commentaries on the potential for employing technological cooperation as a central architectural element, see: Buchner, Carraro, Cersosimo, and Marchiori (2002); Edmonds, Roop, and Scott (2001); Flannery (2001); and Jacoby (1998).

Benedick (2001) offers a somewhat similar proposal, which emphasizes (long-term) international standards and incentives for technology innovation and diffusion. However, he also recommends a renegotiation of the Kyoto targets, and a process in which participation in negotiations begins small and expands over time. His approach is to adopt a portfolio of policies, including a small carbon tax to fund new technology research, to move the international community toward a desirable technology strategy.

Bradford (2001) proposes the equivalent of an international emissions trading program but without a fixed cap on emissions. All nations, including developing countries, are allocated permits equivalent to their anticipated business-as-usual time path of emissions. Periodically, an international authority offers to purchase (and retire) emissions allowances. Distributional issues are handled through the financing of the international authority, with differential funding responsibilities being established on the basis of per capita income levels and other criteria, such as expected benefits from climate change mitigation.

Cooper (1998, 2001) moves considerably further away from the Kyoto framework: instead of multilateral negotiations over national emissions quotas, countries would negotiate regarding a set of common actions aimed at achieving global emissions targets. In particular, a harmonized carbon tax would be used by all participating nations — industrialized and developing alike — to tax their domestic carbon usage at a common rate, thereby achieving cost effectiveness.

Another significant departure from the “targets and time tables model” is provided by Hahn (1998), who proposes experimentation with multiple “case studies” of potential policy instruments to abate greenhouse gas emissions in the short term, including: coordinated measures; an emissions tax; tradeable emission permits among some set of industrialized nations; tradeable emission permits among industrialized nations with joint implementation for developing countries; and a hybrid system.

McKibbin and Wilcoxon (1997, 2000) recommend a largely price-based approach, with two domestic markets for tradeable permits — one for annual emissions and another for perpetuities (“endowments”). As in other proposals, governments would provide a safety-valve of permit sales at a fixed price (which can rise over time). Endowments would be made to both industrialized and developing countries, the latter well in excess of current or anticipated emissions to allow for economic growth. In this proposal, there is no international trading system.

Nordhaus (1998) combines the notion of harmonized carbon taxes with attention to the efficiency of the targets. This is done by setting the harmonized carbon tax at the efficient level through a dynamic benefit-cost analysis, where the benefits are determined through an international voting mechanism which is intended to reflect countries’ true willingness-to-pay. As in other proposals, developing countries participate only when their per capita incomes reach particular threshold levels. Compliance is promoted through import duties which are levied on goods from non-participant countries, based on carbon content, with goods from poor countries exempted.¹⁶

¹⁶In a subsequent paper, Nordhaus (2002) provides a detailed comparison of price-based and quantity-based architectures, in which he strongly favors the former. The architecture which is recommended includes harmonized carbon taxes with relatively modest short-term tax levels that increase significantly over time, combined with a mechanism

Schelling (1997, 1998, 2002) proposes a climate “Marshall Plan,” which focuses on mutually agreed actions by industrialized nations. International mechanisms in pursuit of targets and time tables (such as international permit trading) are dismissed, although domestic market-based instruments are recommended.

Schmalensee (1996, 1998) focuses on two dimensions of an international climate change agreement: the breadth of the coalition of countries that are meaningfully participating; and the depth of their commitment (stringency of targets). He argues that the most productive first step is to include as many countries as possible, but not require very severe reductions. He terms this a broad and shallow approach, in contrast with the Kyoto Protocol, which he characterizes as being narrow and deep. Schmalensee’s argument is that getting a large number of nations to make commitments now is the best strategy for building the depth and breadth necessary in the long term to address the problem in meaningful ways.

Stavins (2001) proposes a three-part policy architecture, which is consistent with the Framework Convention on Climate Change but departs from the Kyoto Protocol: (1) all countries participate, with an explicit mechanism providing for voluntary accession by developing countries, and a trigger, linked with per capita income, which would require developing countries to take on “growth targets,” commitments that are a function of per capita income and other negotiated factors;¹⁷ (2) in aggregate, short-term targets that are moderate yet rigid, and long-term targets — put in place now — that are much more ambitious (in order to induce needed technological change), but flexible to respond to learning; and (3) market-based instruments, including international permit trading, possibly with a safety-valve.

Stewart and Wiener (2001) focus on increasing developing country participation by four instruments: (1) a streamlined CDM; (2) voluntary participation in emissions trading without emissions quotas;¹⁸ (3) mechanisms for voluntary accession to the emissions quota system; and (4) automatic graduation to the quota system given particular per capita incomes having been reached. Stewart and Wiener (2001) specifically focus on the need to secure the participation of major developing countries like China and India by giving these countries “headroom” allowances.

Finally, Victor (2001) proposes an approach that in the short term is similar to the Kyoto Protocol, except that individual countries can sell unlimited numbers of allowances at a specified price (safety valve). In the short term, developing countries participate through the CDM, but in the long term, a graduation mechanism is proposed for developing countries as they reach particular incomes and then must adopt either quotas (as developed countries) or growth targets. Compliance, he argues, would be promoted through a buyer liability scheme.

for developing countries to take on increasing degrees of responsibility over time.

¹⁷See, for example: Frankel (1999). In 1999, the Argentine government offered to take on an emissions commitment indexed to its economic growth. An analysis is provided by Lutter (2000).

¹⁸This would be the international version of an “emission reduction credit” program, as opposed to a “cap-and-trade” program (see Stavins 2002b for definitions and examples), and can be thought of — in the Kyoto Protocol context — as a national-level CDM policy.

2.3 Summary and Synthesis

Although there is considerable diversity among these alternatives to the Kyoto Protocol, a number of themes emerge (only some of which are shared by *all* of the proposals): use of relatively moderate short-term goals; provision for increased developing country participation over time; use of market-based mechanisms; cost constraints through hybrid instruments; and provision of incentives for participation and compliance (Table 1).

First, many of the proposals reflect a general concern that the Kyoto commitments are “too little, too fast,” that is, insufficient to do much about the climate change problem, but excessively ambitious (and hence costly) in the short term. Therefore, nearly all of the proposals feature commitments which are moderate in the short-term and become much more stringent in the long-term.

Second, many proposals maintain that developing countries must play a more significant role over time. Several proposals (Aldy, Orszag, and Stiglitz 2001; Schmalensee 1996, 1998; Stavins 2001; Stewart and Wiener 2001) would require developing countries to take on emission commitments in the near term. These proposals plus others (McKibbin and Wilcoxon 1997, 2000; Nordhaus 1998; Victor 2001) recommend some form of graduation: an income threshold above which nations must take on emission commitments. Other proposals include developing country participation in forms which do not involve emission commitments (Bradford 2001; Hahn 1998). Finally, the proposal by Barrett (2002b, 2001b) would have developing countries participate in the financing of research and development activities, but with contributions reflecting their differentiated responsibilities and capabilities (perhaps based on the UN scale of assessments).

Third, a number of proposals provide positive incentives for developing country participation. Some would require that developing countries adopt emission ceilings but with “head room” so that these countries could become net exporters of emission allowances, providing the resources needed to finance their abatement (Aldy, Orszag, and Stiglitz, 2001; Stewart and Weiner, 2001). The proposal by Barrett (2001b, 2002b) would have developing countries be bound by the technology standards incorporated in separate protocols, but the diffusion of these technologies in developing countries would be financed by industrialized countries, an element also of Benedick’s (2001) proposal.

Fourth, nearly all of the proposals would allow, encourage, or require implementation through market-based instruments. While Cooper (1998, 2001) advocates harmonized carbon taxes,¹⁹ most

¹⁹The proposal by Cooper (1998, 2001) for a uniform, harmonized carbon tax raises a number of problems. First, developing countries may argue that it is unfair that they should adopt the same tax as the industrialized countries, given that the latter are largely responsible for the climate change problem in the first place. Second, developing countries may have little incentive to adopt such a tax (or, indeed, substantial mitigation effected by a different policy instrument), though transfers could be used to promote participation by developing countries. Finally, adoption of a harmonized tax may create incentives for gaming behavior. Countries may change their tax codes, for example, to neutralize the effect of a carbon tax. Of course, alternative approaches may also be vulnerable to gaming behavior. The Kyoto Protocol’s CDM, for example, creates incentives for “paper trades,” and the Kyoto emission limits for certain key countries were diluted in the COP6 negotiations in Bonn/Marrakech.

proposals favor hybrid quota-tax schemes (Aldy, Orszag, and Stiglitz 2001; Hahn 1998, McKibbin and Wilcoxon 1997, 2000; Victor 2001) or tradable permit systems (Hahn 1998; Stavins 2001; Stewart and Wiener 2001). Bradford's (2001) proposal could potentially achieve a similar, cost-effective outcome by implementing a permit purchase scheme. Efficient implementation of all such instruments would allow countries to achieve their emissions commitments at lower cost, which would presumably increase the likelihood that they would comply with their commitments. It is precisely because of concerns about compliance/participation, however, that Barrett (2002b, 2001b) departs from the conventional economists' prescription of market-based instruments, and advocates instead collaborative R&D combined with technology standards.²⁰ Schelling's (1997, 1998) proposal also drops the pretense that targets and timetables can be enforced internationally, but his proposal may improve little on unilateralism.

Fifth, in response to concerns about the costs of complying with emissions commitments, many proposals recommend hybrid tax-quota or pure price regimes to set a cap on marginal costs (Aldy, Orszag, and Stiglitz 2001; Cooper 1998, 2001; McKibbin and Wilcoxon 1997, 2000; Stavins 2001; Victor 2001). Other proposals take different approaches to limiting the costs of climate policy (Barrett 2002b, 2001b; Bradford 2001; Hahn 1998).

Sixth, although there is widespread recognition that the Kyoto Protocol does not provide effective incentives for participation and compliance, most proposals give relatively little, if any, explicit attention to this aspect of an international climate agreement, the chief exceptions being Barrett (2002b, 2001b), Victor (2001), and Wiener (1999, 2001).²¹ More broadly, advocates of policies to ensure low costs of attaining emissions commitments believe that such low costs will provide incentives for participation and compliance. Other authors (Aldy, Orszag, and Stiglitz 2001; Nordhaus 1998) argue that a treaty such as the Kyoto Protocol can, in principle, be enforced by means of trade restrictions. Cooper (2000), by contrast, rejects trade restrictions. Citing Chayes and Chayes (1995), he argues more broadly that sanctions are not needed and that transparency in governmental actions (monitoring) should provide enough of an incentive for compliance.²²

²⁰As will be explained later, this proposal has its own problems. The important point to note here is that this proposal arose from a concern about international enforcement. For most other proposals, enforcement is either assumed not to be a problem or, as in the Kyoto Protocol itself, an enforcement mechanism is added almost as an afterthought to an approach that is advocated for its other virtues.

²¹Victor (2001) proposes to promote compliance through the use of a buyer liability scheme within an international tradeable permit system. However, this proposal does not address the participation problem, and as will be explained later, participation is likely to be the binding constraint on international behavior (Barrett, 1999a). Wiener (2001) argues that participation can be effected by giving reluctant countries "headroom" allowances. However, transfers (whether given directly or indirectly) may have little effect on participation (Barrett, 2001a).

²²The reasoning embraced by Chayes and Chayes (1995) is flawed in a number of respects. First, evidence that countries comply is not evidence that compliance is not a problem. Countries may only be complying with agreements that don't seek to change behavior or that only aim to coordinate. Second, the Chayes's do not consider the participation problem. Under the rules of international law, countries are expected to comply with the treaties they become a party to, but they are not required to participate. A country that worried about its ability to comply would thus choose not to participate. For critiques of the Chayes's reasoning, see Downs, Rocke, and Barsoon (1996) and Barrett (1999a, 2002b).

Any pragmatic proposal addressing developing country participation must confront a difficult trade-off if the United States is to participate as well. If a proposal includes aggressive developing country commitments, the agreement may be expected to fail to elicit developing country participation, since nearly all developing countries believe that the industrialized world should take on binding emissions commitments first.²³ On the other hand, if a proposal recommends modest or no near-term emissions commitments by developing countries, the agreement may be expected to fail to gain political acceptance in the United States, as evidenced by the unanimous (95-0) passage of the Byrd-Hagel Resolution in the U.S. Senate (1997), which called for similar treatment of industrialized and developing countries in any international agreement on global climate change.²⁴ The notion of allowing short-term developing country participation *exclusively* through the CDM (Victor 2001) would likely garner little support from the United States, since such participation would fall well short of the criteria specified by the Byrd-Hagel Resolution.

2.4 Evolution of the Global Climate Regime

Although economists and others have been busy proposing alternatives to the Kyoto architecture, any pronouncements of the death of the Kyoto Protocol are certainly premature. During the Conferences of the Parties of the FCCC in Bonn and Marrakech in 2001, the industrialized nations (largely without the participation of the United States) negotiated implementation rules for the Kyoto Protocol which they believe will allow for ratification in 2002 (Anderson 2001). Though the future is uncertain, there is now a good chance that Kyoto will enter into force.

At the same time, the United States has been developing its own response. Subsequent to its rejection of the Kyoto Protocol in March, 2001, the Bush Administration undertook a review of potential climate change policies, which was still ongoing on September 11, 2001, after which the priority given to climate (and many other) policies was substantially lessened. On February 14, 2002, President Bush released the Administration's climate policy proposal, which featured: moderate short-term domestic goals (non-binding constraints measured in terms of the emissions intensity of economic activity); a system of voluntary programs and tax credits, not unlike those previously proposed by the Clinton Administration;

²³A coalition of developing countries rebuffed New Zealand's call during the 1997 Kyoto Conference of the Parties for developing country commitments. The coalition has succeeded in keeping the topic off the agendas of subsequent Conferences of the Parties. While the case has been made that developing countries with emissions commitments could become net exporters of emissions allowances and thus enjoy gains from trade (Yellen 1998), this argument has generated little or no support in the developing world. Likewise, though Cooper (1998, 2001) suggests that developing country governments would be favorably disposed toward imposing (harmonized) carbon taxes for public finance (if not environmental) reasons, no developing country has adopted such a tax. We note as well that a number of major developing countries have substantial energy subsidies (International Energy Agency 1999), even though these are well known to be destructive to both welfare and revenue raising.

²⁴Senate Resolution 98 (June 12, 1997) states that the United States should not be a signatory to any agreement under the Framework Convention on Climate Change which would "mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period." The resolution refers to five developing countries by name: China, Mexico, India, Brazil, and South Korea. Subsequently, the Clinton Administration employed the phrase, "meaningful participation by key developing countries" (Eizenstadt 1998), in a deliberately loose interpretation of the Byrd-Hagel Resolution.

and a guarantee that firms which voluntarily cut their emissions will receive credit for those reductions when and if the United States adopts a climate policy including mandatory targets (and potential trading).

This situation of some countries moving down one track, and the United States moving down another, is not sustainable. The United States is too important a player as the world's largest emitter of greenhouse gases, a major trading partner of the Kyoto signatories, the world's largest economy, and its only superpower. If Kyoto enters into force and requires substantial abatement by its parties, industry in those countries will face higher costs than in the United States. This may shift comparative advantage in the greenhouse gas-intensive industries toward the United States, undermining the environmental effectiveness of the Kyoto agreement and causing industry in signatory countries to plead for protection. Indeed, this is why the declared non-participation by the United States forced renegotiation of key parts of the Kyoto agreement. As noted previously, generous allowances for sink credits lowered the costs of ratification for countries such as Japan and Canada, and a liberal interpretation of the trading rules made participation by Russia and other economies in transition more attractive. Of course, it might be argued that the Kyoto Protocol will force industry outside the United States to innovate, allowing foreign firms to leap ahead, but such innovation is unlikely to compensate for increased compliance costs. It seems more plausible that non-participation by the United States will reduce the feasibility of the Kyoto Protocol than that the Kyoto Protocol will create effective pressure for subsequent accession by the United States.

Pressures do exist for the United States to modify its stance: domestic pressures to address the climate change problem; international pressures to demonstrate responsibility and concern for other countries; and, possibly, competitiveness pressures from U.S. industry with substantial operations overseas, seeking a more level playing field.

An effective regime must also include the major developing countries, such as China and India.²⁵ The Kyoto Protocol allows these countries to assist in the global mitigation effort through the CDM, but this mechanism is likely to be burdened by substantial transactions costs. Hence, other ways are likely to be needed to encourage these countries to contribute to the global mitigation effort.

How might a system of Kyoto-based targets and implementation policies for most of the industrialized world evolve over time, possibly with independent but somewhat parallel climate policies in the United States? What role will developing countries play in this evolution?

The United States may expand its policy of voluntary action, but such approaches lack credibility without associated national targets and are — in any event — likely to result in only very limited emissions abatement (Keeler 2001; Claussen 2001). Binding domestic policies are also possible. The Clinton Administration strongly advocated a domestic cap-and-trade program for greenhouse gases as a part of its strategy of compliance with the Kyoto targets (Yellen 1998), although it never provided details about the strategy and made clear that it did not intend to submit the Protocol to the Senate for ratification. The Bush Administration subsequently considered but rejected an economy-wide, upstream carbon dioxide

²⁵China is a signatory to the Kyoto Protocol, but has not ratified the agreement. India did not sign the agreement, and has also not ratified it.

cap-and-trade program with a safety valve mechanism (Keeler 2001; Kopp *et al.* 1999). Members of Congress have advocated regulation of CO₂ emissions from power plants through various multi-pollutant cap-and-trade proposals.²⁶

Unless the United States ratifies the Kyoto Protocol, it cannot participate directly in its “flexible mechanisms.” However, it could develop an international approach to climate change over time. The Bush climate change initiative incorporates a plan for collaborative research with Japan and Italy in bilateral agreements and with Central America in a “minilateral” agreement. Soon after the initiative was announced, the United States and Australia signed another bilateral agreement. The United States could also participate in a future global agreement, perhaps taking the form of an amendment to the Kyoto Protocol, applying to a second compliance period (presumably 2012-2017) and negotiated some years from now.

Intermediate outcomes are also possible.²⁷ A domestic trading program in the United States, for example, could allow firms to account for their emissions with domestic permits as well as with emissions offsets obtained through a CDM-like program or allowances purchased from other Annex B countries. With an international trading system premised on seller liability, non-participant nations purchasing emissions allowances for their own use would not disrupt the international trading system. Presumably U.S. firms could purchase allowances from the international market, but could not sell U.S. permits to the international market.²⁸

Beyond such possibilities for cooperation on emissions trading, the industrialized world could collaborate on efforts to promote emissions abatement in developing countries. For example, a U.S. domestic trading program could accept CDM credits from developing countries, adding to the demand from the rest of the industrialized world for such developing country emissions mitigation. The rest of the industrialized world could carry out the purchase of CDM credits within the Kyoto framework, while firms in the United States could purchase credits from developing countries as part of a domestic U.S. trading system. Furthermore, the United States could take a more aggressive stance outside of the Kyoto framework by offering incentives for individual developing countries to take on non-Kyoto emissions commitments. Such countries could then export low-cost emissions allowances to the United States.

Any U.S. efforts outside of the scope of the Kyoto Protocol during the next decade will likely affect negotiations over post-2012 commitments. The United States can develop domestic policies that allow it to experiment with alternative policy instruments not embedded in the Kyoto framework, such as a safety-

²⁶Such bills would establish quotas for emissions of sulfur dioxide, nitrogen oxides, mercury, and carbon dioxide from domestic power plants, which would be allowed to buy and sell emissions permits much as they do under the sulfur dioxide allowance trading program. Examples of bills from the 107th Congress, include: H.R. 1256 (Waxman), H.R. 1335 (Allen), and S. 1131 (Leahy).

²⁷It has typically been assumed (in quantitative analysis) that the U.S. decision to “withdraw” from the Kyoto Protocol means that the United States will not adopt effective domestic policies to limit greenhouse gas emissions (Buchner, Carraro, and Cerosimo 2001).

²⁸Put differently, Annex B parties to Kyoto would not be given credit for allowances purchased from the United States, and so would have no incentive to effect trades in this direction.

valve system. Further, U.S. collaboration with developing countries on possible forms of emissions commitments (for example, sector-based growth targets indexed to economic growth) can expand the opportunities for testing possibilities for developing country participation. The information gained from such efforts — combined with the experiences of the rest of the industrialized world — may prove valuable for identifying commitments and policy instruments for the post-Kyoto climate regime.

A U.S. program promoting cooperation with other countries will have to create incentives for both compliance and participation, just as the Kyoto Protocol must do. The same will be true of either a co-evolved system or a fully global system. It is to these issues that we now turn.

3. METHODS OF INCREASING PARTICIPATION, COMPLIANCE, AND MITIGATION

An efficient (and, hence, cost effective) climate agreement would secure full participation by all countries, with each and every country mitigating its emissions to the point where its own marginal abatement costs were equal to the sum of marginal benefits globally. But nations have incentives not to participate and/or not to comply. Taking the behavior of other countries as given, each country can do better by mitigating only up to the point where its own marginal benefit equals its marginal cost. As long as global marginal benefits exceed every nation's own marginal benefits, all countries will either want to avoid participating or avoid full compliance if they do participate. Successful international cooperation must change these incentives.

3.1. The Relationship Between Participation and Compliance

The two issues of participation and compliance have typically been analyzed separately,²⁹ although they are — in reality — joint problems. Customary international law requires that countries comply with treaties in which they participate, and most countries do comply with most treaties most of the time. But international law does not require that countries participate in international treaties. Hence, the easiest way for a country to avoid complying with a treaty is simply not to participate in the first place. This means that a first priority of international cooperation must be in deterring non-participation (promoting participation). If this can be done, then compliance can also be secured (Barrett, 1999a). Non-participation is the biggest credible deviation that a single country can carry out. Deterring such a deviation requires sacrifices by others, and larger sacrifices are less credible because they are more self-damaging. Hence, if the largest credible deviation can be deterred, then smaller deviations can be deterred more-or-less free-of-charge. This assumes that behavior can be monitored (or verified). Where this is difficult or impossible, compliance will be harder to enforce. For this reason, most agreements establish obligations that are easily monitored.

²⁹For example, Chayes and Chayes (1995) examined compliance but ignored participation. A critique by Downs, Rocke, and Barsoon (1996) did not distinguish between compliance and participation.

Indeed, this is seen to be one of the advantages in a treaty focusing on actions (policies and measures) rather than outcomes (targets of emission levels).³⁰

3.2 The Relationship Between Participation and Mitigation

Greater participation in an international climate change agreement can be obtained by reducing the cost of participation, such as through the use of cost-effective, market-based instruments or through limiting the degree of mitigation required by individual parties (nations). In the limit, a treaty can always secure universal participation by not requiring that any country make any sacrifice. The challenge is to induce countries to participate in an agreement requiring them to reduce their emissions substantially (while also ensuring that compliance is enforced).

This may not always be possible; it may be necessary to lower per-country mitigation in order to widen participation. There can be a tradeoff between the merits of a “broad but shallow” treaty and a “narrow but deep” one.³¹ If marginal costs increase in the level of abatement — as they surely do for climate change mitigation — then a “broad but shallow” treaty will be preferable, because under such circumstances an expansion in the number of countries undertaking mitigating measures lowers total cost (holding constant the overall degree of mitigation).

This concern for broadening participation is reflected — to some degree — in the Kyoto Protocol. After the industrialized countries agreed in Berlin in 1995 to reduce their emissions without requiring reductions by developing countries, negotiations shifted toward flexible mechanisms, such as the Clean Development Mechanism (CDM), which aims to reduce differences in marginal abatement costs among countries, but does so indirectly by allowing industrialized countries to finance abatement projects in developing nations. In practice, the CDM is likely to be burdened by substantial transactions costs (Barrett 1998), and so pressures may be expected to build for the development of alternative instruments and institutions that can reallocate emission reductions, thereby cutting the total cost of climate change mitigation.

International trade may also favor the broadening of participation. As one group of countries reduces emissions, the costs of producing greenhouse-intensive goods and services within this group will rise relative to the costs of producing other goods and services. Comparative advantage in the manufacture of greenhouse-intensive goods will therefore shift towards non-participating countries. The increase in emissions by non-cooperating countries brought about by the reduction in emissions undertaken by cooperating countries is characterized as “emissions leakage.”³² The conventional wisdom is that such leakage will be significant, but less than fully offsetting. It is possible, however, that global emissions may increase as a consequence of a set of countries mitigating their emissions, if production of greenhouse-

³⁰See Schelling (2002).

³¹See our description, above, of Schmalensee’s (1996, 1998) commentary on global climate treaty architecture.

³²Leakage raises the cost (equivalently, reduces the benefit) of mitigation for participating countries.

intensive goods shifts to countries with higher emission-output ratios.³³ In the event that leakage is positive, it is likely that an expansion in participation would reduce leakage, making cooperation more potent. Leakage can be negated by the use of trade instruments, especially border tax adjustments, but these instruments may be difficult to incorporate in a climate agreement, and may reduce welfare overall.

3.3 Positive Incentives

We provide a brief description of three alternative types of positive incentives for participation and compliance, and then examine implications for the Kyoto Protocol and alternative approaches to addressing global climate change.

One form of positive incentive for participation and compliance is a side payment – a direct money transfer made by one party or set of parties to another. Under such arrangements, the countries that gain most from an agreement compensate those who would lose or gain least (in the absence of side payments).³⁴ The voluntary nature of international relations means that countries will only agree to exchange money for mitigation if they can gain from the transaction, though it cannot be guaranteed that a treaty will yield an actual Pareto improvement.³⁵ Side payments may reflect an underlying agreement about property rights, and/or they may play a strategic role (Barrett, 2001a). In a climate change agreement, it is accepted that the industrialized countries would need to compensate developing countries for mitigation. This is partly because the industrialized countries are likely to gain the most in absolute terms from global mitigation, partly because the developing countries would be unlikely to undertake substantial mitigation without such funding, and partly because the industrialized countries are responsible for the historic build-up of greenhouse gas concentrations. Side payments can thus de-link the relationship between the decision to reduce global emissions cost-effectively and the decision of who should pay for global mitigation. Over time, of course, as the incomes of developing and industrialized countries converge, the need for international transfers may diminish.

A second form of positive incentive is a link between cooperation on one issue and cooperation on another. Such issue linkage can ensure that all parties gain by participating or it can play a strategic role. A third form which positive incentives may take involves the allocation of emission entitlements. If the emissions of countries are limited by a treaty, if these limits imply different marginal costs of compliance, and if the treaty permits international trading in emission entitlements, then money will flow from parties with

³³In some cases, it is also conceivable that non-participants may increase their mitigation as the cooperating countries increase theirs (negative leakage).

³⁴Although such side payments are not common, they have been employed in some important cases. In the Rhine Chlorides agreement, the Netherlands, Germany, and Switzerland paid France to reduce chloride emissions at a potash mine; and in the Montreal Protocol, the industrialized countries paid for the “agreed incremental costs” of compliance by developing countries. For case studies of these two agreements, see, respectively, Bernauer (1996) and Benedick (1998). Both of these cases, and others, are also discussed in Barrett (2002b).

³⁵Obviously, non-participants may either gain or lose from an agreement. Less obviously, even participants can lose. Though a country may be better off participating in a treaty, given the terms of the treaty and the decisions by other countries to participate or not, such a country may be even better off if the treaty did not exist.

high marginal implementation costs to parties with low marginal costs. These flows act like side payments, the only significant difference being that they are not directly negotiated. In contrast to side payments, transfers arising from trading are indirect.

Given any total emission cap, trading promotes participation. Trading benefits the buyer, allowing it to save costs; and trading benefits the seller, allowing it to earn revenues. Compared with a treaty prohibiting trading, both types of parties are better off with a trading regime, and so will be more inclined to participate. Taking participation as given, however, the allocation of entitlements is a zero-sum game. If more entitlements are given to one country and fewer to another (with the total quantity unchanged), the former country gains and the latter loses. Though it is true that countries awarded a surplus of permits are more inclined to participate, it is also true that countries awarded a deficit gain less from participating. Giving one party more entitlements than required to secure its participation can thus be harmful to participation overall because of the effect on other parties. Thus, it has been argued that too much “hot air” was given to the economies of transition in the Kyoto Protocol. Had emission constraints on these countries been tightened somewhat, and constraints on countries such as the United States relaxed, the total effect of the agreement could have been kept unchanged. The costs of participation for the United States might thereby have been reduced, while the positive incentives for participation by the economies in transition were retained, although in diminished magnitude.

Any negotiated outcome must be perceived as being fair to all parties, or else it is unlikely to be self-enforcing, but the concept of a “fair” agreement needs to take account of the incentives to participate. In the successful Montreal Protocol on Substances that Deplete the Ozone Layer, emission limits were set for *all* countries. For the industrialized nations, the agreed emissions limits were immediately binding. Developing countries, by contrast, were allowed a grace period during which their emissions could rise before they would be required to cut their emissions to the same level set for the industrialized countries. At the same time, the incremental costs of implementing the agreement were to be paid by the industrialized countries (Benedick 1998, Barrett 2002b).

The CDM mechanism in the Kyoto Protocol is only superficially similar. Important differences exist. Developing countries are not subject to an emission ceiling in the Kyoto Protocol. Hence, there is a potential for CDM transactions to achieve emission reductions only on paper and for related transactions costs to be substantial. Kyoto also incorporates three funds to help developing countries. In contrast to the Montreal Protocol’s Multilateral Fund, however, two of these climate change funds are voluntary. The third is mandatory, but it is to be spent on adaptation, not mitigation, and is financed by a tax on CDM projects.

Of the proposed alternatives to Kyoto, almost all involve some transfer of resources from industrialized to developing countries, either by direct transfers (Barrett 2001b, Benedick 2001), by favorable allocations of emission entitlements (Bradford 2001; Stavins 2001), or by some combination of the two (Aldy, Orszag, and Stiglitz 2001; Hahn 1998; Stewart and Wiener 2001; Victor 2001). In other proposals (Nordhaus 1998; Schelling 1997, 1998), developing countries are treated differentially, but are not given a positive incentive to participate. Cooper’s (1998, 2001) proposal is unique in requiring that

developing countries impose the same carbon tax as industrialized countries with a time-delay but with no compensation.

Designing a system of positive incentives on paper may be easy, but making such a system effective in changing behavior in practice is more difficult. Transfers, like allocations of tradeable emission allowances, are a zero sum game; in making one party better off, they make another worse off. Indeed, this is why the theory of international cooperation finds that side payments on their own are of limited help in sustaining real cooperation (Carraro and Siniscalco 1993). Positive incentives are needed where countries are highly asymmetric, but such incentives can sustain real cooperation only if they restructure the underlying incentive system. For example, the side payments in the Montreal Protocol changed that treaty from one aimed exclusively at encouraging countries to reduce their emissions to one which included encouraging industrialized countries to pay developing countries to reduce *their* emissions (Barrett 2001a). Contributions to the Multilateral Fund, which exceeded \$1 billion, were an obligation, much the same as emission reductions.

Another lesson is that transfers should be limited. The Montreal Protocol's Multilateral Fund only compensates for agreed incremental costs; it does not transfer huge amounts of rents. The advantage of this is that in lowering the cost to the industrialized countries of reducing emissions in developing countries, more of the latter emissions are actually reduced. In this respect, proposals for direct transfers (that is, payments in exchange for specific actions) have an edge, but care must be taken in designing such transfers. High transactions costs could reduce the advantage of direct transfers as compared with a decentralized trading system.

Finally, care must also be taken in implementing a system of direct transfers – or, indeed, any international environmental commitments. Payments need to be linked to performance, and this requires institutional oversight. Victor, Raiustiala, and Skolnikoff (1998), upon reviewing the experience with implementation of international environmental commitments, found that such institutions typically work best when dedicated to the task of reviewing performance, supported by a network of existing institutions that together comprise a system for implementation review.

3.4 Negative Incentives

Now we consider alternative negative incentives, including reciprocal measures, financial penalties, and trade restrictions, and then examine implications for the Kyoto Protocol and alternative approaches of addressing global climate change.³⁶

Before turning to specific types of negative incentives, it is helpful to highlight the fundamental difference between domestic contexts — where various types of negative incentives are frequently employed — and the domain of international cooperation. Domestic policies are enforced by national governments; indeed, it can be said that national governments exist and are given their unique powers of coercion so that they can supply public goods and correct for market failures. National sovereignty means

³⁶Our use of the phrase, “negative incentive,” does not include the simple reduction or removal of a positive incentive.

that, by contrast, international agreements cannot be enforced by a world government. Such agreements must be enforced by their parties — the respective national governments.

The difference between the two contexts is well illustrated by comparing the Kyoto Protocol with Title IV of the U.S. Clean Air Act amendments of 1990, intended to reduce acid rain in the United States (and Canada) by 50 percent.³⁷ Both regimes establish targets and timetables for emission reductions; both allow emissions trading; but in terms of enforcement, the two policies could not be more different. The Title IV penalty for excess emissions was set at \$2,000 per ton, in contrast to marginal abatement costs on the order of \$200 per ton (Schmalensee *et al.* 1998). Furthermore, it is a felony to violate Title IV; violators may be sent to prison. Hence, there is a significant incentive to comply, and — not surprisingly — compliance is virtually perfect, with excess emissions in 2000 amounting to 54 tons out of a total of 10 million tons of allowances available that year. In contrast, the Kyoto Protocol explicitly prohibits compliance measures entailing “binding consequences.” Indeed, as matters now stand, the Protocol’s targets are more political than legal (compliance may be made legally binding in a future amendment).

Enforcement requires punishments (negative incentives), but can also be encouraged through positive incentives. It has sometimes been argued that positive incentives can suffice,³⁸ but threats of punishment are inevitably required to achieve cooperation.³⁹

Negative incentives must be *credible*, and must be seen to be credible, if they are to be effective; otherwise a threatened punishment is unlikely to influence behavior (Schelling, 1960). Unfortunately, credibility is difficult to establish, because in many situations, countries that punish non-cooperating countries will harm themselves in the process. To be credible, countries that threaten to punish must be better off when they carry out the threat than when they do not, given the behavior of the deviant state.

To influence behavior, the threatened punishment must also be sufficiently *severe*. That is, the deviant state must be significantly worse off when it deviates and is punished than when it participates and complies. Making punishments both credible and severe is especially difficult because the more severe is the punishment, the more harm it inflicts on the enforcing countries, making the punishment less credible.

We should underscore what makes enforcement of a climate mitigation agreement so difficult. For trade agreements, enforcement is not a great problem because trade is a bilateral activity. The country harmed by a trade violation can reciprocate. Climate change mitigation, however, is a global public good. If a country fails to supply the good, another country can punish it, but in contrast to the trade situation, this

³⁷See Stavins (1998).

³⁸The GATT Secretariat (1992: 36), for example, has stated that “positive incentives are the best way to achieve sustained inter-governmental cooperation.”

³⁹The need for punishments to sustain cooperation is one of the most basic insights to have emerged from the literature on repeated games; see Barrett (2002b). Note, however, that not all problems requiring a treaty are cooperation problems. Some reflect a need to coordinate, and coordination does not necessarily pose a problem for enforcement. Later we consider how climate change mitigation might be transformed into a coordination problem.

enforcement has wider implications. First, enforcement by this country is itself a public good, and so is subject to under-provision for the usual reasons. Second, if the enforcement involves a reciprocal response (a reduction in mitigation), then other cooperating countries will also be harmed by the enforcement.

The first category of negative incentives we consider are reciprocal measures. In theory, reciprocity is at the heart of many potential incentives for participation in an international environmental agreement, since in the absence of centralized enforcement, what can deter participants from polluting is the prospect that others will pollute in retaliation. For such reciprocity to function, a number of conditions must be satisfied: there must be a limited number of parties; there must be a positive probability that they will meet again; cheating must be detected; and parties must be patient. The number of parties to an agreement is especially important for international cooperation (Barrett 1999a), because the larger the number of cooperating countries, the less credible is the threat by them collectively to punish deviations. As noted previously, climate change mitigation is a global public good, and cannot be segmented into a vast number of bilateral relations as can a multilateral trade agreement.

A second category of negative incentives are financial penalties and self-punishment. The Kyoto negotiations held in 1997 deferred discussion of sanctions for non-compliance, and when the subject was eventually addressed in subsequent Conferences of the Parties, the focus was not on reciprocity, but on how non-complying countries might be required to make up for excess emissions in subsequent compliance periods. At the extended Sixth Conference of the Parties (COP-6), held in Bonn in July 2001, countries agreed to apply a penalty ratio for non-compliance of 1.3. This means that, if an Annex I party were to emit, for example, 100 tons more than allowed in the first compliance period (2008-2012), then the party's emission cap for the next compliance period (possibly 2013-2017) would be reduced by 130 tons — 100 tons to offset the excess plus an additional 30 tons as a penalty for non-compliance.

This proposal may have been attractive to many countries, because it does not require sacrifices by other parties. However, it is precisely for this reason that the proposal can be expected to fail to affect behavior. Put differently, the enforcement provisions must themselves be enforced, and the Kyoto Protocol makes no allowance for this need. Three other problems also undermine this approach. First, the punishment is forever delayed. If a country fails to meet its obligations in the second control period, including the penalty for not complying in the first control period, it is punished by having to pay a penalty (to be determined by a future amendment) in the third control period, and so on. A punishment that is forever delayed cannot be expected to influence behavior. Second, the magnitude of the punishment depends not just on the agreed penalty rate, but on future emission limits. But a country must agree to its future emission limit; otherwise it will choose not to participate. Hence, if a country fails to comply in the first compliance period, it need only negotiate a relatively lax emission cap for the next compliance period.⁴⁰ Finally, the proposal ignores the reality that compliance and participation must be considered jointly. The easiest way of avoiding the penalties in the proposed scheme is simply not to participate in the treaty, either by not ratifying it or by withdrawing from it at a subsequent date.

⁴⁰The intention is that the second period ceiling should be agreed *before* the start of the first period, but there can be no assurance that countries will negotiate on this schedule, and as long as a country thinks it might find compliance difficult, it will insist on relatively weak emission ceilings for future control periods.

Had the agreement required that non-complying countries pay financial penalties instead of emission penalties – as proposed earlier in the negotiation process – the effect would have been the same. The essential question is who would enforce the payment of financial penalties. Ultimately, enforcement requires that the other Kyoto Protocol parties take actions against non-complying countries, but such actions would be self-damaging and so may not be credible.

A third and final type of negative incentive for compliance is a trade restriction, promoted by Aldy, Orszag, and Stiglitz (2001), Nordhaus (1998), and others.⁴¹ These can serve three purposes. They can dampen or even eliminate leakage; they can help shift production towards the cooperating countries; and they can promote greater participation in a treaty. For an example of the challenge that exists, suppose that the Kyoto Protocol were fully implemented and that emissions trading were perfect, so that marginal costs were identical among all of the treaty's parties. For simplicity, we can further assume that non-cooperating countries do nothing to reduce their emissions. To make the example concrete, let us assume that the Kyoto constraints imply a shadow price of \$25 per ton of carbon (C), and that marginal abatement costs among non-parties are zero. Then leakage can be neutralized by means of a \$25/ton C border tax adjustment (BTA). At the border of every cooperating country, the carbon emissions released in the manufacture of every traded good are calculated, irrespective of the point of production. All imports are subject to a \$25/ton C tariff. All exports are subject to a \$25/ton C export subsidy.

The result would be that leakage would be neutralized. Domestic producers in treaty countries would suffer no competitive disadvantage, either at home (where emissions of all traded goods would be taxed at the same rate, \$25/ton C, irrespective of the point of production) or abroad (where emissions of all traded goods would be taxed at the same rate, \$25/ton C within cooperating countries and \$0/ton C elsewhere). The competitive playing field would be rendered level by the BTA.⁴²

Though straightforward in principle, it would be virtually impossible in practice to calculate the carbon emitted in the manufacture and distribution of each and every good.⁴³ Indeed, although the Montreal Protocol anticipated the need to restrict trade in products made using but not containing CFCs, such restrictions were never imposed, mainly for reasons of feasibility. Moreover, although the World Trade Organization (WTO) has evolved in the direction of supporting environmental protection, even if at the cost of some disruption in trade, application of BTAs would pose a massive challenge to the trading system. They would apply not to a good directly but to the way in which the good was manufactured, violating a long-standing international principle and WTO rule. And if some members of the WTO were

⁴¹We consider here only restrictions on goods related to the environmental problem. Chang (1995) also considers restrictions on trade in unrelated goods, an intervention he calls “pure trade sanctions.”

⁴²Note, however, that capital flows may be affected, even with border tax adjustments. The full effect would depend on policy details, including any revenue recycling.

⁴³It is conceivable, however, that a set of BTAs could be developed by drawing on the average carbon content per dollar of value added at the three or four-digit SIC code level. Can cruder approximations work nearly as well? There is reason to believe that they would not. Sectoral differentiation – a common approach used by countries that impose carbon taxes – would raise costs and still fail to limit leakage appreciably (Hoel 1996; Oliveira-Martins, Burniaux, and Martin 1992).

not parties to the climate agreement, the application of BTAs would also violate the WTO's non-discrimination principle.

These potential problems are exacerbated by the temptation to manipulate BTAs, either for reasons of improving the terms of trade or for enhancing climate mitigation (a higher BTA would shift production toward the cooperating countries, possibly creating a "negative" leakage rate, thus increasing the effectiveness of international cooperation). This motive might seem desirable to some, but if non-parties believe that climate mitigation is a poor investment for them or that the treaty employing BTAs was unfair to them, then the interests of these countries would be harmed by the application of trade restrictions, and it would be necessary to balance the gain to one set of countries against the loss to another.

In the case of the Montreal Protocol, the credible threat to restrict trade in CFCs and products containing CFCs between parties and non-parties was instrumental in sustaining cooperation (Benedick, 1998; Barrett, 2002b). Trade has not actually been restricted, but the belief that trade would be restricted if countries failed to participate had the effect of promoting participation (Barrett 1997). What made this threat credible was not that trade restrictions were less self-damaging than reciprocity, but that great concern existed regarding leakage. To be credible, countries threatening to impose restrictions must be better off when they carry out their threats than when they do not, given that non-participation has occurred. If countries called upon to enforce participation believe that leakage would be severe — that in the absence of trade restrictions production would relocate to the non-participating countries — then they would gain by imposing trade restrictions (Barrett 1999b). This effect increases as more countries participate. The greater is the rate of participation, the more credible is the threat to restrict trade. Trade restrictions can thus tip participation.

Can a similar approach be used in a climate treaty? The answer is not obvious. CFCs and products containing CFCs make up a very small portion of world trade. By contrast, the manufacture of virtually all traded goods results in the emission of greenhouse gases. Restricting trade in all goods and services is unlikely to be credible, and the damage such restrictions would do to the multilateral trade regime would likely offset any advantage trade restrictions might offer for climate mitigation.

The justification for using trade restrictions also depends on the perceived fairness of an international treaty. No country could gain from ozone depletion, and the countries that would gain the least from ozone protection — developing countries — were compensated for participating in the Montreal Protocol. This made the threat to impose restrictions appear to be fair. This explains why, in general, a combination of positive and negative incentives is required to sustain cooperation: positive incentives either ratchet up cooperation or legitimize the use of negative incentives; and negative incentives promote participation and compliance.

The Kyoto Protocol offers little in the way of negative incentives against non-participation. The minimum participation clause offers, at most, a very small incentive. If participation by an individual country would cause the Protocol to enter into force for others, then such a country might gain by participating. But this effect of the minimum-participation clause is likely to be extremely limited, since the Protocol can

enter into force when emission restrictions are imposed on countries accounting for less than 20 percent of global emissions.⁴⁴

Most proposed alternatives do not address the enforcement problem. Exceptions include Aldy, Orszag, and Stiglitz (2001) and Nordhaus (1998). Both recommend the application of trade restrictions to deter non-participation by industrialized countries, but — as we argue above — trade restrictions may be expected to be impractical or worse.

3.5 *Strategic Incentives Provided by Treaty Mechanisms*

In addition to explicit provisions for monitoring and enforcement, other elements of a global climate policy architecture can have important effects on likely participation and compliance. First of all, in the Kyoto Protocol, the fundamental instrument for effecting cooperative mitigation is the setting of targets and timetables. This approach imposes a considerable burden on monitoring and enforcement, a burden that may exceed capabilities. Is there another instrument that might perform better in this regard?

One alternative approach, proposed by Schelling (1998), would rely on countries pledging to adopt specific domestic policies or actions. Such pledges would be subject to international scrutiny, but *not* enforcement. Although this approach avoids the need for international enforcement, it may do little more than create a “tote-board” for international cooperation.⁴⁵ A similar role was played by the Framework Convention on Climate Change, through which parties pledged to stabilize their CO₂ emissions at 1990 levels by the year 2000. Very few countries did so, and those that did limit their emissions did so for reasons other than climate policy.

Another “policies and measures” approach would feature cooperative R&D efforts coupled with the setting of standards (Barrett 2001b). An example of a previous success with such a standard-setting approach is provided by the 1973 (and 1978) International Convention for the Prevention of Pollution from Ships (commonly known as the MARPOL treaty, referring to maritime pollution), intended to limit emissions of oil from tankers. Prior international treaties had attempted to establish quantitative ceilings on emissions – much like the Kyoto Protocol – but such attempts either failed to enter into force or had no effect because of weak enforcement. The MARPOL treaty changed everything (Mitchell 1993). Since compliance with the quantitative ceilings could neither be monitored nor enforced, the treaty required only the adoption of a technology: the segregated ballast tank. Like most technology standards, this had the advantage of being relatively easy to monitor and hence enforce.

⁴⁴To enter into force, countries making up only 55 percent of the 1990 CO₂ emissions of the countries listed in Annex I must ratify. The countries that count toward this trigger for entry into force make up only a fraction of global emissions, however, and only a subset of these countries must actually reduce their emissions (the others have been given “hot air”).

⁴⁵The notion of “tote board diplomacy” was developed by Levy (1993) in an analysis of the acid rain protocols. Note, however, that the acid rain protocols specify outputs (that is, emission limits), whereas Schelling (1998, 2002) emphasizes the advantage in focusing on actions.

Parties to the MARPOL agreement had incentives to ban non-complying tankers from their ports. In addition, because shipping has network characteristics, the greater the number of countries that required the standard, the greater was the incentive for tanker operators to meet the standard. Failure to meet the standard meant being shut out of lucrative markets. The result was that as of early 2001, the treaty has been ratified by 113 countries making up 94 percent of world tonnage.

A similar kind of positive feedback was created by the Montreal Protocol (Benedick 1998). This agreement opened up new markets for new products and simultaneously shrank the market for ozone-destroying chemicals. Companies wanted to serve the new markets, but as they gained a share in these markets, they also wanted the old markets to be closed. Commercial incentives thus became aligned with the environmental goals of the treaty. In particular, they interacted with the treaty's trade restrictions and side payments. The trade restrictions dampened trade leakage effects while at the same time increasing the incentives for participation for commercial reasons. Side payments also helped encourage developing countries to participate.

In theory, standards could be established in a climate treaty for the most important sources of greenhouse gas emissions. For some products, such as motor vehicles, the use of such standards would imply the imposition of trade restrictions that would be legal and relatively easy to apply.⁴⁶ For example, all vehicles sold in the United States today must meet emission standards which require the use of catalytic converters. Imports of vehicles not complying with the U.S. standards are prohibited, and this trade restriction is compatible with WTO rules.⁴⁷ A similar restriction could apply to a new types of motor vehicles, as required by a new climate protocol.

The strategic advantage of such standards is that they can create a positive feedback. In the case of motor vehicles, for example, the greater the number of countries adopting a given standard, the greater would be the incentive for manufacturers to press for common international standards. Evidence of this effect comes from the fact that vehicle emission standards requiring the use of catalytic converters are becoming the global standard (Barrett 2002b). A positive feedback for automobiles is aided by a number effects. Network externalities associated with refueling needs of alternative types of fuel in areas of frequent cross-border travel, such as the European Union, could lead to demand for common standards. Likewise, economies of scale in production mean that manufacturers are likely to resist significant differences among national standards. Finally, the burden of proof can weigh heavily on countries that have not yet adopted a standard.

Having highlighted the viability of the technology-standard approach in theory, we also wish to emphasize that the limits of the MARPOL treaty analogy. Maritime oil pollution is obviously a vastly smaller problem than global climate change, and the costs of taking action in that realm were trivial compared with the costs of addressing the climate change threat. Also, a single technology could be

⁴⁶Standards must conform to the Agreement on Technical Barriers to Trade, incorporated within the WTO.

⁴⁷A disputes panel has ruled against the Corporate Average Fuel Economy Standards, but this is only because these are applied to an entire fleet of automobiles.

specified in the case of oil tankers,⁴⁸ whereas cost-effective emissions reductions of CO₂ and the other greenhouse gases will require fundamental changes in technology throughout the global economy. Also, ports had a strong incentive to ban non-complying tankers because of risks of local spills, whereas the global commons nature of climate change eliminates that effect. And whereas some of the network effects do apply in the case of motor vehicles, the same would clearly not hold for power plants. Moreover, technology standards would be very attractive in the oil tanker case, even if it were an exclusively domestic problem, because the costs of monitoring emissions in that case are clearly prohibitive. Monitoring requirements in the climate change context are severe, although not necessarily prohibitive.⁴⁹

The oil tanker analogy, imperfect though it is, raises some interesting issues. For one thing, it is a reminder of the trade-offs that exist among the suite of potential environmental policy instruments. Whereas technology standards may dominate performance standards, including market-based instruments, in terms of related monitoring (and hence, enforcement) costs, these same technology standards are inferior to performance standards, particularly market-based ones, on both static and dynamic cost-effectiveness grounds. In static terms, it is well known that technology standards will not — in theory — and do not — in practice — equate marginal abatement costs among sources; in other words, they tend not to minimize the costs of achieving some aggregate level of environmental protection. At the same time, however, market based policies that are actually adopted and implemented may diverge significantly from text book models (Hahn and Stavins 1992). For example, the carbon taxes adopted by several Nordic countries vary substantially by sector, mainly due to concerns about competitiveness. Similarly, the emissions trading program adopted by Denmark is backed up by a relatively small enforcement penalty, again because of concerns about competitiveness.

More important in the climate policy context, technology standards — even if a sufficient number of perfectly designed ones could be implemented for short-run cost-effectiveness — would not provide incentives for the invention, innovation, and diffusion of continuous improvements in technology. Indeed, the well-known irony is that technology standards tend to provide unintentional, perverse incentives that lock-in existing technologies and thus retard technological change. In other words, in stark contrast to the price signals provided by market-based instruments, technology standards are unlikely to be dynamically cost-effective. There may be ways to reduce this problem, but lock-in is more likely with technology standards than with market-based instruments.

Where does this leave us? Standards are likely to be significantly more costly than alternative approaches (if both types were fully implemented), in both the short-term and the long-term. On the other hand, it may also be the case that a well-designed standards approach is more likely to be successfully implemented than a targets-and-timetables approach because of respective incentives for compliance and

⁴⁸Also, there is no distinction in the double-hulled tanker case, between adopting and using a technology, greatly reducing the monitoring and enforcement burden.

⁴⁹Existing satellite technology could be used to monitor the use of fossil fuels and even some emissions.

participation.⁵⁰ Hence, it is an empirical question whether the better international strategy is the one with ‘high payoff with low probability’ or ‘low payoff with high probability.’ Creation of incentives for international cooperation is a problem of second best institutional design.

4. CONCLUSIONS

There is a large and rapidly growing literature on global climate economics and policy, and a considerable portion of that literature has focused on international approaches to addressing this global problem. In this paper, we have examined the approach which is currently under active consideration by the world’s policy community — the Kyoto Protocol to the U.N. Framework Convention on Climate Change — as well as thirteen alternative policy architectures which have been proposed. A number of deficiencies in the Protocol’s approach have been identified by numerous observers, but one on which we have focused in this study is its lack of incentives for participation and compliance. Are the alternatives any better?

Three elements that are common to most of the alternative architectures stand out: emission-reduction targets that are modest in the short-term, but increase in stringency; mechanisms such as growth targets intended to increase developing country participation over time; and the use of market-based instruments. The proponents of these architectures make the claim, correctly in our view, that *if they are implemented successfully* they can achieve climate goals at relatively low cost. This claim, however, may be said to beg the question that we have posed in this paper: how can participation and compliance in an international climate change agreement be increased? In other words, will these alternative architectures provide incentives that are likely to lead to reasonably high levels of participation and compliance—that is, to successful implementation?

In order to address this question, we have examined a set of positive and negative incentives for participation and compliance, and asked whether the various proposed architectures include such incentives. On the positive side, we identified three generic incentives: explicit side payments among potential parties to an agreement; issue linkage; and the allocation of entitlements. Several proposals do call for direct transfers to bring developing countries into participation in an international agreement, although a more common feature is the use of an international tradeable permit system, which can provide implicit transfers. More broadly, market-based instruments, in general, can be thought of as providing positive incentives in the sense that they can reduce costs overall, and potentially for all parties. Growth targets for developing countries, linked with international tradeable permits, are a special case of this.

Providing positive incentives for participation and compliance is not difficult, but such provision is not sufficient to overcome the severe free-riding problems that plague efforts to address this global public goods problem. Negative incentives are also required. In a domestic context, the efficacy of such negative incentives is taken for granted because of the coercive power of states, but in the international context, the

⁵⁰Buchner, Carraro, Cersosimo, and Marchiori (2002) find that an approach of combining environmental cooperation with technological cooperation would be better than a pure technology strategy.

challenge is considerable. We identified three generic types of negative incentives: reciprocal measures; financial penalties; and trade restrictions.

Reciprocal measures are frequently employed in international trade relations, but trade is a bilateral exchange. The global climate policy context is one of a global public good which cannot be segmented effectively into a vast number of bilateral relations. In fact, this is the reason why the minimum participation clause in the Kyoto Protocol has such limited incentive effects. Financial penalties are a frequently employed device in domestic environmental regulations, but there is no international authority with the ability to impose credible penalties of sufficient magnitude. This leaves trade restrictions, which are included in at least two of the proposed policy architectures.

Trade restrictions can, in theory, promote greater participation in an international global climate regime, but in this context they suffer from three major disadvantages. First, though straightforward in principle, it would be virtually impossible in practice to calculate a set of reasonable trade restrictions, since these would need to be linked with the greenhouse gases emitted in the manufacture and distribution of each and every good. Second, trade restrictions would not provide a credible threat. Virtually all traded goods result in greenhouse gas emissions (during their manufacture, if not their use), and restricting trade in all goods and services is simply not credible. Third and most important, the damage such restrictions would do to the multilateral trade regime would likely offset any advantage trade restrictions might offer in terms of participation in an international climate agreement.

The specifics of the global climate challenge thus reduce the likelihood of an effective pairing of conventional positive and negative incentives for participation and compliance within either the Kyoto Protocol or the alternative architectures which are likewise based on a targets and timetables approach. Although the common features of the alternative architectures — emission-reduction targets that begin modestly and become more stringent, inclusion of all countries, using mechanisms such as growth targets, and employment of market-based instruments, such as international tradeable permits — would, in theory, lead to a dynamically cost-effective approach *if successfully implemented* — our analysis suggests that the probability of sufficient participation and compliance (that is, successful implementation) is relatively low.

Other policy architectures, featuring domestic policies and measures, have been proposed. These would not be cost-effective relative to market-based instruments, but may promote greater participation and compliance. The options are not mutually exclusive, and the essential lesson is not that cost-effectiveness should be abandoned as a policy criterion, but that we need to move beyond the simplest policy proposals to ones which treat concerns for compliance and participation as more than an afterthought. National sovereignty demands that such concerns be part of the foundation for the design of multilateral institutions aimed at effecting global climate change mitigation.

If market-based instruments and other such cost-effective international policy regimes are unlikely to garner needed participation and compliance, then three alternatives remain, in principle. One alternative would be a powerful world government with coercive powers, so that national governments would be forced (by negative incentives) to participate and comply. Needless to say, such a solution is not likely to emerge (nor would it be desirable, for a host of other reasons). A second alternative would be

“international volunteerism,” whereby a change in national preferences would directly obviate free-riding tendencies. This also does not appear to be forthcoming. A third alternative is a regime of domestic policies and measures.

Ultimately, both cost-effectiveness conditional on implementation, and probability of implementation are important. What seems clear at this juncture is that considerably more attention needs to be given — both by scholarly research and by international negotiations — to those aspects of international climate agreements that will affect the degrees of participation and compliance that can reasonably be expected to be forthcoming.

**TABLE 1:
ALTERNATIVE INTERNATIONAL POLICY ARCHITECTURES
FOR GLOBAL CLIMATE CHANGE**

Author	Relatively Modest Short-Term Goals	Provision for Increased Developing Country Participation Over Time	Use of Market-Based Instruments	Cost Constraints through Hybrid Instruments	Provisions of Incentives for Participation and Compliance
Aldy, Orszag, & Stiglitz (2001)		U	U	U	
Barrett (2001b, 2002b)	U	U			U
Benedick (2001)	U	U	U		
Bradford (2001)		U	U		
Cooper (1998, 2001)			U	U	
Hahn (1998)	U	U	U		
McKibbin & Wilcoxon (1997, 2000)	U	U	U	U	
Nordhaus (1998, 2002)	U	U	U		
Schelling (1997, 1998)	U				
Schmalensee (1996, 1998)	U	U	U		
Stavins (2001)	U	U	U	U	
Stewart & Wiener (2001)	U	U	U		
Victor (2001)		U	U	U	U

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(xlii) This paper was presented at the International Workshop on "Climate Change and Mediterranean Coastal Systems: Regional Scenarios and Vulnerability Assessment" organised by the Fondazione Eni Enrico Mattei in co-operation with the Istituto Veneto di Scienze, Lettere ed Arti, Venice, December 9-10, 1999.

(xliii) This paper was presented at the International Workshop on "Voluntary Approaches, Competition and Competitiveness" organised by the Fondazione Eni Enrico Mattei within the research activities of the CAVA Network, Milan, May 25-26, 2000.

(xliv) This paper was presented at the International Workshop on "Green National Accounting in Europe: Comparison of Methods and Experiences" organised by the Fondazione Eni Enrico Mattei within the Concerted Action of Environmental Valuation in Europe (EVE), Milan, March 4-7, 2000

(xlv) This paper was presented at the International Workshop on "New Ports and Urban and Regional Development. The Dynamics of Sustainability" organised by the Fondazione Eni Enrico Mattei, Venice, May 5-6, 2000.

(xlvi) This paper was presented at the Sixth Meeting of the Coalition Theory Network organised by the Fondazione Eni Enrico Mattei and the CORE, Université Catholique de Louvain, Louvain-la-Neuve, Belgium, January 26-27, 2001

(xlvii) This paper was presented at the RICAMARE Workshop "Socioeconomic Assessments of Climate Change in the Mediterranean: Impact, Adaptation and Mitigation Co-benefits", organised by the Fondazione Eni Enrico Mattei, Milan, February 9-10, 2001

(xlviii) This paper was presented at the International Workshop "Trade and the Environment in the Perspective of the EU Enlargement", organised by the Fondazione Eni Enrico Mattei, Milan, May 17-18, 2001

(xlix) This paper was presented at the International Conference "Knowledge as an Economic Good", organised by Fondazione Eni Enrico Mattei and The Beijer International Institute of Environmental Economics, Palermo, April 20-21, 2001

(l) This paper was presented at the Workshop "Growth, Environmental Policies and Sustainability" organised by the Fondazione Eni Enrico Mattei, Venice, June 1, 2001

(li) This paper was presented at the Fourth Toulouse Conference on Environment and Resource Economics on "Property Rights, Institutions and Management of Environmental and Natural Resources", organised by Fondazione Eni Enrico Mattei, IDEI and INRA and sponsored by MATE, Toulouse, May 3-4, 2001

(lii) This paper was presented at the International Conference on "Economic Valuation of Environmental Goods", organised by Fondazione Eni Enrico Mattei in cooperation with CORILA, Venice, May 11, 2001

(liii) This paper was circulated at the International Conference on “Climate Policy – Do We Need a New Approach?”, jointly organised by Fondazione Eni Enrico Mattei, Stanford University and Venice International University, Isola di San Servolo, Venice, September 6-8, 2001

(liv) This paper was presented at the Seventh Meeting of the Coalition Theory Network organised by the Fondazione Eni Enrico Mattei and the CORE, Université Catholique de Louvain, Venice, Italy, January 11-12, 2002

(lv) This paper was presented at the First Workshop of the Concerted Action on Tradable Emission Permits (CATEP) organised by the Fondazione Eni Enrico Mattei, Venice, Italy, December 3-4, 2001

(lvi) This paper was presented at the ESF EURESCO Conference on Environmental Policy in a Global Economy “The International Dimension of Environmental Policy”, organised with the collaboration of the Fondazione Eni Enrico Mattei, Acquafredda di Maratea, October 6-11, 2001

(lvii) This paper was presented at the First Workshop of “CFEWE – Carbon Flows between Eastern and Western Europe”, organised by the Fondazione Eni Enrico Mattei and Zentrum für Europäische Integrationsforschung (ZEI), Milan, July 5-6, 2001

(lviii) This paper was presented at the Workshop on “Game Practice and the Environment”, jointly organised by Università del Piemonte Orientale and Fondazione Eni Enrico Mattei, Alessandria, April 12-13, 2002

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