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The EU's role in international climate change policy-making: a global leader in decline?

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1. Introduction

For over a decade the European Union (EU) has been characterised as a leader in international climate policy-making and negotiations (Zito 2005; Groenleer and Van Schaik 2007; Oberthür 2009). However, the outcomes of the 15th United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP) negotiations in Copenhagen in December 2009 seem to have been rather disappointing for the EU given its ambitious goals and expectations. No ambitious legally binding agreement on limiting carbon emissions of major emitting nations, which the EU aimed at, could be concluded. This agreement should have succeeded the Kyoto Protocol after its first commitment period would expire in 2012. Moreover, the Copenhagen Accord, a series of political commitments by states concluded at the very end of the negotiations, could not gain the support of the entire COP to become legally binding and contained disappointingly few concrete and ambitious targets.

More concrete decisions were taken at the COP16 meeting in Cancún one year later in order to mitigate climate change and adapt to it on a worldwide scale, such as the initiative to establish a facility for climate finance.¹ The EU seems to have played a

¹ UNFCCC Draft decision -/CP.16, Financial mechanism of the Convention: fourth review of the financial mechanism:
http://unfccc.int/files/meetings/cop_16/conference_documents/application/pdf/20101204_cop16_fm.pdf, accessed on 5 March 2012.

more influential role at the Cancún negotiations than at Copenhagen, being more involved in the decision-making process and having a firmer hold on the outcomes. In this article we compare the degree to which the EU managed to attain its goals at both meetings and seek to explain these diverging outcomes. We use three factors to explain the outcomes of both negotiations: coherence, the opportunity structure and politicisation.

We proceed as follows: in section 2 we briefly specify our three explanatory factors. Section 3 analyses the COP15 negotiations leading to the Copenhagen Accord along the three factors. The fourth section examines the COP-16 negotiations culminating in the Cancun Agreements. Finally, we draw some conclusions from our findings.

2. Analytical factors

The factors used for analysing the COP negotiations are not meant to constitute a full-fledged framework. They rather comprise building blocks that may be used for more formal conceptualisation. The explanatory factors have been derived inductively from prior research (Two of These Authors 2011) and have been found relevant in studies that focus explicitly on EU actorness and effectiveness (e.g. Jupille and Caporaso 1998; Bretherton and Vogler 2006). The subsequent analytical factors are somewhat intertwined and cannot always be neatly separated from each other.

Coherence

We distinguish between three dimensions of coherence. Doing so, we build on the concept of cohesion² from Jupille and Caporaso (1998). Our first dimension is preference coherence: to what extent do the EU Member States share common basic

² We use the term ‘coherence’ rather than ‘cohesion’ because it is more widely used in the literature (and signifies basically the same phenomenon/concept) (One of these Authors 2012 forthcoming).

preferences and goals for the COP meeting? Our second dimension is procedural-tactical coherence: i.e. the EU's ability to overcome diverging preferences and solve disagreements. This entails the existence of established procedures and instruments within the EU's negotiating infrastructure – or tactical instruments, such as issue linkage and side payments – for overcoming conflict or deadlocks. Our third and final dimension is output coherence: does the EU as a whole succeed in formulating common policies and positions, regardless of substantive and procedural agreement? And do the various EU actors comply with the policy that has been agreed? Thus, output coherence can largely be viewed as the result of preference coherence mitigated/balanced by procedural-tactical coherence.

Opportunity structure

Whether the actions that the EU could agree on will translate in the attainment of its goals depends to a large extent on the 'opportunity structure': the external context of events and ideas that enables or constrains EU action. It signifies the environment surrounding the EU in which action can (or cannot) take place (Bretherton and Vogler 2006: 24). Ideas and events out there can stimulate EU action, be conducive to EU action, or rather hamper the EU to act. For example, we analyse whether the overall constellation of actors (and their objectives) at the negotiations strengthens or weakens the EU's pursuit of its goals. The position of the other major negotiating parties (based on their domestic preferences/constraints) is an important determinant for the final outcome of the international negotiations. Therefore, we also consider the question of whether the EU has devised a strategy that takes the external environment into account. The EU has to know what the other parties want from the negotiations and search for a compromise with which all parties can agree in order to secure a substantial outcome at the end of the negotiations.

Politicisation

The degree of politicisation of the negotiations can be described as the extent to which the negotiations are turned into a *political* debate. The extent to which discussions about the agenda items of the negotiations become political debates – at the regional, national and international level, potentially involving a range of interest groups with different preferences concerning the outcome of the negotiations – influences the EU's ability to act at the negotiations. The degree of media attention and attention of the public is also a factor that we consider in this respect, as well as the involvement of high-level political actors at the negotiations (heads of state and government), which can increase the political salience and overall degree of pressure put on the negotiating parties and impede action. In this article we give it special attention by considering it as a third factor to explain the EU outcomes.

3. The Copenhagen COP15 negotiations

The Copenhagen COP15 negotiations of December 2009 took place at three different levels: the negotiator level, the ministerial level and the final level of the heads of state and government. At the negotiator level negotiations took place on two separate tracks: first, the Ad-Hoc Working Group on Long-term Cooperative Action under the Convention (AWG LCA), in which all UNFCCC parties take part, considers the future of the UNFCCC, aimed at the full and effective implementation of the Convention. This Working Party exists since the Bali 2007 COP13 meeting. The second negotiation track, which exists since 2005, concerns the Ad-Hoc Working Group on further commitments for the Annex-I parties under the Kyoto Protocol (AWG KP). In this Working Group not all UNFCCC parties take part, but only the ones who have signed up to the Kyoto Protocol (the Annex-I parties). This Working Group works on solutions for the period beyond 2012, when the first commitment period of the Kyoto Protocol will expire (UNFCCC 2012; Van Schaik and Schunz 2012). Two EU negotiation teams, one on the AWG LCA and another on the AWG KP, participated at the negotiator level at Copenhagen. Since 2004 EU lead

negotiators are appointed by the Council Presidency to take the lead in various negotiating groups at the negotiator level. These lead negotiators cooperate with issue leaders who prepare the EU's common negotiating positions on specific items of the negotiating agenda (Oberthür 2009: 14).

The second stage of the Copenhagen negotiations took place at the ministerial level. Normally this is the final level of the COP meeting at which the ministers take the decisions. However, at Copenhagen the situation was different. Because a global agreement should have been concluded at Copenhagen to replace the Kyoto Protocol after 2012 (involving many issue areas beyond the environment such as finance and development), when its first commitment period would end, heads of state and government were invited to take the decisions on this important (and highly politicised) matter. This was the third and final level of the negotiations. The heads of state and government were present during the last days of the negotiations, from 16 to 18 December 2009.

At the first level of negotiations, the preparatory negotiator level, the EU still acted as an important negotiating party (Interview with UK delegate by telephone, 10 May 2010). However, the negotiations did not deliver the much-wanted results, due to persisting differences between the EU, the United States, developing countries and the group of advanced developing countries, the 'BASIC' countries (Brazil, South Africa, India and China). When the negotiations progressed to the higher levels, the EU lost its grip on the negotiations. Its ambitious proposal of setting global greenhouse gas emission reductions in line with its own 20% reduction goal (by 2020 from 1990 levels) and anchoring these in a universal, legally binding agreement was not followed by the other parties. The United States and the BASIC countries put together a final agreement, the Copenhagen Accord, without involving the EU in this process (Curtin 2010; Van Schaik and Schunz 2012). This agreement turned out to be quite disappointing when measured against the ambitious goals of the EU. There is no mention of any legally binding emission reductions. National emission reduction pledges should be submitted to the UNFCCC secretariat but countries are not bound by these pledges (UNFCCC 2009).

The following factors, coherence, the opportunity structure and politicisation, will account for the outcome of the negotiations in terms of the EU's performance.

Coherence

Overall coherence is viewed here as the result of 'preference coherence' mitigated by 'procedural-tactical coherence'. We argue that EU coherence was rather low due to meagre 'preference coherence' that could not adequately be balanced by only moderate 'procedural-tactical coherence'.

Preference coherence

For an assessment of preference coherence we primarily analysed the extent to which the various EU actors shared similar goals with regard to the issues to be negotiated at Copenhagen. Member governments managed to put on paper an EU negotiating mandate for the COP15 meeting negotiations in which the main basic goals of the EU for every issue of the negotiation agenda in Copenhagen were outlined (Council 2009a). The primary goal for the COP15 meeting on which all Member States and the Commission agreed was that the EU had to take on a leadership role in Copenhagen and that an ambitious agreement had to be reached on how to proceed after 2012 when the first period of the Kyoto Protocol was to end (Council 2009b). However, several important issues, three of which are further elaborated below, remained on the Copenhagen agenda where the preferences of EU Member States were rather diverse. Concerning these issues the text of the mandate was formulated in such a way that it masked differences of opinion, which meant that the mandate in essence contained no substantial EU position on these issues.

To start with, there was disagreement among Member States on the question of whether and under which conditions the EU should commit itself to a CO₂-emission reduction goal of 30% compared to 1990 levels by 2020. The decision to set a conditional reduction goal of 30% had already been taken in 2007 (Council 2007: 12),

but this goal nevertheless remained controversial among the EU Member States, with Italy and Poland openly speaking out against it, and other Eastern European Member States quietly supported their protest (New York Times, 6 December 2009; The Times, 17 October 2008). In the absence of prior agreement between the EU Member States, agreement on the exact EU reduction goal had to be reached during the negotiations in Copenhagen.

Second, the EU negotiation mandate laid out no concrete position on land use, land use change and forestry (LULUCF) (Council 2009a: 13-14). LULUCF is the agreement that covers forestry for the developed countries that have pledged to reduce their emissions under the Kyoto Protocol. Since a few EU Member States, namely Finland, Austria and Sweden, have a large timber industry and wanted to protect it, the Environment Council of Ministers was unable to adopt a specific position on accounting rules for forestry in developed countries (New York Times, 19 December 2009).

Thirdly, there was substantial disagreement among Member States concerning the financial contribution for developing countries for adaptation and mitigation measures. Because of the financial crisis, many EU Member States, most notably the Eastern European Member States, were reluctant to donate (Guardian Unlimited, 11 December 2009). On the other hand, Member States like the Netherlands, the UK, Germany, France, Denmark and Sweden were ready to put concrete amounts of money on the table (Interview with Dutch delegate, The Hague, 12 May 2010). The mandate thus merely stated that: "the EU is prepared to take on its fair share, in the framework of a global and comprehensive Copenhagen agreement which entails appropriate and adequate contributions by Parties" (Council 2009a: 19).

In sum, on a significant number of issues specified in the EU mandate no concrete agreement could be reached. Most Member States appeared unwilling to sacrifice their own interests to agree on concrete and ambitious EU proposals for Copenhagen. Overall, the degree of preference coherence among the Member States was rather low.

Procedural-tactical coherence

The relatively low degree of preference coherence could have potentially been compensated by procedural-tactical coherence, i.e. the EU's ability to overcome diverging preferences and solve disagreements. The Union's procedural-tactical coherence was significantly constricted by the unanimity rule. Unanimity often drove negotiators towards the lowest common denominator in the EU negotiating mandate, for example concerning commitments on CO₂ emission reductions from forestry (Interview with UK delegate by telephone, 10 May 2010). For other issues on the agenda, such as climate finance and 'hot air', no concrete common EU position could be formulated at all because the Member States were unable to reach sufficient agreement, despite a substantial number of meetings beforehand (Interview with Council Secretariat representative, Brussels, 3 May 2010).

EU negotiators were obliged to operate within the constraints of the EU negotiating mandate. Hence, the delegation of authority to them extends only as far as the text of the mandate. In order for negotiators to display a high degree of EU actorhood during negotiations the mandate must be flexible (quickly adaptable according to the changing circumstances of the negotiations) and it needs to contain concrete points on which offers can be made to other negotiating parties. However, EU negotiators were not permitted to deviate from the mandate before the Member States had unanimously approved of change (interview at the Council Secretariat, 3 May 2010). This constellation substantially constrained the EU's ability to (inter)act at Copenhagen. Just before the start of the COP15 negotiations it was clear to everyone that the CO₂ emission reduction targets of the US and China were considerably less ambitious than those of the EU. The EU's strategy for the negotiations was to convince the other major parties to adopt the ambitious goals of the Union. However, the sheer distance between the positions of the US and China and the EU's position made this impossible (Der Spiegel online International 5 May 2010). The EU governments could have agreed to adjust the Union's strategy to ensure that the EU would preserve some influence on the negotiations. However, no unanimous agreement on adjusting the mandate could be reached. At Copenhagen daily EU coordination meetings – and towards the end even

more than one coordination meeting per day – took place at all negotiation levels, through which member governments tried to overcome diverging preferences. However, EU coordination meetings did not deliver concrete results. Member States were unable to agree upon significant alterations of the mandate, which reduced EU negotiators' ability to act.

Procedural-tactical coherence, however, worked to some extent in the form of package deals and issue linkage. For instance, on AAUs, Poland and other Central and Eastern European Member States were prepared to give up their unused AAUs provided they got something in return. The deal was that they could spend the money of their unused AAUs on clean energy projects in their countries. Similarly, rather than definitively abandoning the conditional 30% CO₂ reduction goal when some of the Member States (mainly Italy and Poland) resisted, it seems that ways of "effort-sharing" among the EU Member States were found in the Council of Ministers, which should be understood as internal mediation between differences of interest on sub-items, to keep up the 30% conditional reduction goal as an overarching EU goal (Van Schaik and Schunz 2012). These findings indicate that a moderate degree of tactical coherence was achieved.

Output coherence

Output coherence is the agreement among the involved parties on the output in terms of policies and their compliance therewith, regardless of the substantive and procedural agreement. The disagreement among the EU Member States on a considerable number of goals included in the EU mandate at the start of the COP15 meeting had not disappeared by the time that the Copenhagen Accord was concluded. This can be seen perhaps most clearly by the differing satisfaction with the Copenhagen results among EU delegations. While France, the UK, the Swedish Presidency and the Commission were disappointed about the non-legally binding outcome, Italy and the Central and Eastern European Member States indicated that they were quite happy with this less ambitious outcome (Barroso 2009; Interview with EP delegate by telephone, May 2010).

In addition, substantial disagreements continued, for instance, on the EU's CO₂ reduction target. By the required 31 January 2010 deadline, the EU could thus only send the non-concrete CO₂ reduction goal of "20% to 30%" by 2020 compared to 1990 levels to the UNFCCC secretariat (UNFCCC 2010: 5).

Moreover, the disagreement on climate finance was still not resolved, either. By the end of the negotiations the EU had not yet settled on how much it would contribute to the required long term finance of \$100 billion from 2020 for adaptation and mitigation measures, owing to persisting disagreement on the questions of how this burden should be shared and whether payments had to be recorded (CAN Europe 2009).

Finally, there were occasions during the actual negotiations in Copenhagen where the EU mandate was not fully respected by individual Member States. For example, Sweden tried to alter the EU position on forestry during the negotiations to protect its own interests (Greenpeace 2009). In addition, when the negotiations shifted to the level of heads of state and government, even the daily coordination meetings between them did not allow to keep ranks closed. Moreover, at this final stage the heads of state/government of France, the UK and Germany took over the lead from the Swedish Council Presidency representative Prime Minister Fredrik Reinfeldt and from Commission President Barroso in order to secure an ambitious outcome and left the less ambitious EU Member States behind (Interview with Council Secretariat representative, Brussels, 3 May 2010; NRC Handelsblad, 11 December 2009).

Hence, overall it seems that the moderate procedural-tactical coherence could not overcome the insufficient degree of preference coherence, as a result of which the degree of output coherence was rather modest.

Opportunity structure

The opportunity structure – i.e. the external context of events and ideas that enables or constrains EU action – entails the conduciveness of the overall constellation of actors

and their goals (and also whether the EU has devised a strategy that takes the external environment into account). The main EU goal for Copenhagen was to play a leadership role at the conference in order to make as much progress as possible towards a full and ambitious treaty to succeed the Kyoto Protocol in 2013 (European Commission 2009). While the EU instigated initiatives before the start of the Copenhagen negotiations by which it tried to lead by example, such as being the first one to present a concrete emission reduction target for 2020 (Council 2007), it was unable to play a leadership role at the actual negotiations in Copenhagen by convincing other major parties to agree with an ambitious accord. As Commission President Barroso (2009) stated at the end of the Copenhagen conference: "Quite simply, our level of ambition has not been matched, especially as there was not an agreement on the need to have a legally binding agreement." How can this be? The answer can largely be found in the external context of the negotiations at Copenhagen.

First of all, the overall actor constellation was very unsuitable for the attainment of EU objectives. This can be ascertained by analysing the positions (and preferences) of the other key negotiating parties at Copenhagen, the United States and the BASIC countries (Brazil, South Africa, India and China). Unfortunately for the EU, the stances and objectives of the US and the BASIC countries were considerably less ambitious than those of the EU. Compared to the EU's unilateral CO₂ reduction target of at least 20% by 1990 levels in 2020, the US and BASIC country reduction targets were a lot more modest. The US target was to cut greenhouse gas emissions by 17% by 2020 from 2005 levels and the Chinese target (China can be considered as the leader of the BASIC country group) was to reduce the amount of carbon dioxide emitted per unit of economic output by 40 to 45% by 2020 compared to 2005 levels, which would not even decrease the total amount of emissions in 2020 compared to 2005 (New York Times, 26 November 2009). Also detrimental in terms of the overall actor constellation, in late November, just before the start of the conference, the BASIC countries decided to act jointly against the developed nations at the COP15 meeting (Dasgupta 2009). During a closed-door meeting in Beijing they drafted an accord that became the basis for the final Copenhagen Accord. They also decided to jointly walk out of the meeting if the

developed countries would try to move them to go beyond their limits, for example by asking them to compromise their developmental performances. This initiative was led by the Chinese government (Schall-Emden 2009).

Under the Obama administration, the United States were expected to pursue an ambitious stance at Copenhagen. However, on 15 November 2009, at the end of the Asia-Pacific Economic Cooperation (APEC) forum, the group of attending leaders, including both US President Obama and Chinese President Hu Jintao, decided to drop the target to halve greenhouse gas emissions by 2050, which they had outlined in an earlier draft. They also agreed to consider the Copenhagen negotiations as a “staging post” rather than an end point in the search for a global climate deal (BBC News 2009). The CO₂ reduction target presented by the US about ten days later, just before the start of the Copenhagen negotiations, confirmed the rather modest negotiating position of the US.

The EU's goals seem to have been too ambitious to be reconcilable with the interests of the United States and the BASIC countries. The latter could not be convinced by the normative arguments of the EU to shift their positions. The negotiating strategy adopted by the EU did not sufficiently take into account the fact that the US and the BASIC countries had adopted rather conservative negotiating positions (Van Schaik and Schunz 2012). There was no plan B included in the EU negotiating strategy, which could have allowed the EU to react to the negotiating realities and stay closely involved in the process of arriving at some sort of compromise agreement. On top of that, owing to a lack of preference coherence and the unanimity requirement within the EU, the EU Member States were unable to agree upon significant alterations of the EU negotiating mandate that could have enabled them to interact in a more flexible and tactical manner with the US and the BASIC countries during the negotiations, in order to try to move them away from their conservative positions. Thus, it seems that because of its modest degree of actorhood the EU was not optimally prepared to face the challenging external context at COP15 in order to arrive at an ambitious outcome of the negotiations. As a result, the US and the BASIC countries sidelined the EU during the negotiations at the final stage, among the heads of state and government. German

chancellor Merkel, French president Sarkozy and Spanish Prime Minister Zapatero had to wait until head of state and government leaders Wen (China), Singh (India), Lula (Brazil) and Zuma (South Africa) had finished their conversation before being allowed to contribute at the final negotiations (NRC Handelsblad, 21 December 2009). The US and the BASIC countries mainly concluded the Copenhagen Accord together on the final evening of the conference, without the EU (Van Schaik and Schunz 2012; Curtin 2010):

The Indians had reserved a room one floor down, where Prime Minister Singh met with his counterparts, Brazilian President Lula da Silva and South Africa President Jacob Zuma. Wen Jiabao was also there. Shortly before 7 p.m., US President Obama burst into the cosy little meeting of rising economic powers. At that meeting, everything that was important to the Europeans was removed from the draft agreement, particularly the concrete emissions reduction targets. Later on, the Europeans -- like the other diplomats from all the other powerless countries, who had been left to wait in the plenary chamber -- had no choice but to rubberstamp the meagre result (Der Spiegel online International, 5 May 2010).

As has been reported, "the Swedish leader hinted that the Europeans had been caught badly off guard. Mr. Reinfeldt said he had gotten his first signals that a deal had been struck while still engrossed in meetings. "We had very tough negotiations two and a half hours after I read on my mobile telephone that we were already done", he said" (International Herald Tribune, 21 December 2009). Thus, the effectiveness of the EU at the Copenhagen negotiations was low. The EU did not attain its goal of playing a leadership role at the conference to make as much progress as possible towards a full and ambitious treaty to succeed the Kyoto Protocol in 2013.

Politicisation

The divergence of preferences among the EU Member States seems to have been "stimulated" (and aggravated) by an underlying external factor, namely the high degree

of political salience of the COP15 negotiations, in comparison to earlier COP meetings. In Copenhagen, a new agreement to follow up the Kyoto Protocol had to be concluded. The summit marked the culmination of negotiations under the Bali Road Map, concluded in 2007, and was attended by an unprecedented number of media, non-governmental organisations and political leaders. Because final decisions about the agenda points of the Copenhagen negotiations, like climate finance and concrete CO₂ reduction goals, would have a big impact on the domestic situation in the EU Member States, the COP15 negotiating agenda aroused a high degree of political debate inside many EU countries. As a result, EU Member States were not willing to amend their national preferences on a large number of agenda points. Consequently, the EU's degree of coherence and thus its ability to act at Copenhagen diminished significantly.

According to a Commission delegate the political pressure put on the EU before and during the Copenhagen conference was very high. The EU stood fully in the spotlight of the public opinion, stronger than ever before at a COP meeting. The EU was challenged from various sides to adjust its position, both in more ambitious and in less ambitious directions. This can clearly be observed in the debate on the EU's CO₂ reduction goal (20 or 30%?), which resulted in a political chess game at the level of the heads of state and government and finance ministers (Interview with European Commission delegate, Brussels, 14 April 2011). That political debate inside the EU Member States effectively diminished the degree of EU coherence can be further substantiated. Already in 2008 important differences of opinion among EU Member State leaders concerning climate change ambitions came to the forefront, caused by the pressure exerted on many governments by domestic industrial lobby groups after the Commission proposed its ambitious energy and climate package. This seems to have been the case most prominently in Italy and Poland (two countries with still significant mining industries that also rely heavily on coal as an energy source), but also in other EU Member States like Finland (a country with a large paper industry that wanted to be granted exceptions in terms of greenhouse gas emission reduction related to deforestation and forest degradation) and Germany (a country with a large

manufacturing and industrial sector). This pressure was increased by the upcoming economic crisis (Parker and Karlsson 2010).

It has been reported that Silvio Berlusconi, the Italian Prime Minister, told French President Nicolas Sarkozy during the Autumn 2008 European Council in Brussels that the agreed emission reduction targets “would crucify Italian industry: our businesses are in absolutely no position at the moment to absorb the costs of the regulations that have been proposed.” And Donald Tusk, the Polish Prime Minister, heatedly suggested that “we don’t say to the French that they have to close down their nuclear power industry and build windmills, and nobody can tell us the equivalent.” (The Times, 17 October 2008; BBC News 2008) Poland’s energy industry is mostly based on coal. Besides obvious worries of the coal industry, the Polish people are worried about the impact of ambitious greenhouse gas emission reduction targets on the Polish economy and fear among others a drastic price rise of energy for households (EU 27 Watch 2009: 256). The Finnish finance minister was quoted in Finnish media saying that the prime minister would not leave the European Council until he got free allocations of CO₂ emission rights under the EU Emissions Trading Scheme (ETS) for the Finnish paper and pulp industry (Corporate Europe Observatory 2009). German leader Angela Merkel criticised the Commission’s plan for the restrictions that it would put on car manufacturers and together with Poland she tried to push back the 2013 start date for selling emission permits for the manufacturing and industrial sectors in the EU Member States under the Emissions Trading Scheme (BBC News 2008; Parker and Karlsson 2010).

Throughout 2009 the EU continued to struggle “internally over each nation’s carbon quotas, assistance to developing countries and fidelity to the emissions reductions agreed to in 1997 under the Kyoto Protocol”. In that context, Poland and Estonia, two countries that rely heavily on coal for electricity, “have been bickering with the European Commission over the amount of carbon dioxide the two countries should be allowed to emit” (New York Times, 6 December 2009). Disagreement among EU Member States, with Britain, Denmark and the Netherlands among those supporting very substantial emission cuts, and Italy and Poland leading the front against such steps “created the potential for an embarrassing public dispute among EU nations right when

the bloc most hopes to assert its leadership” (International Herald Tribune, 2 December 2009).

The unsuitable opportunity structure, especially in terms of the actor constellation, can be explained to a considerable degree by the high level of politicisation/political pressure. This (external) factor – surrounding the Copenhagen summit, where a new agreement to follow up the Kyoto Protocol had to be concluded, and which was attended by an unprecedented number of media, non-governmental organisations and political leaders – did not only have an effect on the EU. Obviously, the high degree of politicisation also affected third parties. The new US government, for example, that was more predisposed to a far-reaching deal than the former one, would have liked to agree on an ambitious climate agreement (Council on Foreign Relations 2009). However, for such a step President Obama needed agreement by both chambers of Congress, which was particularly difficult with issues that are substantially politicised, as has been the case in the US. Moreover, the general US external policy stance is that the US will only take leadership and ratify international agreements “when domestic policy is settled on the issue in question” (Bang and Schreurs 2011: 247), which was not the case with the issues on the Copenhagen negotiating agenda. According to Bang and Schreurs (2011: 244-245):

Basically since 1994, a majority of senators and representatives have opposed introducing federal climate policy requiring mandatory emission reductions. [...] In addition there is also a regional divide that has become more cemented in U.S. climate politics over time. Politicians from states with a large coal, oil, manufacturing, and/or agricultural industry, regardless of Party affiliation, have been inclined to vote against climate legislation because they see it as a threat to their state’s economy and jobs.

In June 2009, the House of Representatives passed a bill proposing a 17% cut in greenhouse gas emissions from 2005 levels by 2020, introduced by Representatives Henry Waxman and Edward Markey (Bang and Schreurs 2011: 245). However, the effort stalled in the Senate. Oil, coal and manufacturing lobbies have been spending millions to frame the proposed bill as measures that will fuel unemployment and increase home heating bills (Guardian Unlimited, 17 November 2009). Such domestic

constraints on a considerably politicised issue prevented countries, such as the US, from moving away from (substantially) amending their positions at Copenhagen and really search for a compromise in the direction of the EU's ambitious stance. Overall, it can be assumed that the high stakes at play at the Copenhagen summit made it less feasible that the negotiations would result in a highly ambitious agreement as proposed by the European Union.

4. The Cancún COP16 negotiations

As a result of the Copenhagen COP15 negotiations a deep divide between developed and developing countries came about, especially on the form a future agreement on climate change adaptation and mitigation should take. Developing countries did not want to bind themselves to any legal commitments concerning the second commitment period of the Kyoto Protocol and developed countries refused to do the same unless the United States and major developing countries would go along (Metz 2011: 347-348).

The Cancún COP16 negotiations, held in December 2010, one year after the COP15 negotiations, were able to take away a large part of the distrust between the two camps culminating into an agreement, which made formal many elements of the Copenhagen Agreement by incorporating them in a UNFCCC decision (Ibid.; Barroso 2010). Agreement was reached, among others, on administrative UNFCCC mechanisms on adaptation, technology transfer and REDD+, and it was decided to establish a Green Climate Fund (UNFCCC 2011).

The EU seems to have played a more influential role at the Cancún negotiations than at Copenhagen by using a more pragmatic approach, aiming at a concrete set of decisions that implement the decisions from the Copenhagen Accord (e.g. Oberthür 2011: 10). In its Environment Council Conclusions the EU stated that it aimed for a balanced outcome across and within the two negotiating tracks, including all parties that would contribute to the establishment of a post-2012 regime including mitigation efforts and actions on the ground. To a large extent this goal was fulfilled. A balanced outcome

across and within the negotiation tracks was reached, but shortcomings can be observed. As Oberthür (2011: 5) writes:

One year after the failure of the Copenhagen Climate Summit held in December 2009, delegates at the final plenary of the next conference of the parties to the United Nations Framework Convention on Climate Change (UNFCCC, 'the Convention') and the Kyoto Protocol stood in applause when adopting the so-called Cancun Agreements. By reaching an agreement with some substance at all, the Cancun conference held in Mexico from 29 November to 11 December 2010 succeeded in keeping the UN climate process alive and averting serious damage to multilateralism more broadly. While this is not a small achievement in itself, it should not lead us to disregard the shortcomings and limitations of the substance of the Cancun Agreements.

When we take a closer look, the outcome of the Cancún negotiations was not as progressive as the EU had hoped for. The outcome that was reached was to a considerable degree in line with the EU's goals, especially in comparison with the Copenhagen negotiations, but the EU could have got an even better outcome. Indeed, some elements of the EU's ideal package were included in the final agreement reached at Cancún, such as administrative UNFCCC mechanisms on adaptation, technology transfer and REDD+, and the establishment of a Green Climate Fund, but on other EU demands no agreement could be reached, such as the fact that little progress was made towards a global legally binding agreement to which all major greenhouse gas emitters are bound (Oberthür 2011: 11).

The following factors seem to account for the outcome of the Cancún summit in terms of the EU's role: coherence, the opportunity structure and politicisation. In the next parts of this section we will, in the first place, turn to an analysis of the degree of EU coherence at Cancún. Consequently, we will consider the opportunity structure at the summit. As a part of this sub-section we will also assess the degree of politicisation at the summit.

Coherence

Again, like in the section on Copenhagen, we distinguish between three dimensions of coherence: preference coherence, procedural-tactical coherence and output coherence.

Preference coherence

To what extent do the EU Member States share common basic preferences and goals for the COP meeting? Like it did for the Copenhagen negotiations, the EU formulated a negotiating mandate for the Cancún negotiations, which found expression in the Environment Council Conclusions of 14 October 2010. These Conclusions determine the line that the EU will take during the COP negotiations. The October 2010 Council Conclusions state that:

the work of both the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) and the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) should enable COP 16/CMP 6 to *adopt a set of decisions, ensuring a balanced outcome across and within both negotiating tracks, addressing the concerns of the Parties and capturing the progress made in both tracks; these decisions, including on adaptation, mitigation, technology, capacity-building, Reducing Emissions from Deforestation and Forest Degradation (REDD+), agriculture, Monitoring, Reporting and Verification (MRV), finance and market-based mechanisms, should contribute to the establishment of a post-2012 regime based on coherent and stable rules that include Parties' mitigation efforts, deliver actions on the ground* (Council 2010: 3, emphasis added).

It was not difficult for the Commission and the EU Member States to agree on such a position: to support a balanced outcome in Cancún with progress being made on both the Long-term Cooperative Action (including all UNFCCC parties) and the Kyoto Protocol (including only the developed countries that are parties to the Kyoto Protocol) negotiation tracks, as all of them felt that the disappointing outcome of the Copenhagen negotiations should not be repeated.

However, not on all issues of the “Cancún package” the Commission and EU Member States could easily agree. CO₂ emission reduction pledges (mitigation) was one of the contentious issues. At the Environment Council meeting in October the question of whether the EU’s CO₂ emission reduction target should be raised from 20% to 30% below 1990 levels was discussed. There had not been consensus on this issue up to the

date of the Council meeting. At the meeting itself no agreement on scaling up the target could be reached either (Euractiv 2010a). A deep divide between two blocks of Member States, which was already present before the Copenhagen negotiations, seems to persist. On the one hand, a group of Western European Member States – including the UK, the Netherlands, Sweden and Denmark – is in favour of raising the target, while on the other hand a group that includes many of the Eastern and Central European Member States and also Italy, only wants to agree on scaling up the target when other major CO₂ emitters commit themselves to similar targets within the UNFCCC negotiation process (Ibid.; Santarius et al. 2011: 9).

Concerning climate finance not all EU Member States were on the same page either. It has been suggested that the EU would fall €200 million short of its 2010 yearly financial commitment and €357 million over the entire period 2010-2012 as some Member States changed their mind about their pledges (Euractiv 2010b). According to an EU draft report four Member States had not delivered their share for 2010 (Ibid.). As a growing number of Member States has to cope with severe budget problems, it seems likely that problems with Member States being unable to deliver financial climate commitments will increase in the future, damaging the EU's credibility in the eyes of developing countries at the UNFCCC.

Procedural-tactical coherence

Procedural-tactical coherence refers to the EU's ability to overcome diverging preferences and solve disagreements. Established procedures and instruments within the EU's negotiating infrastructure or tactical instruments, such as issue linkage and side payments, can help the EU to overcome conflict or deadlocks. On the contentious issues that have been discussed in the section above on preference coherence, namely climate finance and mitigation pledges, the persistent division among EU Member States could not be overcome. The use of procedures or tactics did not help to solve these issues, as the divide was rather deep (Interview with Commission official, Brussels, 14 April 2011). It has to be noted that the divide between the EU Member States on the

abovementioned issues did not hamper the EU from adopting a coherent negotiating stance on them, though, albeit a less ambitious one than the Commission and the more progressive Member States would have liked. We will come back to this point in the next part on output coherence.

Output coherence

Because there was a firm consensus among the EU Member States and the Commission on the line to take in Cancún, namely to aim at an agreement on a balanced set of decisions, of which the EU had been able to determine the content with quite some detail in its Council Conclusions, the EU was able to operate in a fairly coordinated way at the negotiations. The fact that some contentious issues between the Member States remained, for example on finance and CO₂ emission reduction pledges, did not hamper the EU from negotiating on these terrains in Cancún because it did not aim for a very far-reaching agreement this time (Interview with Commission official, Brussels, 14 April 2011). The EU could not take a highly ambitious position on these issues, but it could still make use of the basic level of EU agreement that had already been created before Cancún, which was still relatively ambitious compared to the stances of many other parties, namely: on mitigation: the EU agreement on having a 20% reduction on greenhouse gas emissions from 1990 levels by 2020 and a 30% reduction if other major parties would make similar efforts (Council 2007: 12). On finance the EU was able to agree to contribute with a considerable yearly amount of money to financing mitigation of and adaptation to climate change in developing countries (Euractiv 2010b). Overall, it seems that the level of coherence within the EU was sufficiently high to enable the EU to act in such a way that it could make considerable progress towards the goals that it had set in its Council Conclusions.

Opportunity structure and politicisation

Whether the EU can reach the goals that it has set for the negotiations depends to a large extent on the 'opportunity structure': the external context of events and ideas surrounding the negotiations that enables or constrains EU action. Here we assess to what extent the overall constellation at the negotiations in Cancún of actors and their goals was (un)helpful for the EU to reach its goals. The degree of politicisation, that is: to what extent the negotiations are turned into a *political* debate, putting pressure on the negotiators, is an important contextual factor that will be considered as a part of the opportunity structure.

In the first place, many parties considered the Cancún negotiations as the make-or-break-moment for the international climate change negotiations, after the failure of Copenhagen. When the Cancún negotiations would not have resulted in a balanced outcome, there would have been little chance that a meaningful global deal on climate action would ever be reached and the UNFCCC could have lost its value. Therefore, the majority of the UNFCCC parties were eager to reach a substantial outcome in Cancún, that is to say an outcome involving all parties, both the Kyoto Protocol signatories and the countries that did not sign up to the Kyoto Protocol, including conclusions on a list of topics. As Climate Action Commissioner and chief EU negotiator Connie Hedegaard puts it:

the deal reached at the COP16 global climate talks in Cancun, Mexico, was largely inspired by the fear of failure in the wake of the COP15 talks in Copenhagen a year earlier. One year ago in Copenhagen the COP15 global talks on climate change ended in disarray, with sharp divisions between developing and developed countries (Euractiv EUX TV 2010).

The EU profited from this atmosphere, which was conducive to its goals. Compared to the Copenhagen summit, the US and the group of BASIC countries behaved in a more cooperative manner, which made it easier to arrive at a final package of agreements that satisfied all negotiating parties, including the EU. The US' goal was to ensure that the Copenhagen Accord would survive and be given a more definitive shape (Santarius *et al.* 2011: 12). This goal matched with the EU's goal for Cancún. The US was especially concerned about transparent climate action in China (measurable, reportable

and verifiable). It urged China to proceed towards such action, which was also in the interest of the EU (Ibid.).

Brazil presented itself as a leader on climate policy. It did quite some homework after the COP15 summit. It concluded the regulation of its National Climate Change Fund (Fundo Clima) in October 2010 and started actions to reduce deforestation, among others (Ibid.: 13). Brazil also actively negotiated in favour of a second commitment period of the Kyoto Protocol at Cancún. It tried to convince Canada, Japan and Russia to change their mind on this issue. Thanks to the persuasion efforts of Brazil, India and China showed more willingness to introduce binding mitigation actions (Ibid.: 14).

South Africa wanted a positive outcome at Cancún, towards a legally binding global agreement, with which momentum could be built for the negotiations one year later in Durban. In Durban South Africa would hold the Presidency of the COP meeting. To achieve such a positive outcome, South Africa tried to form strategic alliances with the other BASIC countries, the African Group, the G77 and the EU. The South African delegation tried hard to resolve dilemmas, such as on having a second commitment period for the Kyoto Protocol or not and on whether to accept legally binding commitments, during the conference (Ibid.: 18-20).

In the negotiations after the Copenhagen conference China tried to play a more active and constructive role. It showed its support for the multilateral process and pushed for a second commitment period of the Kyoto Protocol. This change of stance goes hand in hand with domestic changes. In its 12th Five Year Plan of 2010, more emphasis has been placed on low carbon development. China took a relatively flexible stance on climate finance to be paid by developed countries to the developing world for mitigation and adaptation measures, as it understands the financial difficulties that many developed countries are coping with due to the economic crisis (Ibid.: 15-16).

Finally, India also worked on climate change mitigation actions at home after Copenhagen. India wanted to be seen as a cooperative country at Cancún rather than as a "demandeur". One of its aims was to break the deadlock between the BASIC countries and the US on transparency of mitigation actions. The Cancún Agreement includes two Indian proposals, one on a technology transfer mechanism and another on

an International Consultation and Analysis mechanism, that helped to break this deadlock on the transparency of mitigation efforts. These Indian proposals were favourable to the EU, which also wanted the divisions on mitigation transparency to be overcome (Ibid.: 17).

Politicisation

Another contextual factor is of importance, enabling EU action at Cancún, namely the fact that expectations were scaled down considerably after the disappointing outcome in Copenhagen (IISD 2010a). It can be stated that the Cancún negotiations were less politicised than the negotiations at Copenhagen. After the failure of the Copenhagen negotiations nobody expected a big and highly ambitious (legally binding) outcome anymore, neither insiders, nor outsiders. Much less heads of state and government attended the Cancún negotiations. Also, the COP16 meeting was much less discussed in the media and lobby groups were less active in the EU than they were before and during the Copenhagen summit (Ibid.). It remained rather silent around the Cancún COP meeting in comparison with the Copenhagen summit. Because of this context, much less was expected from the EU as well. The EU did not stand fully in the spotlight of the public opinion as was the case at the Copenhagen summit.

This lower degree of political pressure meant that the EU could operate more freely. It was less pressured by certain interest groups to move to impossible highly ambitious negotiating stances, as practically nobody expected anything substantial to happen at Cancún after the failure of the Copenhagen summit. The EU could profit from this atmosphere to find its own way to build coalitions and reach many of the goals from its package, step by step.

In a highly politicised atmosphere interest groups with different positions would have pushed the EU's negotiating stance in various directions, hampering the EU's ability to negotiate by weakening the level of coherence among the Member States. In a lower-ambition-level-context with less hampering interference from lobby groups than at

Copenhagen, it was easier for the Member States to agree on common pragmatic steps to take and thus to operate strongly, based on a clear mandate backed by all.

As a result of this stimulating opportunity structure the EU itself could take pro-active steps at Cancún through which it made progress towards its goals. It tried to act as a bridge-builder by positioning itself between the major blocs: Brazil, South Africa, India and China (the BASIC countries), the US, Japan, Canada, Australia, and the developing countries and tried to shift the balance as much as possible towards its own objectives. Sometimes it aligned with the developing countries and the BASICs, in other cases it aligned with the US and other developed countries, depending on the issues under discussion (Oberthür 2011: 10).

The EU actively engaged in outreach activities with third countries by taking part in the "Cartagena Dialogue for Progressive Action". This Dialogue is "an informal space open to countries working towards an ambitious, comprehensive and legally-binding regime under the UNFCCC" (IISD 2010b). 30 like-minded developed and developing country UNFCCC parties from the Alliance of Small Island States, Latin America, Europe, Oceania, South East Asia and Africa participate in the dialogue. Their goal is to explore areas of convergence and joint action. The EU engaged actively in these talks, arguing that existing mitigation pledges need to be strengthened and clarified and that more needs to be done on measurement, reporting and verification, and thereby made good progress in its coalition building exercise (Oberthür 2011: 10; IISD 2010b).

In addition, the fact that the EU clearly expressed in its Council Conclusions for Cancún that it would support a second commitment period under the Kyoto Protocol (as a result of the considerable degree of EU coherence on this issue), provided the basis for new coalition building with the developing countries, which had turned against the EU after the Copenhagen negotiations because they thought that the EU wanted to throw away the Kyoto Protocol. By making this clear in its Council conclusions, the EU decided to adopt a more pragmatic approach towards the negotiations, which suited the context well. This "step-by-step" approach towards a concrete set of decisions that get

action going on the ground is clearly visible in the Council conclusions and was the basis for EU action at Cancún (Interview with Commission official, Brussels, 14 April 2011).

5. Conclusion

In the previous sections we assessed the degree to which the EU managed to attain its goals at the Copenhagen and Cancún negotiations and sought to explain these outcomes by using three factors: coherence, the opportunity structure and politicisation. In this final section we compare the outcomes of both negotiations and draw some conclusions.

When the negotiations progressed to the higher levels at Copenhagen, the EU lost its grip on the negotiations. Its ambitious proposal of setting global greenhouse gas emission reductions in line with its own 20% reduction goal (by 2020 from 1990 levels) and anchoring these in a universal, legally binding agreement was not followed by the other parties. The United States and the BASIC countries, which did not want to compromise on their economic growth, put together a final agreement, the Copenhagen Accord, without involving the EU in this process (Curtin 2010; Van Schaik and Schunz 2012). This agreement turned out to be quite disappointing when measured against the ambitious goals of the EU.

In terms of coherence it seems that the moderate procedural-tactical coherence could not overcome the insufficient degree of EU preference coherence, as a result of which the degree of output coherence was rather modest. In terms of the external context of the negotiations at Copenhagen (“the opportunity structure”) the overall actor constellation was very unsuitable for the attainment of the EU’s objectives. The stances and objectives of the US and the BASIC countries were considerably less ambitious than those of the EU. In addition, the divergence of preferences among the EU Member States seems to have been stimulated by an underlying external factor, namely the high degree of political salience of the COP15 negotiations. Because final decisions about the agenda points of the Copenhagen negotiations, like climate finance

and concrete CO₂ reduction goals, would have a big impact on the domestic situation in the EU Member States, the COP15 negotiating agenda aroused a high degree of political debate inside many EU countries. As a result, EU Member States were not willing to amend their national preferences on a large number of agenda points. This was also the case for other negotiating parties, such as the United States.

The Cancún COP16 negotiations culminated into an agreement that made formal many elements of the Copenhagen Accord by incorporating them in a UNFCCC decision. With this outcome the EU achieved its goals to a large extent. The EU supported a balanced outcome in Cancún with progress being made on both the Long-term Cooperative Action (including all UNFCCC parties) and the Kyoto Protocol (including only the developed countries that are parties to the Kyoto Protocol) negotiation tracks. In terms of coherence, it was not difficult for the Commission and the EU Member States to agree on such a position, as all of them felt that the disappointing outcome of the Copenhagen negotiations should not be repeated. However, there were still some issues of contention among the EU Member States. CO₂ emission reduction pledges (mitigation) was one of these issues and climate finance another one. The EU could not take a highly ambitious position on these issues, but it could still make use of the basic level of EU agreement that had already been created before Cancún, which was still relatively ambitious compared to the stances of many other parties. Overall, the EU was able to operate in a fairly coordinated way at the negotiations.

Very importantly, the opportunity structure was conducive to the EU's goals. When the Cancún negotiations would not have resulted in a balanced outcome, there would have been little chance that a meaningful global deal on climate action would ever be reached and the UNFCCC could have lost its value. Therefore, the majority of the UNFCCC parties were eager to reach a substantial outcome in Cancún. Compared to the Copenhagen summit, the US and the group of BASIC countries behaved in a more cooperative manner and made it easier to arrive at a final package of agreements that satisfied most of the negotiating parties, including the EU.

In terms of politicisation it can be stated that the Cancún negotiations were less politicised than the negotiations at Copenhagen. After the failure of the Copenhagen

negotiations ambitions of all parties nobody expected a big and highly ambitious (legally binding) outcome anymore. Much less heads of state and government attended the Cancún negotiations, the meeting was much less discussed in the media and lobby groups were less active in the EU than they were before and during the Copenhagen summit. Because of this context, much less was expected from the EU, so it could follow its own line and was not hampered in its actions.

As a result of this favourable opportunity structure the EU could take pro-active steps at Cancún through which it made progress towards its goals. It tried to act as a bridge-builder by positioning itself between the major negotiating blocs. Sometimes it aligned with the developing countries and the BASICs, in other cases it aligned with the US and other developed countries, depending on the issues under discussion. The fact that the EU clearly expressed in its Council Conclusions for Cancún that it would support a second commitment period under the Kyoto Protocol, provided the basis for new coalition building with developing countries.

All in all, based on this comparison of the Copenhagen and Cancún negotiations, it seems that the opportunity structure and the degree of politicisation are very important factors for determining the extent to which the EU can achieve its goals at the international climate change negotiations. The degree of EU coherence is also an important determining factor, because without coherence the EU cannot operate effectively at the negotiations. However, in the absence of a conducive external environment, even a highly coherent EU will have difficulties to steer the negotiations towards a final outcome that meets its goals.

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