Groen, L. and Niemann, A. (2013)

'The European Union at the Copenhagen Climate Negotations: A Case of Contested EU Actorness and Effectiveness'

In: *International Relations*, Vol. 27. No. 3, pp. 308-324.

The European Union at the Copenhagen Climate Negotiations:
A Case of Contested EU Actorness and Effectiveness

Lisanne Groen
Vrije Universiteit Brussel

Arne Niemann
University of Mainz

Abstract

This paper analyses the extent of European Union (EU) actorness and effectiveness at the 15th United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP) meeting in Copenhagen in December 2009. Although the EU has been characterised as a leader in international climate policy-making for some time, the COP15 meeting in Copenhagen has overall brought about disappointing outcomes for the Union. This casts doubts on EU actorness and effectiveness in this field. We take Jupille and Caporaso (1998) as a conceptual point of departure and then specify a more parsimonious actorness framework that consists of coherence and autonomy. Effectiveness is conceptualised as the result of actorness conditioned by the 'opportunity structure', i.e. the external context that enables or constrains EU actions. We hold that EU actorness was only moderate, especially given somewhat limited coherence. In terms of the opportunity structure we argue that the strong involvement of other important actors with rather different positions adversely impacted on EU effectiveness, along with a high degree of politicisation that constrained the EU's ability to negotiate effectively.

KEYWORDS: actorness, BASIC countries, climate change, Conference of the Parties (COP), European Union (EU), EU external policy, effectiveness, negotiations, politicisation, United Nations Framework Convention on Climate Change (UNFCCC).

Introduction

For over a decade the European Union (EU) has been characterised as a leader in international climate policy-making and as an important actor in international climate change negotiations.[1] The 15th UNFCCC COP meeting in Copenhagen in December 2009 has overall brought about disappointing outcomes, especially from the perspective of the EU. Contrary to EU objectives, no legally binding agreement was reached to succeed the Kyoto Protocol after 2012 and the final Copenhagen Accord

contained few ambitious targets. This begs the question of what has happened to EU actorness and effectiveness in this field. The main purpose of this paper thus constitutes an examination of the extent of EU actorness and effectiveness at the Copenhagen Climate Conference.

There are additional rationales for analysing EU actorness and effectiveness at Copenhagen. Firstly, the two concepts have prompted quite a bit of conceptual discussion[2], and remain empirically underexplored, especially in more contested/challenging environments, while the EU's own claims for constituting an actor on the world scene have further progressed over time. Secondly, apart from its societal significance, climate change does not only constitute an important aspect for an EU foreign policy expanding in ambition and scope, but has even been regarded as a 'saviour' issue for the EU integration project more generally.[3] Therefore, the UNFCCC COP15 negotiations deserve (more) academic attention. Finally, the case is (particularly) interesting to explore because the COP15 negotiations in Copenhagen marked the first time in the history of the UNFCCC COP negotiations that so many heads of state and government were present to take the final decisions at a COP meeting (IISD 2009). This characteristic is hypothesised to have affected the variation of actorness across the case in hand (and in distinction to earlier climate change negotiations).

We proceed as follows: first we specify the conceptual framework. Thereafter, we briefly specify the empirical setting of the Copenhagen summit. In parts three and four, we probe our two categories of actorness (coherence and autonomy) for the negotiations. Thereafter, we assess the EU's effectiveness at the COP15 meeting.

Conceptual framework

For us actorness is the ability to function 'actively and deliberately in relation to other actors in the international system'.[4] Similar to Jupille and Caporaso as well as Thomas, we reject the understanding that actorness equals influence/effectiveness.[5] Instead, we suggest that actorness may *enable* influence, without entailing the latter. Our point of departure is the approach by Jupille and Caporaso who devise four criteria for ascertaining actorness.[6] The criteria are not absolute, suggesting that actorness is a matter of degree. The four criteria are recognition, authority, coherence[7] and autonomy. These criteria each comprise a number of sub-criteria, as a result of which their model not only contains substantial duplication and overlap between criteria,[8] but also becomes rather complex and cumbersome. Therefore, we have reformulated the framework in a more parsimonious fashion.

Recognition can be omitted from the account since it is not a necessary element of actorness, with entities such as Hamas and Hezbollah clearly constituting international actors even though they are hardly recognised internationally.[9] For Jupille and Caporaso recognition constitutes a minimum criterion that leads to the presence of an actor in international politics, because it is registered on "the analytical radar".[10] In our case, the EU has been granted full UNFCCC membership as a Regional

Economic Integration Organisation and has been accepted as a full negotiating partner since the very beginning of the UNFCCC. Nevertheless, in many ways 'recognition' is not ignored in our analysis. It features in the 'opportunity structure' (see below). The extent of external EU recognition will determine to what extent the EU's capacity to act is accepted by others.

Authority also does not constitute a necessary component of actorness. Even modest degrees of authority may go hand in hand with substantial degrees of actorness.[11] In addition, the most important aspects of authority, i.e. decision rules, are very largely contained in procedural-tactical coherence (see below). A more parsimonious, but equally conclusive/meaningful, account of actorness thus concentrates on 'coherence' and 'autonomy', the two elements that are also most reflected in Sjöstedt's definition of actorness. An entity, here the EU, can only 'behave actively' and move forward when it is able to aggregate preferences and agree on common positions/policies (coherence), which is also a precondition for behaving 'deliberately'. The latter is also contingent on the (EU) agent(s) providing a substantial input to the process of formulating common policy goals (autonomy).

Coherence: Drawing on, but to some extent deviating from, Jupille and Caporaso (1998) we distinguish between three dimensions of coherence. (1) Preference coherence: to what extent do the Member States share common basic preferences and goals for the COP15 meeting? (2) Procedural-tactical coherence: i.e. the EU's ability to overcome diverging preferences and solve disagreements. This entails the existence of established procedures/instruments within the EU's negotiating infrastructure – or tactical instruments, such as issue linkage and side payments – for overcoming conflict or deadlocks. (3) Output coherence: does the EU as a whole succeed in formulating common policies and positions, regardless of substantive and procedural agreement? (Thus output coherence can largely be viewed as the result of preference coherence mitigated/balanced by procedural-tactical coherence.) And do the various EU actors comply with the policy that has been agreed?

Autonomy: Here one can distinguish between different elements. First, to speak in principal-agent terms (Hawkins *et al.* 2006),[12] the width of EU (agent) decision-making latitude is to be investigated, in terms of the EU (agents') ability to influence policy goals, i.e. to have a genuine EU (agent) input (*vis-à-vis* Member State principals) in the decision-making process. Second, EU agents' discretion – i.e. the degree of freedom of action for the agent to accomplish objectives that were set by (Member State) principals – needs to be assessed.

From actorness to effectiveness

To make any meaningful claims concerning the EU's performance in international negotiations we have to go beyond actorness and consider the EU's effectiveness.[13] Effectiveness is here understood as goal-attainment (Young 1994).[14] While actorness deals more with the internal (EU) dimension – i.e.

the ability to act, the input side – effectiveness rather entails the external/outside dimension, i.e. the output side (does EU action have an impact on outcomes?). Through the latter, the ability to act (actorness) is translated into concrete outward-directed actions. In some respect, effectiveness thus builds on actorness: there needs to be a certain capacity to behave actively and deliberately in order to enable the EU to act effectively. Whether actorness translates into effectiveness first and foremost depends on the 'opportunity structure', the external context of events and ideas that enables or constrains EU action.[15] For example, does the overall constellation of actors (and their objectives) and the degree of politicisation strengthen or weaken the EU's pursuit of its goals? Closely related, in terms of effectiveness it also matters whether the EU has devised a strategy that takes the external environment into account.

The empirical setting

The Conference of the Parties (COP) is the highest decision-making body of the UNFCCC in which all parties to the convention are represented. The COP15 meeting was the climax of two years of negotiations under the Bali Roadmap, which was adopted in December 2007. At Copenhagen a global follow-up agreement of the Kyoto Protocol after 2012 was envisaged.[16] The European Union is recognised as a party, alongside its 27 Member States, within the UNFCCC, where it participates as a Regional Economic Integration Organisation (REIO). This construction of representation was established because both the EU and its Member States have competences on issues presented within the UNFCCC, leading to so-called mixed agreements.[17] The EU Member States and the EU decide on their respective obligations together, because it is not possible for them to exercise their rights concurrently.[18] As a REIO the EU does not have separate voting rights in the UNFCCC. On issues of exclusive EU competence it exercises its right to vote with the number of votes equal to the number of its Member States. The EU cannot exercise its right to vote if any of its Member States exercises this right, and vice versa.[19] Hence, the EU possesses formal membership of the UNFCCC and thus recognition at the COP meetings, which means that the EU has had an entry ticket to the Copenhagen negotiations.

Within the UNFCCC COP meetings the EU has been mainly represented by the rotating Council Presidency. EU Member States are also present as parties to the negotiations.[20] In the most important bilateral negotiations and smaller negotiating sessions the EU is represented by the EU troika, consisting of the current EU Council Presidency, the upcoming Presidency and the European Commission.[21] During the Copenhagen negotiations Sweden held the EU Council Presidency and the upcoming Presidency was Spain. In 2004 the system of 'issue leaders' and 'lead negotiators' was introduced. On behalf of the EU Presidency lead negotiators from EU Member States and from the

Commission are appointed to take over the lead from the Presidency in various negotiating groups at the negotiator level, in order to reduce the workload of the Presidency.[22] In cooperation with the issue leaders the lead negotiators prepare the common EU negotiating position for negotiations at international level.[23] During the COP15 negotiations there were two lead negotiators, as negotiations were held on two separate tracks. The first negotiation track concerned the negotiations in the *Ad Hoc* Working Group on Long-term Cooperative Action under the Convention (LCA) and the second negotiation track concerned the negotiations in the *Ad Hoc* Working Group on further commitments for Annex I parties under the Kyoto Protocol (KP).

The negotiations in Copenhagen took place at different levels. They began at the negotiator level. The second stage of the negotiations was the ministerial level. Normally the environment ministers take the final decisions at COP meetings. However, in Copenhagen much of the effort to conclude a final agreement was left to the heads of state and government because the negotiations at the lower level did not progress as well as they should have.[24] The EU's overarching goal at the COP15 meeting has been to make as much progress as possible towards a full treaty to succeed the Kyoto Protocol in 2013 and to reach an ambitious and comprehensive political agreement that provides the guidance needed to elaborate it into a legal text.[25] The EU aimed at taking the lead at COP15 to achieve maximum progress. Before Copenhagen the EU made the first step with the adoption of its unilateral binding target to cut greenhouse gas emissions by 20% from 1990 levels in 2020 and it urged others to increase their ambitions in Copenhagen to similar levels.[26]

Coherence

In this section and the subsequent one the criteria of actorness – coherence and autonomy – will be analysed. We have separated coherence into three different types: (1) preference coherence, (2) procedural-tactical coherence, and (3) output coherence, wherein the latter can largely be viewed as the result of preference coherence mitigated/balanced by procedural-tactical coherence.

Preference coherence

To determine the degree of preference coherence we primarily assessed the extent to which the various EU actors (especially Member States) shared similar goals with regard to the issues to be negotiated at Copenhagen. Member governments managed to put on paper an EU negotiating position 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.[27] 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.[28] 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 negotiating position was formulated in such a way that it masked differences of opinion, which meant that, in essence, it 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 CO_2-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,[29] 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.[30] 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, member governments disagreed over the issue of unused Assigned Amount Units (AAUs), also known as 'hot air'. The question debated in the EU was whether the Eastern European Member States, whose emissions had fallen significantly after the fall of communism, should be allowed to carry over these units into the second period of the Kyoto Protocol. As no agreement could be reached on this issue, the negotiating position stated only that 'the EU will further consider options in view of discussions with other Parties'.[31] Disagreement continued during the summit, where a group of seven Eastern European countries continued to fight for the AAUs to be retained,[32] while the 'progressive' Member States like the UK, the Netherlands, Denmark and Sweden opposed this practice.[33]

Thirdly, there was substantial disagreement among Member States concerning the financial contribution for developing counties 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.[34] 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.[35] The negotiating position 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".[36]

In sum, on a significant number of issues specified in the EU position 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 position, for example concerning commitments on CO_2 emission reductions from forestry.[37] 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.[38]

EU negotiators were obliged to operate within the constraints of the EU negotiating position. Hence, the delegation of authority to them extends only as far as the text of the negotiating position. In order for negotiators to display a high degree of EU actorness during negotiations the position 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 position before the Member States had unanimously approved of change.[39] 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 CO_2 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.[40] 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 such adjustment 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 negotiating position, 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% CO_2 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.[41] These findings indicate that a moderate degree of tactical coherence was achieved.

Overall, the EU's procedural-tactical coherence was hampered by the significant degree of politicisation and political salience of the COP15 negotiations, in comparison to earlier COP meetings. The Copenhagen summit was attended by an unprecedented number of media, non-governmental organisations and political leaders. The EU stood much in the spotlight of the public opinion and was challenged from various sides to adjust its position, both in more ambitious and in less ambitious directions.[42] Because final decisions taken at Copenhagen promised to significantly 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. And there was substantial pressure not to change status-quo positions, especially in Italy and Poland, two countries with still significant mining industries that also rely heavily on coal as an energy source,[43] 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.[44] As a result, many member governments were not willing to amend their national preferences on crucial agenda points. The political salience of climate issues was further increased by the upcoming economic crisis.[45]

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 negotiating position 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.[46]

In addition, substantial disagreements continued, for instance, on the EU's CO_2 reduction target. By the required 31 January 2010 deadline, the EU could thus only send the non-concrete CO_2 reduction goal of "20% to 30%" by 2020 compared to 1990 levels to the UNFCCC secretariat.[47] 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.[48]

Finally, there were occasions during the actual negotiations in Copenhagen where the EU position 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.[49] 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.[50]

Thus, 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.

Autonomy

First, we will analyse the EU impact on the definition of policy goals (*vis-à-vis* Member State principals). Second, we will examine the discretion granted to the EU, i.e. the EU's room for manoeuvre for acting on/out the goals that had been agreed by member governments priorly.

The EU's ability to define policy goals

In principal-agent terms, 'autonomy' can be defined as the range of action available to the agent, including the ability to set policy goals.[51] Here we investigate the width of EU (agent) decision-making latitude: the EU's (agent) ability to influence policy goals and to have a genuine input in the decision-making process. In this case, we analyse the input of the Commission and the Council Presidency in formulating the EU negotiating position for the COP15 meeting.

The EU negotiating position for the COP15 meeting is recorded in the Conclusions of the Environment Council. The Commission can influence these Conclusions by means of its Communications to the Council.[52] Ambitious climate change and energy plans to transform Europe into a low carbon economy were proposed by the Commission and adopted by the Spring European Council in 2007. These proposals became the basis of the negotiating position for Copenhagen. The commitments made by the Member States in the 2007 Spring Council were implemented by a package of binding legislation, based on a Commission proposal from January 2008.[53] The Commission's proposal was judged sophisticated and the Member States were not given sufficient time to familiarise themselves with the content. In this way, the Commission succeeded in getting its proposal through the negotiations with the Member States (Haug and Jordan 2009).[54] In January 2009 the Commission launched a proposal for a global agreement to replace the Kyoto Protocol (Euractiv 2009).[55] Many elements of this Communication were included in the Council Conclusions of the Spring European Council.[56]

The Swedish Council Presidency was able to provide a genuine EU input in the decision-making process, for example, through its agenda-making authority.[57] The Swedish Presidency decided that reaching a global agreement on climate change in Copenhagen in December would be one of its two main priorities.[58] In order to achieve this, the Presidency pushed for a strong and ambitious EU negotiating position, e.g. by organising an additional Environmental Council meeting in November 2009. The Swedish Presidency was able to influence the formulation of the EU negotiating position for COP15 via the large amount of bilateral meetings that it had with individual governments before Copenhagen. Every single Member States was visited by the Presidency to discuss difficult issues.[59] Because of the Presidency's mediation the Central and Eastern European countries could finally be included in an EU agreement on climate finance. Bilateral meetings have also been held with third countries. Overall, these findings indicate that EU agents, from the Commission and the Swedish Council Presidency, had a significant input in the decision-making process in preparation for the Copenhagen summit.

Discretion

In principal-agent terms discretion is defined as "a grant of authority that specifies the principal's goals but not the specific actions the agent must take to accomplish those objectives".[60] At the COP15 meeting, the EU negotiating position was accompanied by instructions for the EU negotiators in the form of headlines, i.e. a loosely formulated "strategic guide". The instructions gave the EU negotiators some leeway to accomplish the goals with their own preferred behaviour,[61] which can be seen as discretion in principle-agent terms. However, the amount of leeway that EU negotiators could have enjoyed while pursuing the goals of the position, does not seem to have increased their degree of independence at the negotiations. This can be attributed to one factor in particular: certain items in the negotiating position, such as 'hot air', or the financial contribution to developing countries, were controversial and were left highly unspecified in the position, which limited the scope for (independent) action by the negotiators. Because these issues were politically salient, EU negotiators could not afford to go ahead independently without more specific agreement from the Member States. This clearly diminished the ability of the EU to act at Copenhagen. For example, concerning climate finance to developing countries, most EU negotiators would have liked to put an ambitious offer on the table at the start of the negotiations. But due to the disagreement among Member States on several aspects of climate finance, this idea proved to be impossible to realise.[62]

The high level of politicisation at Copenhagen further diminished the level of agent discretion as the negotiations progressed to the final stage. The EU troika ought to have spoken on behalf of the EU in bilateral and informal negotiating settings at Copenhagen. Commission President Barroso was present at the final negotiation level to represent the EU together with the Swedish Prime Minister Reinfeldt (representing the Swedish Council Presidency). However, during informal negotiations

between a select group of around 25 UNFCCC parties on 18 December 2009, the leaders of Germany, France and the United Kingdom took the lead in the negotiations with third parties, to the detriment of Barroso and Reinfeldt who became marginalised.[63] As the degree of politicisation increased and negotiations shifted more towards informal negotiations among select groups of state leaders it was not possible for the Commission or the Council Presidency to say to the European heads of state and government that they are not allowed to speak and should let the Council Presidency and the Commission do the talking.[64] As a result the EU's degree EU agent discretion was eventually rather limited at the Copenhagen summit.

EU effectiveness at Copenhagen

Whether actorness translates into effectiveness (i.e. goal-attainment) foremost depends on the 'opportunity structure', the exogenous context of events and ideas that enables or constrains EU action. This 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), along with the level of politicisation. The main EU goal at Copenhagen was to play a leadership role and make as much progress as possible towards a full and ambitious treaty to succeed the Kyoto Protocol in 2013.[65] While the EU tried to lead by example, e.g. by being the first delegation to present a concrete emissions reduction target for 2020,[66] it was unable to play a leadership role at the negotiations. As Commission President Barroso stated at the end of the 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."[67] How could this happen? The answer can mainly be found in the external negotiation context.

First of all, the overall actor constellation was highly unsuitable for the attainment of EU objectives. This can be ascertained by analysing the positions of the other key negotiating parties at Copenhagen. The objectives of the US – that reengaged in the negotiations after their withdrawal from the COP in 2001 – and the BASIC countries were considerably less ambitious than those of the EU, compared to the EU's unilateral CO_2 reduction target of 20% from 1990 levels by 2020. The US target was to cut greenhouse gas emissions by 17% by 2020 from 2005 levels and the target of China, 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 CO_2 emissions in 2020 compared to 2005.[68] Also detrimental in terms of the overall actor constellation, in late November 2009, the BASIC countries decided to act jointly against the developed nations at the COP15 meeting.[69] During a closed-door meeting in Beijing they drafted an accord that became the basis for the final Copenhagen Accord. They decided to jointly walk out of the

meeting if the developed countries would force them to go beyond their limits, for example by asking them to slow down their development.[70]

The unsuitable actor constellation can, to a considerable degree, be explained by the high level of politicisation, which not only affected the EU. The new US government, for example, which was more predisposed to a far-reaching deal than the former one, would have liked to agree on an ambitious climate agreement.[71] However, for such a step President Obama needed agreement by both chambers of Congress, while a majority of senators and representatives have opposed introducing federal climate policy requiring mandatory emission reductions since the mid-1990s.[72] In June 2009, the House of Representatives passed a bill proposing a 17% cut in greenhouse gas emissions from 2005 levels by 2020. Yet, 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.[73] 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 among the parties involved.

Finally, 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.[74] The EU had no 'plan B', which could have allowed it to react to the negotiating realities and stay closely involved in the process of arriving at some sort of compromise agreement. Owing to a lack of preference coherence and the unanimity requirement within the EU, the Member States were unable to agree on significant alterations of the EU negotiating position 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 actorness 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 EU was sidelined during the final stage of the negotiations, while the US and the BASIC countries concluded the Copenhagen Accord together on the final evening of the conference, without the EU.[75]

Conclusions

Overall, our findings indicate that the degree of EU actorness at the UNFCCC COP15 meeting in Copenhagen was moderate at best. In terms of *coherence*, there has been little indication of any substantial degree of EU (output) coherence at the COP15 meeting. The meagre preference coherence could not be compensated by a moderate degree of procedural-tactical coherence, especially in view of

the considerable political salience that characterised the negotiations. As a result, the EU negotiating position could only be adjusted slightly on some occasions, which hampered the ability of EU negotiators to interact with the other major players. The low degree of coherence has thus been primarily responsible for the only modest/moderate overall degree of actorness in this case. As for *autonomy*, first, it seems that EU agents from the Commission and the Swedish Council Presidency had a significant input in the decision-making process within the EU in preparation of the COP15 meeting. As for discretion, the amount of leeway that EU agents could have possibly enjoyed in pursuit of the goals of the position during the negotiations – because of the loosely formulated instructions – does not seem to have increased their degree of independence at the negotiations in practice. Because these issues were politically salient EU negotiators could not afford to go ahead independently, without more specific agreement of the EU Member government principals.

Our findings differ from earlier ones of Groenleer and van Schaik,[76] who argued that the EU showed a relatively *high* degree of actorness at the negotiations in the UNFCCC regarding the implementation of the Kyoto Protocol. However, their finding that the considerable congruence of EU Member State preferences in the Kyoto case led to a high degree of EU actorness seems to correspond with our finding that a *lack* of (preference) coherence has been particularly responsible for the rather modest overall degree of actorness in the COP15 case. Thus, we agree on the key importance of (preference) coherence as an explanatory variable for determining the degree of EU actorness. In addition, we argue that a high degree of politicisation (as witnessed in our case) seems to have stimulated Member State principals to defend national interests, which in turn diminished EU coherence and thus the EU's ability to act.

EU effectiveness at the Copenhagen negotiations was low. Due to the modest actorness at Copenhagen the EU was not optimally prepared to face the challenging external context to arrive at an ambitious outcome. And the exogenous context was indeed very challenging. The overall actor constellation was very unsuitable for the attainment of EU objectives, with the US and the BASIC countries holding considerably less ambitious negotiating stances. In addition, the high stakes at play at the Copenhagen summit made it less feasible that the negotiations would result in a highly ambitious agreement among the parties involved. Moreover, the negotiating strategy adopted by the EU for the summit did not sufficiently take these external factors into account. As a result, the EU was sidelined at the final stage of the negotiations.

Our framework – where in short actorness conditioned by the opportunity structure adds up to effectiveness – should be more generally applicable for assessing the EU's role in (and impact on) international politics and thus be transferable to other cases. Staying with international climate politics and looking at the negotiations concerning the implementation of the Kyoto Protocol, it seems that here a high degree of actorness accompanied by a favourable opportunity structure (given the prevailing actor constellation at the time) can explain the significant impact the EU has had on the outcome.[77] It also seems that the EU's role at the COP meetings following Copenhagen can be

explained through this framework. At the COP16 meeting in Cancun in December 2010 and COP17 in Durban in December 2011, the EU seems to have been more successful in terms of attaining its goals. Here the EU was able to act more coherently and thus displayed a larger degree of actorness. At the same time, the reduced politicisation and the larger overlap of EU preferences with those of the major actors provided a more amenable context for the EU to exert influence and achieve its objectives.[78]

The entry into force of the Treaty of Lisbon in December 2009, which did not affect the EU during the Copenhagen negotiations yet, will bring about several changes to EU climate policy-making.[79] Most notable in that respect are the following aspects: first, with the Treaty of Lisbon the European Parliament (EP) has obtained the power to veto future international agreements, including climate agreements and has to be informed at all stages of the negotiations. The EP may use this new power to demand a more prominent position in the EU's external climate policy. Given Parliament's generally strong pro-environmental stance, this change is likely to strengthen the EU's 'progressive' stance. Another important question is what impact this enhanced role of the EP will have on the Union's influence in international climate negotiations. On the one hand, the involvement of the EP could further contribute to a politicisation of EU climate change policy and (thus) threaten to hamper policy-making processes within the EU. On the other hand, the EP could be conveniently used as a bargaining chip in two- or three-level games,[80] strengthening the Union's bargaining position in international negotiations by referring to the requirement of EP consent, as practised by US negotiators with regard to Congress.

Second, the Treaty of Lisbon has mandated the European Commission to represent the EU externally, except for matters belonging to the Common Foreign and Security Policy, on which the High Representative for Foreign Affairs and Security Policy represents the EU. At the COP15 meeting in Copenhagen the Swedish EU Council Presidency was still the main spokesperson for the EU during the negotiations, and this was still the case at the negotiator level of the COP16 meeting in Cancún in December 2010. However, the Commission was already the main EU representative during the high-level segment of the negotiations at both formal and informal meetings in Cancún.[81] Whether a further enhancement of the role of the Commission at the UNFCCC negotiations at the expense of the Council Presidency will be accepted by the Member States has to be seen.

Future research should, among other things, analyse the extent to which the provisions of the Lisbon Treaty will have actually impacted on the EU's actorness and effectiveness in external climate change policy-making. Furthermore, additional case studies employing the framework specified here would shed further light on the robustness of the model.

Notes

[1] Anthony R. Zito, 'The European Union as an Environmental Leader in a Global Environment', *Globalizations*, 2(3), 2005, pp. 363-75; Martijn Groenleer and Louise Van Schaik, 'United We Stand? The European Union's

International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol', *Journal of Common Market Studies*, 45(5), 2007, pp. 969-98; Sebastian Oberthür, 'The role of the EU in global environmental and climate governance', in Mario Telò (ed.), *The European Union and Global Governance* (London: Routledge, 2009), pp. 192-209.

[2] Joseph Jupille and James Caporaso, 'States, Agency and Rules: the European Union in Global Environmental Politics', in Carolyn Rhodes (ed.), *The European Union in the World Community* (Boulder, CO: Lynne Rienner), 1998, pp. 213-29; Roy H. Ginsberg, 'Conceptualizing the European Union as an International Actor', *Journal of Common Market Studies*, 37(3), 1999, pp. 429-54; Charlotte Bretherton and John Vogler, 'Conceptualizing actors and actorness', in Charlotte Bretherton and John Vogler, *The European Union as a Global Actor*, (London: Routledge, 2006), pp. 12-36.

[3] Louise Van Schaik and Karel Van Hecke, 'Skating on Thin Ice: Europe's Internal Climate Policy and its Position in the World', Working Paper Egmont Institute, December 2008, p. 6.

[4] Gunnar Sjöstedt, *The External Role of the European Community*, (Farnborough: Saxon House, 1977), p. 16.

[5] Jupille and Caporaso, 'States, Agency and Rules'; Daniel Thomas, 'Still Punching below its Weight? Actorness and Effectiveness in EU Foreign Policy' (Paper prepared for the UACES 40th Anniversary conference, Bruges, 6-8 September 2010).

[6] Jupille and Caporaso, *'States, Agency and Rules'*.

[7] Jupille and Caporaso (1998) have originally used the term 'cohesion'. For the sake of definitional consistency throughout this special edition, we refer to it as 'coherence' (cf. Introduction of this issue).

[8] Arne Niemann and Judith Huigens, 'The European Union's role in the G8: a principal-agent perspective', *Journal of European Public Policy*, 18(3), 2011, pp. 420-42.

[9] Thomas, *'Actorness and Effectiveness'*, p. 4.

[10] Jupille and Caporaso, *'States, Agency and Rules'*, p. 215.

[11] Groenleer and Van Schaik, *'United we Stand?'*.

[12] Darren Hawkins, David Lake, Daniel Nielson and Michael Tierney, 'States, International Organizations, and Principal Agent Theory', in Darren Hawkins, David Lake, Daniel Nielson and Michael Tierney (eds.), *Delegation and Agency in International Organizations* (Cambridge: Cambridge University Press, 2006).

[13] Also see the this discussion in the introduction to this special issue: Arne Niemann and Charlotte Bretherton, 'EU External Policy at the Crossroads: The Challenge of Actorness and Effectiveness', *International Relations*, 27 (3), 2013.

[14] Oran R. Young, *International Governance. Protecting the Environment in a Stateless Society* (Ithaca, NY: Cornell University Press, 1994).

[15] Bretherton and Vogler, *'Actors and Actorness'*, p. 14.

[16] IISD, Earth Negotiations Bulletin, COP15 final, 12(459), 22 December 2009, <http://www.iisd.ca/climate/cop15/> (24 February 2010).

[17] Nuno Lacasta, Suraje Dessai and Eva Powroslo, 'Consensus Among Many Voices: Articulating the European Union's Position on Climate Change', *Golden Gate University Law Review*, 32(4), 2002, p. 360; Louise Van Schaik, 'The Sustainability of the EU's Model for Climate Diplomacy', in Sebastian Oberthür and Marc Pallemaerts (eds.), *The New Climate Policies of the European Union* (Brussels: VUB Press, 2010), pp. 260-1.

[18] Charlotte Bretherton and John Vogler, 'Environmental policy. The Union as a Global Leader', in Charlotte Bretherton and John Vogler, *The European Union as a Global Actor* (London: Routledge, 2006), pp. 89-110; UNFCCC, 'Text of the Convention', 1992, <http://unfccc.int/essential_background/convention/background/items/2853.php> (10 April 2009), Art.22.2.

[19] UNFCCC, *'Convention'*, Art. 18.

[20] Lacasta, Dessai and Powroslo: *'Position on Climate Change'*, p. 361.

[21] Sebastian Oberthür, 'The Performance of the EU in International Institutions' (Paper presented at ISA Annual Convention, New York, 15-18 February 2009), p. 13.

[22] Oberthür, *'Performance of the EU'*, p. 14.

[23] Sebastian Oberthür and Claire Roche Kelly, 'EU Leadership in International Climate Policy', *The International Spectator*, 43(3), 2008, p. 38.

[24] ISSD, 'COP15'.

[25] European Commission, IP/09/1867, 2 December 2009, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1867> (4 October 2010).

[26] José Manuel Durão Barroso, *Statement of President Barroso at the UN High Level Segment*, Speech/09/583 (Copenhagen, 16 December 2009), <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/09/583&format=HTML&aged=0&language=EN&guiLanguage=en> (6 October 2010).

[27] Council of the European Union, *Environment Council of Ministers Conclusions* (Brussels, 21 October 2009, 14790/09).

[28] Council of the European Union, *European Council Conclusions* (Brussels, 11 December 2009, EUCO 6/09); Council of the European Union, *European Council Conclusions* (Brussels, 29 April 2009, 7880/1/09).

[29] Council of the European Union, *Presidency Conclusions of the Brussels European Council* (Brussels, 9 March 2007, 7224/07), p. 12.

[30] New York Times, 6 December 2009; The Times, 17 October 2008.

[31] Council of the European Union, *'14790/09'*, p. 15.

[32] Guardian Unlimited, 16 December 2009.

[33] Interview with Dutch delegate, The Hague, 12 May 2010.

[34] Guardian Unlimited, 11 December 2009.

[35] Interview with Dutch delegate, The Hague, 12 May 2010.

[36] Council of the European Union, *'14790/09'*, p. 19.

[37] Interview with UK delegate by telephone, 10 May 2010.

[38] Interview with Council Secretariat representative, Brussels, 3 May 2010.

[39] Interview at the Council Secretariat, May 2010.

[40] Der Spiegel online International, 5 May 2010.

[41] Louise Van Schaik and Simon Schunz, 'Explaining EU Activism and Impact in Global Climate Politics: Is the Union a Norm- or Interest-Driven Actor?', *Journal of Common Market Studies*, 50(1), 2012, pp. 169-186.

[42] For example, environmental nongovernmental organisations like Greenpeace, Climate Action Network Europe and the World Wildlife Fund put pressure on the EU to move from a 20 to a 30% CO_2 emission reduction goal, while business lobby groups like the European Chemicals Industry Council and the European Round Table of Industrialists lobbied against an EU move to a 30% CO_2 emission reduction target.

[43] The Times, 17 October 2008; BBC News 2008.

[44] Corporate Europe Observatory, 'The EU: a hollow champion for the climate' (7 December 2009), <http://www.corporateeurope.org/climate-and-energy/content/2009/12/eu-hollow-champion-climate> (9 November 2010).

[45] Charles F. Parker and Christer Karlsson, 'Climate Change and the European Union's Leadership Moment', *Journal of Common Market Studies*, 48(4), 2010, pp. 923-43.

[46] José Manuel Durão Barroso, *Statement of President Barroso on the Copenhagen Climate Accord*, Speech/09/588 (Copenhagen, 19 December 2009), <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/09/588&format=HTML&aged=0&language=EN&guiLanguage=en> (20 May 2010); Interview with EP delegate by telephone, May 2010.

[47] UNFCCC, 'Compilation of pledges for emission reductions and related assumptions provided by Parties to date and the associated emission reductions', 20 May 2010, <http://unfccc.int/resource/docs/2010/awg12/eng/inf01.pdf> (14 June 2010), p. 5.

[48] CAN Europe, 'Melting leadership – too little, too late from the EU', press release (21 December 2009), <http://www.climnet.org/policywork/un-climate-negotiations/128-home-press-release.html> (8 July 2010).

[49] Greenpeace, 'Evaluation: The Swedish Presidency gets a red card for environmental failure', 22 December 2009.

[50] Interview with Council Secretariat representative, Brussels, 3 May 2010; NRC Handelsblad, 11 December 2009.

[51] Hawkins *et al.*, 'Principal Agent Theory', p. 8.

[52] Van Schaik, 'Climate Diplomacy', p. 262.

[53] European Commission, 'What is the EU doing on climate change?', Official website (Section Climate Action, Policies, What is the EU doing?), http://ec.europa.eu/clima/policies/brief/eu/index_en.htm (12 November 2010).

[54] Constanze Haug and Andrew Jordan, 'Sharing burdens or distributing efforts? Negotiating emission reduction commitments in the European Union' (Paper presented at the ISA Annual Convention, New York, February 2009).

[55] Euractiv 2009.

[56] Council of the European Union, *'7880/1/09'*.

[57] Jonas Tallberg, *Leadership and Negotiation in the European Union* (Cambridge: Cambridge University Press, 2006); Arne Niemann and Jeannette Mak, '(How) do norms guide Presidency behaviour in EU negotiations?', *Journal of European Public Policy*, 17(5), 2010, p. 729.

[58] Europa-nu 2009.

[59] Interview with Swedish EU Council Presidency representative by telephone, 3 May 2010.

[60] Hawkins *et al.*, 'Principal Agent Theory', p. 6.

[61] Interview with Dutch delegate, The Hague, 12 May 2010.

[62] Gazeta Wyborcza (2009), 'Solidarity of the European poor', 30 October 2009.

[63] Der Spiegel online International, 5 May 2010.

[64] Interview with European Commission delegate, Brussels, 14 April 2011.

[65] European Commission, *'IP/09/1867'*.

[66] Council of the European Union, *Presidency Conclusions of the Brussels European Council* (Brussels, 9 March 2007, 7224/07).

[67] Barroso, *'Copenhagen Climate Accord'*.

[68] New York Times, 26 November 2009.

[69] Saibal Dasgupta, 'Copenhagen conference: India, China plan joint exit', *The Times of India* (New Delhi), 28 November 2009, <http://timesofindia.indiatimes.com/world/china/Copenhagen-conference-India-China-plan-joint-exit/articleshow/5279771.cms> (10 October 2010).

[70] Janine Schall-Emden, 'Back to the BASIC: climate change and global governance', 2009, <http://www.euroalter.com/2009/back-to-the-basic-climate-change-global-governance-and-emerging-powers/>, (6 October 2010).

[71] Council on Foreign Relations, 'Obama's Speech at the United Nations Climate Change Summit, September 2009', 22 September 2009, <http://www.cfr.org/climate-change/obamas-speech-united-nations-secretary-general-ban-ki-moons-climate-change-summit-september-2009/p20252> (10 October 2010).

[72] Guri Bang and Miranda Schreurs, 'A Green New Deal: framing US climate leadership', in Rüdiger Wurzel and James Connelly (eds.) *The European Union as a Leader in International Climate Change Politics* (Abingdon: Routledge, 2011), p. 244-5.

[73] Guardian Unlimited, 17 November 2009; Bang and Schreurs 'Green New Deal'.

[74] Van Schaik and Schunz, 'Explaining EU Activism'.

[75] Van Schaik and Schunz, 'Explaining EU Activism'; Joseph Curtin, 'The Copenhagen Conference: How Should the EU Respond?, *Institute of International and European Affairs* (Dublin, January 2010).

[76] Groenleer and Van Schaik, *'United we Stand?'*.

[77] Groenleer and Van Schaik, *'United we Stand?'*.

[78] Sebastian Oberthür, 'Global Climate Governance after Cancun: Options for EU leadership', *The International Spectator*, 46 (1), 2011, pp. 5-13.

[79] Official Journal of the European Union, *'Treaty of Lisbon'*, C 306, volume 50, 17 December 2007.

[80] Robert Putnam, 'Diplomacy and Domestic Politics: The Logic of Two-Level Games', *International Organization*, 42, 1988, pp. 427-60.

[81] IEEP, 'From Copenhagen to Cancún and Beyond: To Kyoto or Not To Kyoto?' (14 January 2011), <http://www.ieep.eu/news/2011/01/from-copenhagen-to-canc-n-and-beyond-to-kyoto-or-not-to-kyoto> (7 February 2011); Tom Delreux, 'The Rotating Presidency and the EU's External Representation in Environmental Affairs: the Case of Climate and Biodiversity Negotiations', *Journal of Contemporary European Research*, 8(2), 2012, pp. 210-27.

Lisanne Groen is PhD candidate in political science (topic: the performance of the EU in the international climate change and biodiversity regimes) at the Institute for European Studies (IES), Vrije Universiteit Brussel (VUB). Her main research interests are EU external

environmental/climate change policy, the EU's performance in international institutions and the EU as an international actor. She co-authored a chapter on 'Global environmental institutions' with Sebastian Oberthür in the *Routledge Handbook on the European Union and International Institutions* (2013).

Arne Niemann is Professor of International Politics and Jean Monnet Chair of European Integration Studies at the University of Mainz. Previously, he held positions at the universities of Amsterdam, Dresden and Cambridge. He obtained a PhD and an M.Phil from the University of Cambridge and a BSc (Econ) from the London School of Economics & Political Science. He is author of *Explaining Decisions in the European Union* (Cambridge University Press 2006) and has published extensively on the European Union and its external policy in several journals, including the *Journal of European Public Policy* (1998, 2004, 2010, 2011) and the *Journal of Common Market Studies* (2008, 2011).