

The EU's Impact in International Climate Change Negotiations

- The Case of Copenhagen -

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1. Introduction

Global warming is threatening the earth. The period since the beginning of the twenty-first century has been the “warmest decade” in the more than 150 years of global temperature records (UNEP, 2010, p. 33). The negative effects are not totally foreseeable but they are manifold and fatal for the environment and all life on planet. The international community has realized that stopping global warming is urgent and that it can no longer afford to wait for taking serious counter-actions. Since 1995, it has met annually in the Conference of the Parties (COP) organized in the framework of the United Nations Framework Convention on Climate Change (UNFCCC) in order to discuss developments and possible solutions. In this worldwide effort, the EU aims at being the leading and driving force.

For this reason, the EU has made climate policy one of its top priorities and has been pro-active in the promotion of this issue on the international stage (Van Schaik, 2009, p. 1). By convincing hesitating states, such as Canada, Japan and Russia to ratify the Kyoto Protocol, the EU has paved the way for its entering into force in 2005. While the EU has therewith shown the potential to leadership, the Bush administration abandoned any commitments to the internationally agreed climate goals. The EU welcomed this opportunity to step out of the shadow of the US and to gain an internationally powerful position in this particular field (Egenhofer & Georgiev, 2009, p. 5). In a self-proclaimed act, the EU confidently enunciated “the leading role of the EU in international climate protection” (European Council, 2007, p. 11). Due to this ambitious conduct combined with the passiveness of other actors to strive for leadership, the EU has often been praised in academia to be the leader in climate change protection or at least to have the capability to lead (Deketelaere, & Peeters, 2006; Gupta, & Grubb, 2000; Van Schaik, 2009; Vogler, 1999).

In Copenhagen in 2009, the EU aimed at playing a leadership role by guiding the negotiations towards an efficient and EU-minded outcome. Yet, after the conference, the Swedish Presidency called the final accord a “disaster” and “great failure” which lies “clearly below [the EU’s original] ... objective” (Reuters, 2009; Swedish Presidency, 2009). Evaluating this weak performance of the EU in Copenhagen, Egenhofer even maintains that the EU “is destined to become a secondary player in this area” (2010, p. 2). In the light of this development, this paper reconsiders the leadership role that the EU is supposed to have according to previous academic assumptions and its self-proclamation. In view of that, this paper is structured around the central question ‘*to what extent did the European Union have an impact in Copenhagen Climate Change Conference?*’. To answer this question, a two-level

model is applied. The model is an adjusted version of Putman's "two-level game theory" which takes account of the factors on the intra-European and international level having led to the limited impact of the EU in Copenhagen. In this way, this paper shows that both levels are simultaneously responsible for determining the EU's impact. Additionally, a contribution to the understanding and reassessment of the EU's role in international climate negotiations is given.

The paper is structured as follows. First, the main characteristics of the two-level model are introduced. On this basis, the factors on the intra-European and international level having influenced the EU's performance prior and during Copenhagen are analyzed. Then, by bringing the findings together, the EU's impact in Copenhagen is assessed. Additionally a comparison to the EU's impact in Kyoto is drawn in order to contribute to the understanding of the EU's position in the international scene in climate change in general.

2. Conceptualizing the EU's Impact

The extent to which the EU had an impact in the Copenhagen Climate Change Conference can be answered with the help of a model that is based on Putnam's "two-level game theory" (see Figure 1). To explain the outcome of international negotiations, Putnam distinguishes between a domestic and an international level and stresses that both have to be taken into account simultaneously. Accordingly, "neither a purely domestic nor a purely international analysis" can explain the outcome of international negotiations (Putnam, 1988, p. 430). However, the model was originally designed for nation states. For this reason, to analyze the supranational EU, the domestic level is replaced by the intra-European level. This adjusted model depicts the link between the intra-European and international level, and at the same time, takes into account the supra-national nature of the EU.

The intra-European level is divided into two phases. The first phase takes place prior to the negotiations and concerns the formulation of a mandate. The second phase relates to the representative set-up of the EU at the negotiation itself. It refers particularly to the question 'who speaks for Europe?'. The second level, the international level, is borrowed from Putnam. Here, the EU's impact in negotiations is assessed by examining whether third countries accept the EU as a leader and whether they are willing to cooperate with it. Thus, the overall evaluation of the EU's performance in international climate negotiations takes into account

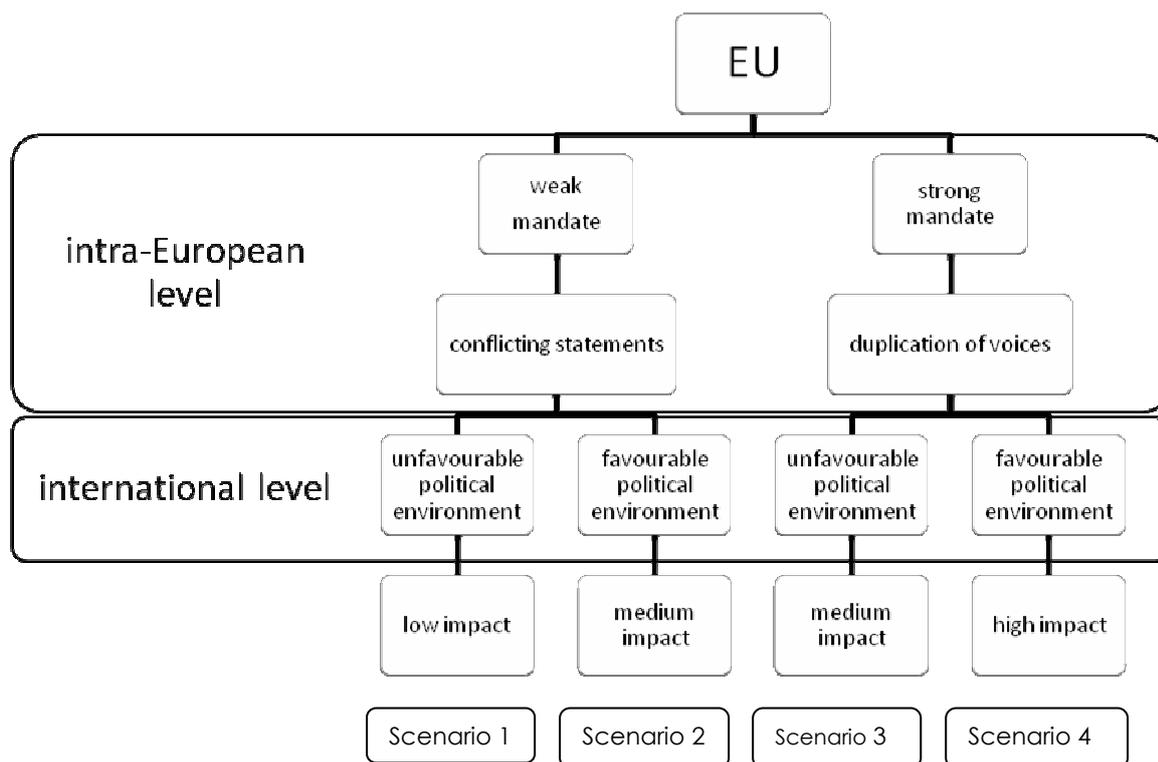


Figure 1: The EU's Impact in International Climate Negotiations

three factors: the EU's mandate, its representative set-up and the international environment. On the basis of these factors, it is possible to identify four outcomes for the EU in international climate negotiations. They range from the worst case in which the EU is largely marginalized (scenario 1) to the ideal case where the EU has a high impact (scenario 4). The extent to which the EU had an impact in Copenhagen is analyzed in the following.

To assess the impact of the EU the paper draws upon the definition of leadership by Beach and Mazzucelli. They broadly define it as “any action by one actor to guide or direct the behavior of other actors [...] toward a certain collective goal” (2007, p. 6). Leadership is crucial in “very complex, unpredictable and messy” negotiations “in order for the parties to find and agree upon a mutually acceptable outcome” that includes “all of the potential gains” (Ibid.). In view of that, leadership is more likely when the EU negotiates as “one actor” in international negotiations influencing other states to come to a common final agreement. In other words, unilateral actions might undermine and even contradict a leadership role. At the same time, it indirectly entails that leadership is greater when third actors accept the EU to lead the complex negotiations towards a common end. However, the assessment of the EU's impact cannot be undertaken without prior pointing to the institutional particularities of EU climate change policy.

3. The Intra-European Level

3.1 Climate Change Policy: A Shared Competence

Climate change policy is a shared competence between the European Union and the member states (Art. 4 (2e) TFEU). This entails that both are entitled to represent their respective area of internal competence in international negotiations¹ (Van Schaik, 2009, p. 5). The agreements of those negotiations in areas of shared competences are so-called mixed agreements which are signed and ratified by both, the Commission and all member states. An example of a mixed agreement in the field of climate change is the Kyoto Protocol which was negotiated in the framework of the UNFCCC of 1992 (Lacasta et al., 2007, p. 214; Leal-Arcas, 2001 p. 485). Due to the fact that the competences are shared, there is the legal possibility that the European Council empowers the Commission to negotiate international agreements. Yet, the high public interest in climate action encouraged the European Council “to taking action in this field” (Oberthür & Kelly, 2008, p. 48). Consequently, the Presidency rather than the Commission represents and negotiates on behalf of the EU.

Previous to these international negotiations, a common position is determined on the basis of which the Presidency is entitled to act (Delreux, 2006, p. 244; Lacasta et al., 2007, p. 214). The preparatory work is done by expert groups, the Council Working Party on International Environmental Issues (Climate Change Formation) and the Permanent Representatives Committee I (COREPER-I) (Ioana, 2008, p. 95). Thereby, the Commission is involved on the working group level and gives additional advice to the Council in form of non-binding Communications (Krämer, 2007, pp. 40, 60; Van Schaik, 2009, p. 9). Theoretically, the Environmental Council of Ministers is responsible for elaborating and deciding over the negotiation position. However, due to the publicity and importance of climate change, the environmental ministers’ role has been reduced to contributing to the content-shaping of the mandate while the European Council decides in the end by unanimity over the final negotiation position (Van Schaik, 2009, p. 9; Vogler, 2009, p. 471).

Taking into account that the Commission plays only an advisory role in the formulation phase without any voting-right in the Council for the Commission President, it can be argued that the formulation process and decision making in climate change has become rather intergovernmental, “reflecting the member states’ preference for being the prime actor

¹ Before the Lisbon Treaty came into force in December 2009, the EU possessed no legal personality in contrast to the EC. Therefore, the EC can be part of regional and international environmental agreements besides nation-states (Schaik, 2009, p. 8).

in the negotiation of (most) international agreements” (Van Schaik et al., 2005, p. 2). Thus, agreeing internally on a common denominator, which is a prerequisite for the EU to play a leading role on the international stage, highly depends on the member state’s willingness to cooperate with each other. In many cases, finding consensus in the European Council has revealed to be rather difficult. The reasons can be found in the great diversity of national climate policies and interests depending on, and amongst others, the member states’ respective energy policies, production of CO₂ emissions, and CO₂ reduction capabilities (Ioana, 2008, p. 97; Vogler, 2009, pp. 472-475). Another impeding factor which further enhances the difficulties in the formulation of a common position is the system of a rotating Presidency under the Nice Treaty. As succeeding presiding states possibly attach different weight to climate change in their agenda, the issue might be treated with different preferences and aims over time. In consequence, the EU’s negotiation position is likely to become rather inflexible and to represent only a “lowest common denominator position” which might restrict the Presidency to be a strong actor in international conferences (Kaczynski, 2010, p. 2; Ioana, 2008, p. 96).

During these international negotiations, the common position is represented by the EU Presidency so that the influence of the EU, and thus its leadership potentials, are highly dependent on the presiding state. The negotiation capacity and skills of the Presidency are crucial as it serves as the “spokesperson, main contact point, main negotiator and representative of the EU [...] and is responsible for the EU’s internal management and coordination” (Ibid, p. 15). The EU Presidency is supported by the incoming Presidency and the Commission together with whom it forms the so-called ‘Troika’. Moreover, the EU’s institutional set-up to decide unanimously in the European Council forces the EU to agree upon every change of the position in daily EU coordination meetings. The Presidency is, therefore, unable to react immediately to new moves and proposals of other actors. In consequence, the necessity to discuss every detail with the other member states does not only take “time and effort, which limits the EU’s capacity for outreach” but also bears the risk that member states block a change of the mandate, which limits the EU’s capability “to react swiftly in the negotiations” (Oberthür & Kelly, 2008, p. 39; Van Schaik, 2009, p. 10).

Considering this complex institutional set-up on the intra-European level, it is no surprise that “[t]he EU’s role in international environmental affairs has been rather confusing for non-members who have not always perceived the Union as a unified actor” (Damro, 2006, p. 175). All the factors discussed above influence the EU’s capacity to fulfil the defined conditions of leadership, namely to exerting an impact by guiding and directing other states

towards a mutually acceptable and efficient outcome. Thus, for the evaluation of the EU's impact in Copenhagen, it is crucial to see what effect the complex institutional set-up had on the two phases of the intra-European level.

3.2. The Formulation of the Mandate: An Intergovernmental Struggle

As already pointed out, the circumstances on the intra-European level are decisive for the EU's impact during climate negotiations. Consequently, from the formulation process of the mandate, first assumptions about the EU's performance in the upcoming conference can be drawn. In the case of Copenhagen, the member states turned the final adoption of the mandate into a time-consuming intergovernmental power-struggle. The member states failed to agree upon a final position for Copenhagen under the Czech Presidency and postponed it to the last Council meeting before Copenhagen. The main reason for this delay was that the member states had highly diverging interests. There was, for instance, disagreement among the member states whether the EU should play a leading role in Copenhagen at all. "[W]hile the Swedes, Danes and others argued that Europe had to take the lead on climate change and send a strong signal for Copenhagen, the Germans are more skeptical, noting that there are limits to leadership and calling for the other rich countries to step up to the plate" (Traynor, 2009). Moreover, the formulation of a highly supported common position was hampered by the reluctance of some member states, comprising Germany and Poland, to make specific financial commitments at an early stage 'while the US is still weighing up its options' in this matter ("Poland demands", 2009; "EU summit postpones", 2009). These states were specifically concerned that doing this might limit room for maneuver during the international negotiations. In contrast, the United Kingdom, Denmark and the Netherlands were in favor of 'clear concrete numbers' ("EU summit to back", 2009; Phillips, 2009a ; Pop, 2009; Traynor, 2009).

A further factor that illustrates the member states' conflicting interests was that the Climate and Energy Package of December 2008 for the reduction of greenhouse gas emissions was suddenly questioned by some member states. According to a national diplomat, "a majority of EU countries including France, Germany, Italy and most of the newer member states from Central Europe are in favor of a more cautious approach" and "call[ed] for a 'rigorous assessment' of what other nations are prepared to do before scaling up their own commitments" ("EU countries", 2009). Only a few states including the United Kingdom, the

Netherlands and Belgium “were [. . .] in favor of raising the EU's target ‘almost unilaterally’” without a previous commitment by third countries (Ibid.). Similarly, nine Central and Eastern European countries (CEECs) headed by Poland challenged an agreement previously made by the European Council in June 2009. Therein, the heads of state and government had decided to determine the financial contribution of the member states on the basis of both “ability to pay” (i.e. wealth in terms of GDP) and “responsibility for greenhouse gas emissions” (European Commission, 2010, pp. 3-9). In contrary to this decision, the CEECs favored the “internal burden-sharing to be based mainly on wealth rather than on emissions” (“East-West divide”, 2009; Willis, 2009). They preferred a voluntary commitment by each member state and rejected a clear determination of the financial burden sharing among EU member states before Copenhagen (“Poland blocks”, 2009).

Additionally, different interests in climate policy between the three states holding the EU Presidency in the final phase before Copenhagen made the adoption of a strong mandate difficult. Whereas the governments of France (Jul.-Dec. 2008) and Sweden (Jul.-Dec. 2009) set the issue of climate change high on their Presidency agenda, the Czech Presidency (Jan.-Jun. 2009) wanted to “put emphasis on the aspect of energy security” (Jemelková, 2009, p. 3, 6; Král, 2008, p. 42). Although, the approaching Copenhagen summit forced the Czech Republic to deal with climate change, the deviance from the dominant EU position became further evident through the statements of its President Václav Klaus. He publicly maintained that “climate change is a dangerous myth” and that “Europe was being too alarmist” (Charter, 2009; Marshall, 2010). Although the Czech Prime Minister, Mirek Topolánek, tried to distance himself from these proclamations, it illustrates the diverging objectives of the states holding the Presidency.

Due to the conflicting interests of the member states in the first phase of the intra-European level, the final version of the mandate was adopted only shortly before Copenhagen, in the last European Council meeting on 29/30 October 2009 (Kaczynski, 2010, p. 1). In the end, the common position was rigid and envisaged the concerns of the member states depicted above (Ibid, p. 2). This inflexible mandate can be traced back to the complex institutional set-up on the intra-European level that lays down the system of a rotating Presidency and the obligation of finding a common position in the European Council by unanimity. As a consequence, a high degree of differences in the EU Presidencies’ agendas and among member states’ national interests lead to difficulties and postponements in the adoption of a final mandate. Whether also the second phase of the intra-European level, i.e. the

representative structure at the negotiations, hampered the EU's performance in Copenhagen is assessed in the next section.

3.3. Multiple Voices in Copenhagen

The EU's representative set-up, the second phase of the intra-European level, was also important for the EU's impact in Copenhagen. According to the current Commissioner for Climate Action, Connie Hedegaard, the EU failed to achieve its objectives: "In those last hours in Copenhagen – China, India, the US, Russia Japan – each spoke with one voice while Europe spoke with many different voices," adding "[w]e are almost unable to negotiate" (Phillips, 2010). In Copenhagen the official EU-voice was represented by the Troika, comprising the Swedish Presidency, the incoming Spanish Presidency and the European Commission, which was supported by the staff of the General Secretariat of the Council of the European Union. The Troika negotiated on the grounds of the common position given by the European Council in October 2009. As laid down above, this mandate was rather inflexible as a consequence of the different interests between EU member states. Piotr Kaczynski suggests that the limited trust among European leaders led to a mandate with the same number of restrictions as objectives (2010, p. 2). As a consequence of this rigidity, coordination meetings had to take place with all European leaders to adjust the EU mandate once the position of third-countries had changed significantly. "In the meantime, other stakeholders could wait for the EU to agree ... or not and pursue the process without the European" (Ibid.). Consequently, the daily time-consuming coordination of all twenty-seven member states during the negotiations hampered the EU's ability to take strategic and immediate moves. This undermined the EU's impact in the fast changing negotiations and made it, at the same time, less attractive as a partner of third states.

Further, the fact that all member states were participating in the negotiations as full members weakened the Presidency's and, thus, the EU's negotiation position. Very often the EU's voice was duplicated which confused some third states about who they should negotiate with. Other countries, such as the US, strategically took advantage of the EU's institutional set-up, by negotiating either with the Presidency or the member states, depending on with whom a greater consent was expected (Shapiro & Whitney, 2009, p. 44). Moreover, some heads of the member states tried to use Copenhagen as a forum to increase public support by acting as one of the main negotiators. During the negotiations, several member states came up

with specific issues, in which they had a specific interest and saw the possibility to shed light on them in the media. Great Britain and France, for instance, published a joint statement urging the participants of the conference to set fast-start funding aside specifically for anti-deforestation measures (Phillips, 2009b). Similarly, the French President, Nicolas Sarkozy, organised a meeting over deforestation problems in Paris in the following week. It can be assumed that he intended to be in the center of attention and to raise awareness to the meeting by means of the Franco-Birtish statement (Ibid.). This is only one example where heads of the member state chose the climate change floor to attract attention. Noticeably, the individual actions of the member states, even if the content of their statements reflected the EU mandate or was of minor political importance, undermined the Presidency's central position as the main negotiator.

In the same way, the Polish government weakened the EU Presidencies position when it cited a McKinsey& Company study arguing that Poland's economic progress would be reduced if it had to live up with the "rich countries' CO2 ambitions". This internal debate about the EU mandate during Copenhagen undermined the Presidency's negotiation position. It showed that the EU "was itself comprehensively split, with countries such as Poland and even Germany reportedly blocking moves by Britain and others to put the cuts on the table." (Vidal, 2009). Another factor which hampered the EU's influence was the insufficient set of instruments to participate simultaneously in the negotiations at different levels (Kaczynski, 2010, p. 2). Indeed, the Swedish Presidency and the Commission lacked officials to undertake diplomatic effort at all levels so that other member state's diplomats "participated in activities aimed at building coalitions during the negotiations" (Ibid.). Resulting problems were that the majority of the national diplomats had no experience on the EU-level and that the non-coordinated system led unavoidably to the duplication and contradiction of voices. Besides, due to their colonial past or linguistic proximity, many third countries had their own preferences about which specific member states' diplomats they wanted to negotiate with. In general, most of the bilateral contacts of the national diplomats were unofficial and not centralised (Vogler, 2005, p. 841). The greatest disturbing fact about the activities of national diplomats was that some member states "were reluctant to share with fellow EU states, including the Presidency, information gained through bilateral talks with third countries" (Kaczynski, 2010, p. 2). Hence, the division of diplomatic tasks between several member states who were not always willing to fully cooperate with the Swedish Presidency caused contradictions in the diplomatic representation of the EU. This leads Curtin to argue that Copenhagen was a "failure of EU diplomacy" (2010, p. 8).

As shown above, the representative set-up in the second phase of the intra-European level undermined the influence of the EU in Copenhagen. It allowed the individual member states and their diplomats to engage in the negotiations. As a result, not only the split between member states, but also the duplication of efforts hampered the EU's influence. The reason seems to lie in limited trust among the heads of state and government and, most importantly, in their reluctance to leave the floor to the Presidency. Thus, it is no surprise that the Swedish Presidency called the Copenhagen accord "a disaster" and "great failure" (Reuters, 2009). Nevertheless, as Putnam points out, the EU's role is not only determined by factors on the intra-European level. The international level needs to be analyzed as well.

4. The International Level

The EU's role in international climate negotiations is multifaceted. It must be kept in mind that the EU and its member states are only one variable amongst many on the international stage. This means that certain outcomes are not completely determined by factors on the intra-European level and the EU's own behavior, but also by the positions of other participants, i.e. by factors on the international level. Thus, even if the EU speaks with a single voice its impact is not guaranteed. In this regard, it must be seen what impact the EU can have on third countries and in how far EU leadership in international climate negotiations is accepted by third-countries. In Copenhagen, much suggests that it was not the EU, but the US that led the negotiations and other actors turned towards the US for leadership. To analyze the international level during the Copenhagen negotiations, the participants are divided into three main groups: the United States, China and other major emerging economies.

The main actor in Copenhagen was the US, which is often perceived to be *the* world power. In how far this can be said with regard to climate issues remains questionable. When the Bush administration announced in 2001 that the US would not ratify the Kyoto protocol, it became evident that the US did not seek to establish itself as a leader in international environmental policy. This retreat by the US left considerable room for EU leadership (Vogler, 2005, p. 837). With the advent of the Obama administration in 2009, Washington showed renewed interest in climate change. The EU welcomed this change in US policy and urged Obama to 'join forces' with the EU and to re-unite the 'Atlantic community of values' to jointly tackle climate change and 'engage with China and India' (Barroso as cited in Shapiro & Witney, 2009, p. 36). However, The EU's enthusiasm was echoed by a much more

pragmatic approach by the US. From the beginning, the new administration made clear that it would primarily engage with those states that it considers viable for pursuing US interests. The US does not seem to regard the EU as such an actor. To put it in Obama's words: "America cannot confront the challenges of this century alone, but Europe cannot confront them without America" (as cited in Shapiro & Witney, 2009, p. 24). Hence, already in the run-up to Copenhagen, the US President's words suggested that he was not ready to leave the floor to the EU.

The negotiations in Copenhagen were a prime example for a misbalance in the transatlantic relationship. Shortly before the summit started, the EU announced that it intends to negotiate at the side of the US (Alessi *et al*, 2010, p. 1). However, the US showed little interest in joining the EU. As a result, the final negotiations "boiled down to President Obama and Chinese Premier Wen Jiabao personally hammering out a pact both could live with, even if many other leaders could not" (Egenhofer & Georgiev, 2009, p. 5). The EU was largely marginalized. The resulting accord was quite disappointing to the EU. It was the painful realization that the US does not take a great interest in the often debated leadership role of the EU in climate negotiations. Copenhagen showed that the US pursues its own agenda "with scant reference to any self-proclaimed European 'lead'" (Shapiro & Witney, 2009, p. 11).

Apart from the US, China played a decisive role in the negotiations and adopted a similar attitude towards the EU. In the Kyoto Protocol, China played only a marginal role. However in 2007, it bypassed the US as the biggest emitter of greenhouse gases and has made climate policy a priority on its international political agenda. This is mainly a result of international pressure. The EU can claim a large part of this success, as it has continuously supported China in the field (Vidal & Adam, 2007; Fox & Godement, 2009, p. 10). Not only had China recognized climate change as a "major global challenge" in Copenhagen, but it also assured that it would "further [...] increase transparency and actively engage in international exchange, dialogue and cooperation" (Jiabao, 2009, p. 2).

Overall, the EU's impact on China in Copenhagen was, however, rather limited. One problem might be that the EU "continues to treat China as the emerging power it used to be, rather than the global force it has become" (Fox & Godement, 2009, p. 1). Additionally, the member states preferred to deal with China bilaterally and showed reluctance to coordinate their actions (Ibid, p. 28). This leads Fox and Godement to claim that China "treats its relationship with the EU as a game of chess, with 27 opponents crowding the other side of the board and squabbling about which piece to move. As irritating as Beijing finds this at times, there is no question about who is in a position to play the better game" (2009, p. 3). Thus, it

does not seem surprising that China sees the EU as a power that is continuously losing importance. The EU certainly did much in Copenhagen to bring China to the table. It recognized China's importance and drafted its mandate accordingly. But the negotiations in Copenhagen illustrated that China turned towards the US rather than Europe to broker the final deal (Buckley, 2009). This was not because the Chinese position was closer to that of the US than to Europe. It was because China looked to the US for leadership. It is an example of a wider development in which, since the election of Obama, China and the US "have locked each other into a symbiotic embrace" (Fox & Godement, 2009, p. 65). At least in Copenhagen, the EU was marginal in this relationship and was far from exerting the influence that is necessary for being perceived as a leader in international climate negotiations.

The third major actor in Copenhagen was a group consisting of the world's major emerging economies which, for the first time in international climate negotiations, formed a powerful bloc. This bloc became to be known as the BASIC group and unites Brazil, South Africa, India and China.² The strong impact of BASIC can be explained by the fact that they managed to speak with one voice and came up with a joint mandate. In the run-up to Copenhagen, Brazil, South Africa and India had closely coordinated their positions (Schall-Emden, 2009). What mainly united them was the opinion that developed countries carry the 'historical burden' of climate change and that they should make the largest effort in cutting greenhouse gas emissions. Further, as emerging economies, they believed that action against climate change should not be an obstacle to their economic development (Ibid). A further uniting force in Copenhagen was the common opposition to the draft presented by the EU and the Danish host. Most leaders were outraged and found that the proposal was unacceptable for developing countries (Sinha, 2009). The South African minister for environmental affairs accused the draft of "creating an atmosphere of distrust and suspicions" (CBS, 2009). Hence, from the beginning, the EU had lost its trust and never managed to bring itself into a serious negotiating position again. As a result, the EU had little impact on the BASIC group who ultimately looked to the US for guidance.

Although the BASIC alliance seemed to be strong at first sight, a closer look reveals that this is only partly correct. As noted above, their basis for cooperation was their status as emerging economies. Besides that, Curtin points out that the BASIC countries are a quite "heterogeneous group with different goals" (2010, p. 9). Thus, in spite of the fact that the EU did not manage to have a greater impact on the BASIC group in Copenhagen, "[w]hat this

² In this paper, China is treated separately from the other members of the group, as it played an especially important role in the negotiations.

suggests is that there may be much to gain were the EU to engage in a campaign of strategic alliance building” (Ibid, p. 10).

To conclude, in Copenhagen a number of changes in international power relations became visible. After years of reluctance, the US showed that it is willing to challenge the EU’s leadership position in climate negotiations. Further, the behavior of China, which emerged as a major global actor in Copenhagen, suggests that it turns towards the US instead of the EU for leadership. Similarly, the other BASIC countries went into opposition to the EU, mainly as a result of the trust-breaking draft presented at the start of the summit. Thus, the factors on the international level were not favorable to EU leadership in Copenhagen. Much suggests that “continued international leadership of the EU cannot be considered a given, but will require a targeted and conscious effort” (Oberthür, 2008, p. 9).

5. Bringing the Two Levels Together and Assessing its Similarities to Kyoto

Overall, the analysis of the EU’s role in the Copenhagen Climate Change Conference shows that it had a low impact (Figure 2). It did neither manage to lead the negotiations, nor was it able to shape the outcome in its own interest. This was determined by factors on the intra-European and international level. As has been shown, on the intra-European level the differing national interests have significantly hampered the formulation of a common position in the run-up to Copenhagen. The European Council struggled until the final phase before Copenhagen to find a common position because some details of the mandate made finding a consensus difficult. Thus, the final mandate was rather weak, because it incorporated many compromises that had been included at the last minute.

The problems during the formulation phase resulted in a fairly insufficient support of the EU’s position during the negotiations, the second phase of the intra-European level. Some member states made use of their right to negotiate individually and addressed their disfavor with the EU’s mandate. Hence, the EU’s representative set-up facilitated that the problems that emerged during the formulation were continued during the negotiation. On top of that, the factors on the international level were not favorable to EU leadership either. The US showed that it is ready to challenge EU leadership. China, which irrevocably entered the world stage in Copenhagen, made clear that it is willing to accept the US as a front runner and that it regards the EU as a power that is continuously losing importance. Similarly, the BASIC group took a US-centered approach in the negotiations. In consequence, the EU’s performance in

Copenhagen can be classified as a worst case scenario, in which the EU has only a low impact and was largely marginalized (Scenario 1).

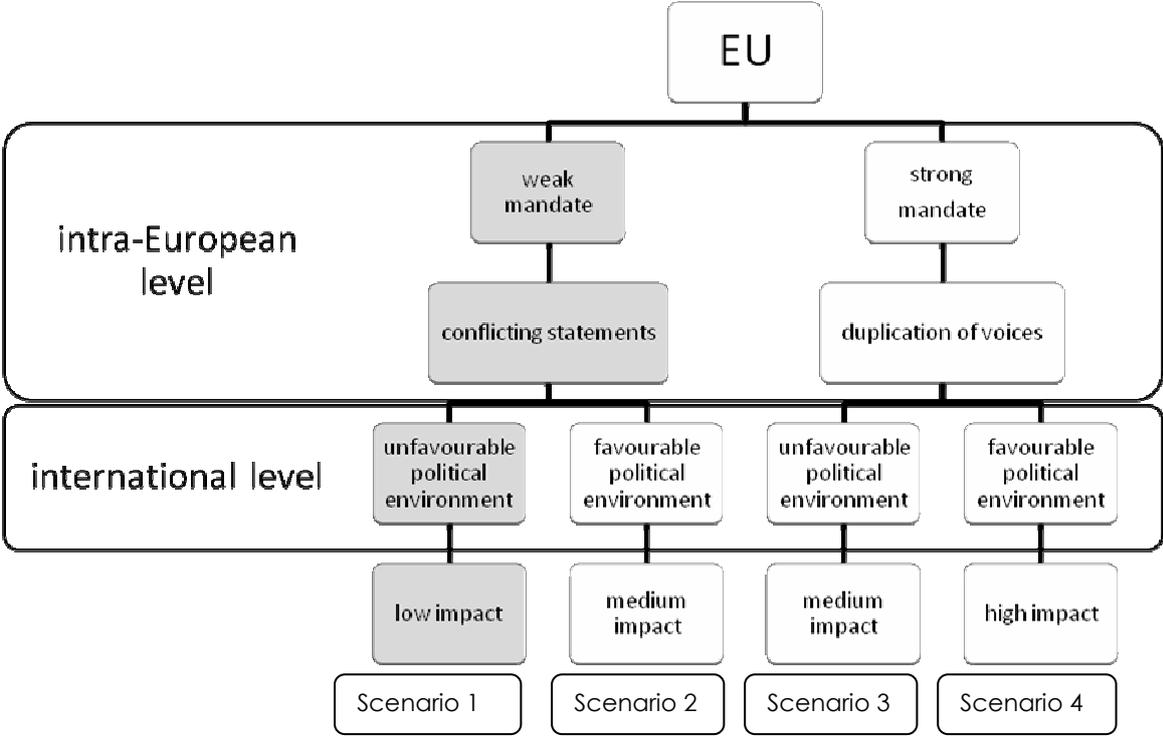


Figure 2: The EU's Impact in Copenhagen

Copenhagen is the fifteenth CoP meeting in the framework of the UNFCCC. To illustrate how the intra-European and international level influence the EU’s impact in climate change negotiations in general, another meeting, the CoP 3 in Kyoto, is assessed on the basis of the two-level model. The paper depicts Kyoto because in this meeting the first binding protocol was concluded to which Copenhagen aimed to conclude a successor agreement.

At first, the two phases of the intra-European level are examined. The formulation of the common mandate for Kyoto proved to be less problematic than for Copenhagen. Although diverging interests existed, the smaller number of member states, at that time fifteen, made it less difficult to find a consensus. Moreover, the economic and industrial disparities increased substantially after the last two enlargement rounds. Prior to Kyoto, the complex institutional set-up did not undermine the formulation process of a common mandate. Groenler and Van Schaik maintain that the “unanimity requirement for decision-making did not hinder the formulation of common EU positions” (2005, p.14). In this way, the mandate was relatively early concluded. The Environmental Ministers in the Council adopted the common position

already nine months (March 3, 1997) before the conference (European Union, 1997, October 1). Nonetheless, the “existence of the north-south, rich-poor cleavage” prevented the EU from the adoption of a stronger mandate (Lenschow, 2006, p.315). As a result, the EU’s mandate for Kyoto is categorised to be rather weak than strong in the two-level model.

With regard to the second phase of the intra-European level, the EU’s internal division was, as in Copenhagen, already apparent in Kyoto. Although the “[m]embers of the EU stressed their group position” during the negotiations in Kyoto, several member states acted outside the EU framework (Earth Negotiations Bulletin, 1997, p. 6). The UK and France, for instance, preferred to negotiate bilaterally (Groenleer & Van Schaik, 2005, p.14). Moreover, a majority of the EU member states, predominantly Germany, were reluctant to give the floor to the Luxembourgian EU Presidency (Earth Negotiations Bulletin, 1997, p. 15). Consequently, the Presidency lacked “the flexibility [it] needed to respond rapidly to new positions and red herrings, notably those of the US” (Ibid.). Besides, the emission trading scheme divided the EU during the negotiations because the UK, amongst others, preferred a market-oriented approach (Ibid.). Due to these internal quarrels, the EU’s policy appeared to be “controversial and the EU spent much time negotiating with itself” (Damro, 2006, p. 186). Overall, the internal division at the intra-European level in Kyoto is comparable to the one in Copenhagen (Figure 3)

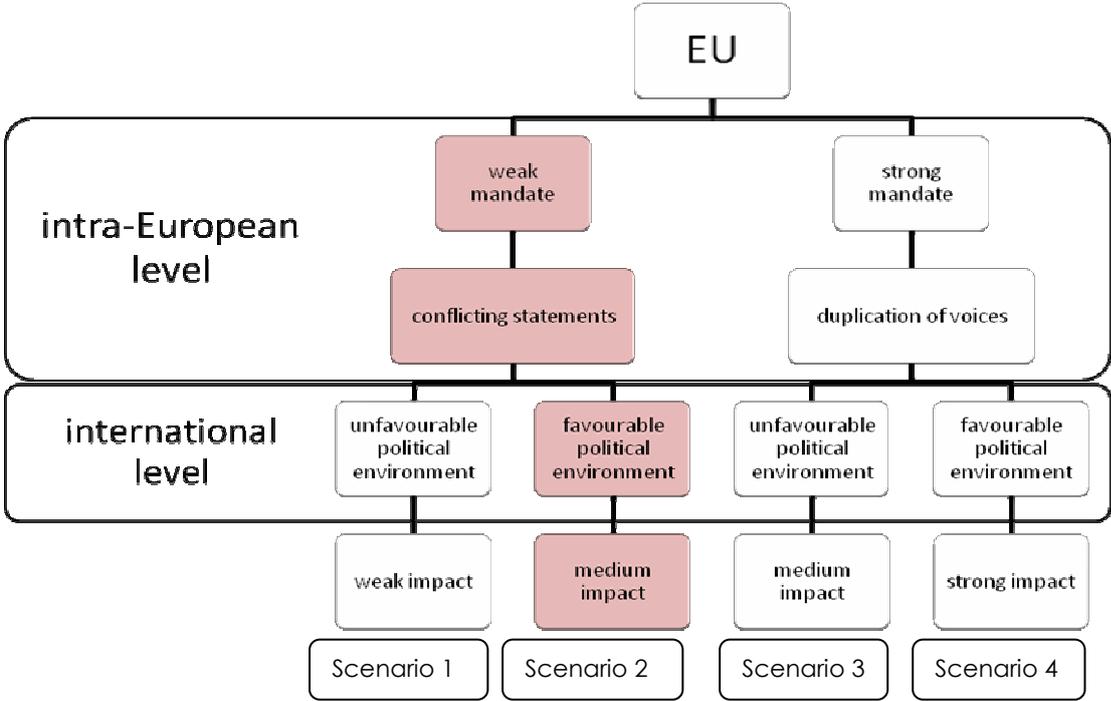


Figure 3: The EU's Impact in Kyoto

The situation at the international level in Kyoto was, however, relatively different to Copenhagen. As mentioned above, the BASIC countries did not have a strong position in 1997. The developing countries, in general, played a minor role and were “excluded from reductions largely based on the argument that they had not been responsible, as yet, for significant greenhouse gas emissions” (Damro, 2006, p. 187). Additionally, the US stayed in regular contact with and did not marginalize the EU even though it criticised its lack of “being practical” (Earth Negotiations Bulletin, 1997, p. 15). Yet, the EU was able to convince the US “to go beyond stabilization” in the Kyoto Protocol (Gupta, 2001, p. 288). Furthermore, developing states such as South Africa “supported the EU-proposed targets” and “[o]verall, [...] helped push higher targets by supporting an emissions reduction position close to that of the EU” (Earth Negotiations Bulletin, 1997, pp. 6, 15).

In the end, the final Kyoto Protocol did not entail all of the EU’s objectives but “it came closer to the EU’s position than that of the US” (Grupta, 2001, pp.288-9). By committing itself to the highest reduction targets the EU appeared to be a frontrunner (Damro, 2006, p. 186; Paul et al., n.d.). This combined with the pro-active behaviour of the EU before and during Kyoto, leads Grupta to argue that “the EU has been quite successful as an international leader [and that] [t]he Kyoto targets would not have been as ambitious as they are without the EU” (1999, p. 293). Due to the circumstances at the international level, the EU was able to incorporate some of its objectives, and thus, had a significant impact in Kyoto. Nevertheless, the EU’s impact could have been stronger if the EU had been less divided on the intra-European level. Therefore, the two-level model suggests that the EU had overall a medium impact (Figure 3).

As the comparison between Copenhagen and Kyoto has shown, the EU has the capability to exert influence when the factors on the two levels are favorable. Neither the intra-European nor the international level alone can account for the EU’s impact in international climate negotiations. Instead, projecting this on the definition of leadership by Beach and Mazzucelli the EU’s ability “to guide or direct the behaviour of other actors [...] toward a certain collective goal” is determined by the correlation of the two levels (2007, p. 6). This contradicts the assumption by Connie Hedegaard, that, the EU’s failure can simply be traced back to its inability to speak with one voice (Phillips, 2010). Instead, it is acknowledged that the EU’s impact depends simultaneously on the intra-European and international level.

6. Conclusion

After the rather strong impact in the Kyoto Protocol, many authors drew the conclusion that the EU was a leader, or at least had the capability to lead, in international climate negotiations (Damro, 2006; Vogler; 1999). In a way, this leadership role was self-proclaimed, and a welcomed opportunity for the EU to step up on the world stage. However, international climate negotiations are a fairly new phenomenon of the last two decades, with little history. Thus, the arguments of the EU's leadership role had largely been based on Kyoto - with scarce reference to any other negotiation round. The Copenhagen Climate Change Conference constituted a new opportunity to test the validity of these assumptions about the EU's role in international climate negotiations.

The first comments of the Swedish presidency and of other EU representatives after an agreement had been found in Copenhagen indicated that the EU could not succeed to play its self-proclaimed leadership role in the negotiations. The outcome was well below the EU's expectations. Instead of being a decisive actor, or even a leader in Copenhagen, the EU was largely marginalized. Indeed, the final accord had been brokered between the US, China and the other BASIC countries. Already in the run-up to Copenhagen, the EU had difficulties to agree on a common mandate. The reason for that can be found in external events, but also in different interests among the member states. The result was a rather inflexible mandate, which undermined the EU's negotiating position in Copenhagen. Not only did coordination meetings have to take place at every major stage of the negotiations, but some member states also decided to participate and negotiate as independent members. In the same way, some heads of state and government tried to use Copenhagen to attract attention. Evidently, such actions led to a duplication of voices and negatively influenced the EU's performance and fostered confusion among third countries about whom to negotiate with.

Therefore, the fact that climate change policy is a shared competence is one of the decisive reasons for the EU's lack of influence in Copenhagen. The institutional set-up makes it difficult for the EU to present itself as a coherent bloc. Deficiencies include, for instance, that mandates are adopted through unanimity and that member states have the right to negotiate individually. Thus, rather than being merely a specific issue of Copenhagen, the internal institutional set-up is likely to limit the EU's influence in international climate change negotiations in the future. In Copenhagen, the EU's lack of influence was additionally reinforced through changes at the international level. Actors either showed renewed interest in international climate negotiations, or emerged as new players. Especially the US was willing

to challenge EU leadership. And China, which played a important role in the negotiations, showed little interest to regard the EU as a frontrunner. This development left little room for the EU to step up and play a leading role in the negotiations.

The analysis of the EU's impact in Copenhagen shows that previous assumptions about EU leadership in international climate negotiations need to be partly revoked. The performances of the EU in Kyoto and in Copenhagen allow the construction of a model, which depicts the interrelatedness of the intra-European and international level and, ultimately, helps to predict the outcome of any international climate negotiation. The model shows how intra-European and international variables can lead to success or failure. Most importantly, it illustrates that not one level alone determines the EU's influence. Hence, it questions the assumption of EU politicians, mainly from the European Parliament, that once the EU speaks with one voice, it will be a leader in international climate negotiations. Certainly, one coherent voice would significantly improve the EU's position, but the model demonstrates that one level alone cannot account for the EU's performance. This claim is not confined to climate change, but can be extended to other areas of shared competence. Thus, the model can be used to explain the EU's impact in international negotiations in such fields as, for instance, in security matters and transport policy.

However, especially with regard to climate policy, it has to be kept in mind that the Lisbon Treaty, which did not apply to Copenhagen, made some changes concerning the institutional set-up of the EU. It has given climate change more consideration, primarily by specifically naming climate change in the Treaty and by creating the post of a Commissioner for Climate Action (Kacynski, 2010, p. 4). Nevertheless, most changes are still open to discussion between the member states and the European institutions. Therefore, in how far the Lisbon Treaty can improve the EU's performance in international climate negotiations is, at this point, largely subject to speculation (Rankin, 2010). In the light of this it cannot be assumed that the EU's performance in Copenhagen gives an ultimate outlook on its role in international climate negotiations. In the next Conference of the Parties in Cancún, the EU can already show whether it has learned its lessons and match its leadership rhetoric in terms of action.

7. References

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