THE EUROPEAN UNION AT COPENHAGEN: ACTORNESS, LEADERSHIP AND THE INTERNATIONAL CLIMATE CHANGE REGIME

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Abstract

The European Union has gained a reputation in recent years as a 'green' leader, especially within the UNFCCC. That reputation perhaps amplified the perceived failure that occurred at the 15th Conference of Parties in December 2009 in Copenhagen. Why was Copenhagen such a disappointment? The post-modern character of the European Union—as a polity somewhere between a federal state and a international organization —has often made it difficult for the organization to take on a leadership role, nay operate, within the traditional international relations structure. The reasons for the EU's recent difficulty within the climate change regime may reside with two factors. First, an undeveloped sense of 'actorness' on the part of the EU and, second, systemic problems within the regime itself. Here we analyze what happened at the Conference by looking at the development of the EU's role and polices within the climate change regime.

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Introduction

'I will not hide my disappointment regarding the ambition in terms of the binding nature or non-binding nature of the future agreement. On this particular point, the text agreed today falls far short of our expectations. 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. And this is of course is a matter of concern for us because we believe it is important that we commit globally to the actions that we need to develop to fight climate change.'
- José Manuel Barroso, Commission President, (on outcome of the CoP-15 conference in Copenhagen)

Developing the puzzle

The study of the European Union is an often complex pursuit because of it's constantly evolving role and structure. Climate change—characterized by complexity, uncertainty, large temporal & spatial scales and irreversibility—has become one of the fastest growing and most visible areas within the EU.[1] It is a relatively new policy area that is still developing and as a result, researching the EU's climate change strategy can be an exercise in exasperation. But that is exactly what we aim to do here, admittedly on a limited scale. As a policy area, climate change policy is intriguing because it is uniquely explained by both intergovernmental and supranational governance theories. As a result, it also informs those broad integration theories and may point to a new direction in the ever-evolving European Community.

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[1] S van den Hove, "Participatory Approaches to Environmental Policy-Making: The European Commission Climate Policy Process as a Case Study," *Ecological Economics* 33, no. 3 (2000): 458.

Europe was an early advocate of efforts to mitigate climate change. It was not, however, until the European Commission embraced the topic as a potential avenue for further integration that the rhetoric of Europe's climate change leadership began to permeate press releases and other official documents. The hype built up around Europe as a climate change leader has perhaps amplified recent setbacks suffered by the EU on the international stage. Amplified or not, the role of Brussels within the climate change arena appears to have diminished. This study seeks to explain why this has occurred by looking at the European Union as an actor broadly and the an actor within the international climate change regime specifically.

The outcome of the fifteenth Conference of the Parties (CoP-15) in Copenhagen in December of 2009 was, depending on who you ask, a disappointment or a complete failure. The result of Copenhagen should not have, in hindsight, come as a surprise. The preliminary negotiations leading up to the conference resulted in little progress, and insiders were downplaying the conference before it began. Still, the world watched on with hope that the 40,000 participants would hammer out a post-Kyoto/post-2012 climate deal during the two week conference. What came out of it, the Copenhagen Accord, represented a non-binding reminder of the conference's original agenda. The Accord, an agreement between 25 countries including all of the major emitters, noted that climate change should be limited to no more than 2° Celsius; it put in place a system where both developed and developing countries may submit their mitigation commitments and actions to the United Nations Framework Convention on Climate

Change (UNFCCC) where they are then reviewed in order to insure that they are 'rigorous, robust and transparent'; and perhaps most significantly it saw developed countries 'commit to a goal of jointly mobilizing USD 100 billion dollars a year through 2020 in order to address the needs of developing countries'.[2] Far from a comprehensive post-Kyoto program to prevent climate change, the Conference added insult to injury when it was unable to pass the watered-down Accord, but was instead only able to 'take note' of it.

As the quote from Barroso above illustrates, the EU had loftier goals going into the conference than the Copenhagen Accord reflects. The EU had spent the preceding years formulating clear objectives that might lead to a 'comprehensive, ambitious, science-based, and legally-binding global treaty'.[3] Instead, the Copenhagen Accord required only that countries voluntarily summit their mitigation targets by 31 January 2010. By that date, 55 countries representing 80% of global emissions had submitted reductions of just 12-19% below 1990 levels—a significantly lower figure than the 20-30% reduction by 2020 for which the EU had hoped.[4] The Conference and its result, the Copenhagen Accord, represented not only a failure on the part of European negotiators, but it was also indicative of a shift in the EU's role within the UNFCCC and

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[2] United Nations Framework Convention on Climate Change (UNFCCC), "Report of the Conference of the Parties on Its Fifteenth Session, Held in Copenhagen from 7 to 19 December 2009. Addendum. Part Two: Action Taken by the Conference of the Parties at Its Fifteenth Session.," (Geneva 2009).

[3] European Commission, "Copenhagen Conference Must Produce Global, Ambitious and Comprehensive Agreement to Avert Dangerous Climate Change," http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1867.

[4] C Haug and F Berkhout, "Learning the Hard Way? European Climate Policy after Copenhagen," *Environment: Science and Policy for Sustainable Development* 52, no. 3 (2010).

perhaps a general decline in the EU's leadership capacity on the international stage (at least with respect to climate change policy). This is in marked contrast to the success enjoyed by the EU for the past decade thanks to effective international bargaining and the cultivation of a perception of selfless sacrifice.

Between 1995 and 2005, the European Union had prodigious and sustained success within the UNFCCC, a United Nations body representing the global climate change regime. The most demonstrative example of this success may have been when the EU effectively shepherded the Kyoto Protocol through its ratification process. In order for Kyoto to come into force, the treaty stipulated that it must be ratified by no less than 55 nations and that the 55 signatories must account for 55% of global emissions.[5] In March 2001, the United States which at the time accounted for the largest single share of global greenhouse emissions, publicly announced its opposition to the Kyoto Protocol. Many feared that without the US the treaty was doomed to failure. Fortunately at CoP-6 (Bonn) and CoP-7 (Marrakech), the EU was able to convince a number of key countries to ratify the treaty thus ensuring its survival.

Beyond helping to bring Kyoto into force, Europe has demonstrated a commitment to combatting climate change within its own borders. In addition to international commitments, implementation is of course an important aspect of any potential leaders portfolio. It is decisive that the EU is perceived by outsiders and its own citizens as pursuing objectives not for purely economic advantages, but rather to achieve a larger

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[5] United Nations, "Kyoto Protocol to the United Nations Framework Convention on Climate Change," (1998).

humanistic goal. Efforts such as the so-called '20-20-20 plan',[6] the Emissions Trading Scheme (ETS) and efforts to promote renewable energy technologies were seen less as the economic necessities of a changing society and more as selfless sacrifices for the benefit of the global village. These perceptions are in part well deserved. By the middle of the 1980s the EU had already passed 200 policy acts associated with the environment and/or sustainable development.[7] If one takes all directives, regulations and decisions; this number explodes to over 700 by 2000.[8] Moreover, European lawmakers have gone further than most by amending the EU's governing treaties to stipulate that sustainable development be a guiding principle in future EU policies. Still, past successes were not enough to help EU negotiators at Copenhagen. Why has the EU's leadership role in the international climate change regime diminished or become more limited?

Conventional answers

Answers to this question seem to be readily available within European Studies, European Integration and International Relations (IR) literature. They range from

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[6] In March 2007, EU leaders officially adopted a combined climate and energy policy agenda known as the 20-20-20 targets. By 2020, the EU plans to reduce GHG emissions by 20% (below 1990 levels), achieve a 20% share of energy production from Renewable Energy Sources (RES), and achieve a 20% increase in energy efficiency (compared to business-as-usual projections). The 20% emissions reduction would have been boosted to 30%, if a binding treaty was to have come out of Copenhagen.

[7] C Knill and D Liefferink, *Environmental Politics in the European Union: Policy-Making, Implementation and Patterns of Multi-Level Governance* (Manchester, UK: Manchester University Press, 2007), 197.;
Nigel Haigh and European Economic Community, *Manual of Environmental Policy: The EC and Britain*, 1 vols. (Harlow: Longman in association with the Institute for European Environmental Policy, London, 1992).

[8] Knill and Liefferink, *Environmental Politics in the European Union: Policy-Making, Implementation and Patterns of Multi-Level Governance*, 198.

specific problems with the EU's negotiating team to broader questions about the identity of the EU or the design of the UNFCCC. Many scholars assert that the EU's limited role can be linked to a credibility gap. That is, a gap between the Community's rhetorical posture and the perceived lack of a credible implementation strategy.[9] After all the EU was founded on principles (continuous economic growth and industrial development) which are counter to, or at least lead to results (increased production and consumption) that are contrary to sustainability.[10] That's why some point out that it is far easier to identify the EU as a foe of the environment than a friend. Nevertheless it remains undeniable that many recognize the EU as a leader and agenda-setter in terms of climate change policy.

It may be useful to briefly look at why it is valuable for the EU to project itself as a strong advocate for climate change policies. By portraying itself as a leader the EU is putting itself on the morally/ethically right side of the normative argument. It is seen as taking responsibility for something it helped produce and even as selflessly helping the developing world. This is in contrast to other major powers—particularly the United States during the administration of George W Bush. If the EU is viewed as serving narrow private interests, it will have difficulty dealing with certain domestic and international partners. The importance of avoiding this perception cannot be understated, yet it may be difficult. Especially since it is one that has always existed

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[9] F Yamin, "The Role of the EU in Climate Negotiations," in *Climate Change and European Leadership: A Sustainable Role for Europe?*, ed. J Gupta and M Grubb (Dordrecht Netherlands: Kluwer Academic Publishers, 2000), 54.

[10] J Burchell and S Lightfoot, *The Greening of the European Union?: Examining the EU's Environmental Credentials*, Contemporary European Studies (London; New York: Sheffield Academic Press, 2001), 12, 25.

immediately under the surface. For instance, Tony Judt was famously quoted in 1996 as saying that '...the European edifice is fundamentally hollow, selfishly obsessed with fiscal rectitude and commercial advantage.'[11] And yet even if that is true, a reduced role means that the EU's commercial advantages are at risk. For instance, Europe may no longer command the intellectual capital (policy and technological) associated with sustainable development. More importantly, if the EU role of model and agenda-setter were significantly diminished, transaction costs would be higher.

Many authors posit that the EU's leadership capacity is tied to its unique composition—less integrated than a traditional state yet far more powerful than a conventional international organization. Schreurs and Tiberghien suggest that the multiple levels of power within the EU (local, national, supranational) reinforce each other to produce a polity that is more capable than others (eg the United States) in terms of pushing through strong climate change legislation and commitments.[12] The complexity of the EU's structure can also greatly hinder its capability at the negotiating table especially when trade issues—the foundation of the Union—are involved. This is particularly true after the 2004 enlargement. The ten new Member-States were arguably more concerned with economic growth than mitigating climate change and were structurally not ready to implement stringent sustainability programs.[13]

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[11] T Judt, "Europe: The Grand Illusion," *New York Review of Books* 43(1996).

[12] M A Schreurs and Y Tiberghien, "Multi-Level Reinforcement: Explaining European Union Leadership in Climate Change Mitigation," *Global Environmental Politics* 7, no. 4 (2007).

[13] Bulgaria and Romania joined the EU in 2007, further exacerbating this trend. M Schreurs, "Environmental Protection in an Expanding European Community: Lessons from Past Accessions," *Environmental Politics* 13, no. 1 (2004).

Often the EU's success or failure is viewed in relation to that of the United States. This isn't surprising since for many years the US was at the forefront of environmental issues and is still generally considered the hegemon in international affairs. Keleman and Vogel explain the ascension of the EU and the decline of the US through a regulatory politics model. In this model, a party seeks to reduce international transaction costs by essentially transferring domestic legislation to the international level—thus levelling the playing field. The authors posit that during the 1970s and 1980s environmental issues were salient in the US and as a result environmental regulations were quite strict which raised transaction costs with respect to international trade. It was in the interest of the US at the time to promote stringent sustainability laws internationally, but as the environmental movement lost momentum in the United States in the 1990s and gained momentum in Europe, the roles were reversed.[14]

Hypothesis

Here, we look at how the absence of necessary prerequisites for effective leadership and actorness have led to a lack of coherent climate policies thus limiting the Europe's role internationally. A lack of consistency among EU policies has had a detrimental affect on the way that NGOs, Green Parties, the public and international partners view the EU and thus has diminished its role as leader, innovator and agenda-setter. To better understand the incoherence and inconsistency that led to diplomatic failures such

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14 D Keleman and D Vogel, "Trading Places: The Role of the US and EU in International Environmental Politics," *Comparative Political Studies* (2010).

as Copenhagen, an examination of national policy preferences and the environment within which those preferences and international norms operate is needed. The important interaction between the strategic pursuit of interests and the limitations that the international regime and norms place on the pursuit of those interests may help answer the main question of this study.[15] That said, the EU's ascent within the climate change regime and it's present abeyant position can both be explained by the interplay of three broad concepts—interests, opportunities, and ideas. These concepts coalesced when the regime was getting started, benefiting the EU, but have recently begun to conflict. It is important to realize that the three ideas are not mutually exclusive; in fact there is a tremendous amount of overlap. For instance the opportunities presented to the EU—the environment within which the EU operates—have a very strong influence on development of the Union's 'actorness' as well as its material interests. This process has faced setbacks in recent years due to constraining externalities and internal capabilities. For reasons explained within, the dynamics associated with linking climate change, identity and actorness have changed deleteriously.

It is no surprise that interests and policy preferences play a significant part in the climate change debate considering such sensitive areas as energy, security and the environment are perennially on the table. It is also no surprise that in a time of economic stress interests and preferences may be realigned. In this time of realignment, trade interests have surfaced within the EU's climate change policy and produced

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[15]L Cass, "Norm Entrapment and Preference Change: The Evolution of the European Union Position on International Emissions Trading," *Global Environmental Politics* 5, no. 2 (2005): 58.

inconsistencies and diminished policy coherence to the point where Europe is faced

with a substantial credibility deficit.

Chapter 1 **Theoretical framework and methodology**

The European Union is a grand experiment designed to fundamentally effect the human condition. As such, it doesn't lack in grand theories meant to explain it. The two main camps in the field have traditionally been and neo-functionalism and liberal inter-governmentalism. The first focused on a supranational polity and the second on the nation-state. Neo-functionalism, as put forth by Haas, posits that European integration can be explained by the 'spill-over' of integration from one sector to another.[16] That is, integration of one sector creates a demand for integration in another, therefore perpetuating the overall integration process. Liberal inter-governmentalism, explains Moravcsik, is a two-level game in which preference formation is made on the national level and enacted on the European-level through intergovernmental bargaining.[17] Liberal inter-governmentalism maintains its focus on the nation-state.[18] Since the early-1990s, constructivist theories have gained prominence within European integration studies, especially those of Checkel and Manners.[19] They take sociological theories (the social construction of reality) and apply them to international relations. For our purposes, it will suffice to say that constructivist theories are opposed to theories

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[16] E B Haas, *The Uniting of Europe* (University of Notre Dame Press, 1958).

[17] B Rosamond, *Theories of European Integration* (New York: St. Martin's Press, 2000), 136.

[18] A Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," *JCMS: Journal of Common Market Studies* 31, no. 4 (1993).

[19] J T Checkel, "Social Construction and Integration," *Journal of European Public Policy* 6, no. 4 (2001); I Manners, "Normative Power Europe: A Contradiction in Terms?," *JCMS: Journal of Common Market Studies* 40, no. 2 (2002).

that suggest material interests are the sole motivators in relations among actors, but instead that socially constructed ideas of proper behaviour are more likely.[20] Within each of these grand theories of European integration we find a myriad of more specific conceptualizations, but most go back to the ideas of a top-down versus a bottom-up polity or an interest-based machine versus a socially-constructed organism. As with most things involving any degree of complexity, these theories cannot only explain particular dimensions of the EU at particular points in time.

European climate change policy as a reflection of the EU itself cannot be explained sufficiently with a single grand theory. With that in mind, this thesis takes as its starting point both rationalist/liberal-intergovernmental and constructivist/ideational theories. Ironically, it will not be these grand theories that are ubiquitous throughout the paper, but more instead secondary theories will provide the continuity. Specifically the paper utilizes a theoretical framework based on the conceptualizations produced by Vogler and Gupta & Grubb on actorness and leadership capability respectively.[21] In the case of the European Union, these two concepts are inextricably linked, as formal leadership within the climate change regime is impossible without attaining a recognized degree of actorness.

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[20] Rosamond, *Theories of European Integration*, 171-72.

[21] J Vogler and C Bretherton, "The European Union as a Protagonist to the United States on Climate Change," *International Studies Perspectives* 7, no. 1 (2006). J Gupta and M Grubb, "Climate Change, Leadership and the EU," in *Climate Change and European Leadership: A Sustainable Role for Europe?*, ed. J Gupta and M Grubb (Boston: Kluwer, 2000).

1.1 Concepts and definitions

It is also at this point that at least two oft used terms, indeed they could be called the cruces of this paper, need clarification: the European Union and the global climate change regime. First, it needs to be said that 'European Union' is used in this paper to mean a European-level polity capable of negotiating and signing international treaties either on its own or along side the Member States. The purpose of this usage is to alleviate confusion, because at the time of the Copenhagen Conference only the EC (European Communities)—the so-called first pillar of the EU—had the legal faculty to negotiate international treaties and only then when issues under its exclusive purview were on the table.[22] Within UN-level climate negotiations, the EC/EU holds special legal recognition as a Regional Economic Integration Organization (REIO), which allows it to sign treaties along side the Member States.[23] In the end, the unique legal personality afforded to the EC originally by the Maastricht Treaty (and subsequently the EU by the Lisbon Treaty) as well as the special negotiating status yielded by the United Nations leave the European Union in a class of its own within the international climate change regime.[24]

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[22] This has since changed as the Lisbon Treaty has given legal personality to the European Union and abolished the pillar system.

[23] The EC is the only such organization within the UNFCCC. J Vogler, "The European Contribution to Global Environmental Governance," *International Affairs* 81, no. 4 (2005): 839. C Bretherton and J Vogler, *The European Union as a Global Actor* (New York: Routledge, 2006), 96.

[24] The Treaty on European Union signed at Maastricht gave the first Pillar of the EU, known as the European Community, an international legal personality. The Lisbon Treaty reformed the Treaty on European Union, eliminating the Pillar system and extending the EC's legal personality to the entire EU.

The Copenhagen Conference was the fifteenth Conference of Parties under the UNFCCC. Climate change first emerged on the international agenda, at least within the United Nations, in 1988 when Malta recommended that the General Assembly consider the issue.[25] By the time of the 1992 UN Conference on Environment and Development (UNCED) in Rio, a framework text of a convention had been worked out and was opened for signatures. It was ratified in 1994 as the UNFCCC and the first Conference of Parties (CoP) was held one year later in Berlin.[26] It was at CoP-3 in Kyoto that a protocol was added to the Convention which set targets for all so-called Annex 1 countries through 2012.[27] It was the successor to the Kyoto Protocol that was the main topic of discussion at Copenhagen. The UNFCCC is more or less synonymous with the international climate regime as it is the primary body within which targets are set and international cooperation is discussed. We discuss regime theory in more detail in later, but an oft quoted description defines regimes as 'sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations'.[28] It deserves mention that as climate change has grown in prominence in the last decade, it has become a topic at other international forums including the G8 among others. The scope of this paper is restricted, however, to the EU within the UNFCCC.

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[25] United Nations Resolution 43/53.

[26] For further information on emergence of the climate change regime see F Yamin and J Depledge, *The International Climate Change Regime: A Guide to Rules, Institutions and Procedures* (New York: Cambridge University Press, 2004), 22-29.

[27] Annex I Parties include the industrialized countries that were members of the OECD (Organisation for Economic Co-operation and Development) in 1992, plus countries with economies in transition (the EIT Parties). (http://unfccc.int/parties_and_observers/items/2704.php).

[28] S D Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," *International Organization* 36, no. 02 (1982): 186.

1.2 *Sui generis:* the European Union as climate actor

It is not a question of whether or not the EU acts within the UNFCCC, because we can see empirically through media reports and public statements that it does. The question is how effectively and in what capacity it acts. To answer this question is to answer the question of the status of the EU's actorness. It is after all not a traditional actor—not a sovereign state in the Westphalian sense or a traditional international organization—but perhaps something all together different. John Vogler has discussed the idiosyncrasies of the EU on the world stage and has described its proclivity to act somewhere between sovereign state and international organization as it's 'actorness'. Actorness, a perhaps awkward term, is seen throughout International Relations literature and refers to a unit/polity's capacity to behave actively and deliberately in relation to other actors in the international system.[29] To this definition I would add that it is essential for a unit to be perceived as an actor by others. Indeed, this may be the one *sine qua non* of actorness, which the EU can be confident of possessing—certainly by the media and to a limited degree by the UNFCCC itself.

Realist approaches focus primarily upon the role of states as actors and the EU is sometimes viewed as merely a tool of those states, but the EU has developed a genuine institutional personality with interests distinct from the Member States.[30]

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[29] Vogler and Bretherton, "The European Union as a Protagonist to the United States on Climate Change," 3.

[30] For more information on the realist prospective, see the pioneering work: Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach."

Europe's actorness in terms of climate change, however, is complicated because other policy areas including energy and security intersect and overlap. These complications will be discussed in Chapter 2, but for now it is safe to conclude that the realist treatment neglects the potential of the EU as an actor in its own right and only addresses its usefulness as an instrument of powerful Member States. The EU, particularly the Commission, has long been eager to enhance its status as a distinct actor internationally. The addition to Article B of the Treaty on European Union[31] of the objective to 'assert its identity on the international scene' testifies to this fact as do several other public declarations such as Agenda 2000.[32]

Vogler has written broadly about the European Union as a global actor and specifically about the EU's actorness in relation to climate change negotiations.[33] An adaptation of Vogler's theory on the development of actorness will be used in this paper. He regards the development of actorness as a process involving three interlinked dimensions: capability, opportunity and presence. Actor capability means the capacity formulate and execute polices, adjust the policy agenda *vis-à-vis* external changes and negotiate effectively with third parties. An example of this might be, the EU's ability to formulate a unified and coherent message at climate conferences. Opportunity refers to those externalities that the EU may have little control over, yet all the same dramatically affect the actions that it may or may not take. For instance, US enthusiasm for the UNFCCC

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[31] Article B refers to the original TEU, subsequent Treaty reforms have renamed it Article 2.

[32] European Commission, "Agenda 2000: For a Stronger and Wider Union," (Strasbourg 1997).

[33] Bretherton and Vogler, *The European Union as a Global Actor*; Vogler and Bretherton, "The European Union as a Protagonist to the United States on Climate Change."

has ebbed and flowed over the years, which in turn has obviously had an effect on the EU's opportunities to lead. Finally, presence describes the relationship between the internal actions of the EU and the third-party perceptions. This concept is very much tied to credibility or legitimacy and often goes beyond the policy area at hand.[34] For example, Europe's creditability in terms of climate change could be greatly hindered if other actors perceive the EU to have a democratic deficit. Though obviously negotiations are affected more by internal actions relevant to issues at hand.[35] Of course the European Union's ability to act is a prerequisite to it's ability to lead and as a result the requirements for a strong leadership mirror to a degree those of actorness.

1.3 *Absens haeres non erit*: the European Union as climate leader

The European Union's position within the international climate regime has been discussed at length by such scholars as Grubb & Gupta who described the role using a three-part typology.[36] They developed their own typology because out of the myriad already developed, none fit their discussion of the EU and climate change exactly right. Fortuitously, since the topic of this paper is the EU and climate change, their typography works quite well here. It breaks leadership into three types: structural, instrumental and directional.

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[34] D Allen and M Smith, "Western Europe's Presence in the Contemporary International Arena," *Review of International Studies* 16, no. 01 (1990): 21.

[35] Vogler and Bretherton, "The European Union as a Protagonist to the United States on Climate Change."

[36] M Grubb and J Gupta, "Leadership," in *Climate Change and European Leadership: A Sustainable Role for Europe?*, ed. M Grubb and J Gupta (Dordrecht Netherlands: Kluwer Academic Publishers, 2000), 23.

The first, structural leadership, can be described as leadership based on political and economic stature. Young described it as 'coercive' leadership, while Malnes associated it with 'threats and offers'.[37] These descriptions conjure up images of militarism and the power politics of the Cold War and don't quite work with our present discussion. Grubb & Gupta obviously came to a similar conclusion before they formulated a definition of structural leadership based more on incentives (positive and negative) than threats or coercion. More than a simple softening of language, their definition more accurately describes the EU's external policy approach in this area. In their view, structural leadership derives from the 'stake' a party has in an issue and what it is prepared to do in order to address the issue. The European Union represents one of the largest emitters of greenhouse gases (GHGs) on the planet (in tonnage), so there already it has a large stake in the issue plus it has committed substantial political and economic resources to the matter. Whether or not the EU is an effective structural leader will be discussed later, but as the sheer amount rhetorical effort shows, it is if nothing a politically salient issue in Brussels. Because structural leadership requires the effective use of incentives, it is closely linked to the ideas of capability and presence noted earlier in the description of actorness.

The second type of leadership that the authors cite, instrumental, involves the use of diplomatic skill in crafting the best possible regime (whether that is judged as the best for all or the actor involved). Instrumental leadership is similar to what Underdal

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[37] O R Young, "Political Leadership and Regime Formation: On the Development of Institutions in International Society," *International Organization* 45, no. 03 (1991); R Malnes, "'Leader' and 'Entrepreneur' in International Negotiations," *European Journal of International Relations* 1, no. 1 (1995).

described as using political skill and creative manoeuvring in order to reach common goals with international partners.[38] During the Kyoto negotiations, the United States can be said to have exerted instrumental leadership when it won the inclusion of emissions trading in the final agreement. On the surface it may seem that the US simply used incentives in order to get others to side with it, thus making it a structural leader, but it built a coalition of JUSCANNZ countries and Russia. Those countries had their own individual reasons for favouring emissions trading and the US recognized that and used it to its advantage. Instrumental leadership involves sophisticated communication with third party actors and coalition building, ie a diplomatic strength of character with potential for positive and negative incentives. For that reason, it is linked to all three dimensions of actorness noted above.

Finally, directional leadership can be described briefly as leadership by example. Arguably the strongest display of directional leadership by the EU has been its unilateral move to implement an emissions trading scheme in order to address greenhouse gases. Young dubbed this intellectual leadership, while Underdal called it unilateral leadership that elicits a moral force.[39] The inclusion of that term, 'moral force,' points to an important aspect of directional leadership, the normative aspect or what Manners described as normative power, that is "'power over opinion", *idée force,* or "ideological

[38] A Underdal, "Leadership Theory: Rediscovering the Arts of Management," in *International Multilateral Negotiation. Approaches to the Management of Complexity*, ed. W I Zartman (San Francisco: Jossey-Bass, 1994).

[39] Young, "Political Leadership and Regime Formation: On the Development of Institutions in International Society," 298; Underdal, "Leadership Theory: Rediscovering the Arts of Management," 185.

power"'.[40] When the European Union included sustainable development in the preamble to the Treaty on European Union, thus codifying it as a goal and stipulating that it be at least consideration in all future EU policies, it demonstrated normative/directional leadership. The same can be said of the EU's championing of the precautionary principle domestically and internationally.[41] These two examples elegantly explain the examples of directional leadership above. Unilaterally making a potentially costly decision because it fulfills an Aristotelian sense of moral 'right' shows an intellectual and normative leadership that puts ideas and knowledge at the forefront. Though it could be argued that both the incorporation of sustainable development and the precautionary principle are the only prudent ways forward in a globalized economy where natural resources are becoming more limited.

Still, as we will see the EU has consistently called for and excepted for itself the most (or at least among the most) stringent emissions targets. For this reason, directional is the type of leadership most often associated with the European Union. A reminder though, the topic here concerns the Copenhagen conference and the post-2012 targets. If the EU cannot facilitate the creation of an international architecture that will ensure that global temperatures will not increase over an average of 2 °C, it will be considered a failure within the climate change regime. For this reason, the EU needs to be much more than a directional leader. Whether described as directional, intellectual or normative, the similarities with the presence of actorness, discussed above is clear.

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[40] Manners, "Normative Power Europe: A Contradiction in Terms?," 239.

[41] European Commission, "Communication from the Commission on the Precautionary Principle," (Brussels 02 February 2000).

Table 1.1. Typology of leadership modes.

Grubb & Gupta	Closest analogy in the literature			Brief description
	Young	Underdal	Malnes	
Structural	Structural	Coercive	'Sticks & carrots'	Use incentives based on political and economic power
Instrumental	Entrepreneurial	Instrumental	Problem-solving	Craft structures and apply diplomatic skill to create 'winning' coalitions
Directional	Intellectual	Unilateral	Directional	Use of ideas and domestic implementation to influence the perception of other countries as to what is desirable and possible

1.4 Methodology

Lest the point be understated, the development of the EU's actorness and its ability to lead on the global stage are inextricably linked. Moreover the prerequisites that the EU must fulfill in order to effectively develop each are quite similar and often overlap as will become clear throughout the coming chapters. Indeed the methodology of this paper is bound to these theories. The marriage of these two particular theories, combined with the perennial input of the comprehensive theories of the field, offer a unique toolkit to perform the empirical analysis that lies at the heart of this paper's methodology.

In order to make the needed conclusions, research was conducted utilizing scholarly work spanning the post-war period to present. Because of the topical nature of the research question, many sources are quit recent. Popular media outlets were rarely used as primary factual sources. When they were used, it was only because a scholarly source was unavailable. The optimal research method for this project would have been direct interviews with a variety of participants in the climate change regime, but because of logistical and cost restrains that was not possible. In order to compensate for, and maximize the chosen empirical research method, a redundant citation scheme was used. That is to say, this paper often relies on several references for its ideas in order to invite a diversity of views comparable to an interview model.

The structure of the thesis is based on three main research chapters. The analysis will take place through the lenses of interests, opportunities and ideas—pointing out shortcomings, externalities and mistakes. Liberal inter-governmentalism is utilized in Chapter 2. There, EU and Member State interests are analyzed by looking at the development of actor capability through coherent and consistent policies and the structural leadership mode. This chapter focuses primarily on the interests of the Member States, but also focuses on the interests of the European Union itself. In that way, it is somewhat embraces neo-functionalist thought. Chapter 3 uses regime theory as well as actor presence and instrumental leadership to investigate the opportunities, ie externalities, that have advantaged and disadvantaged the EU in the recent short-term and especially Copenhagen. This chapter is structured (more so than others) around a narrative, because the development of EU policy and the international climate

change regime were deemed a necessity. Chapter 4, on ideas, will draw analytical tools from actor presence and the directional leadership mode—bringing in concepts constructivist theory. Because it is the only chapter that relies heavily on ideational theory, the first section is dedicated to an explanation of norms in the context of the EU climate policy followed by an examination of the EU's normative character before Copenhagen. The chapter is finished with a look at the ideas negotiators to with them to CoP-15. In the concluding chapter, I will also use these theories to ask whether Copenhagen was an unfortunate diplomatic anomaly (not likely) or an indication of more fundamental barriers to a) developing a successful strategy for insuring the creation of an international regime capable of reducing GHGs and b) to the EU developing into a mature actor in its own right with the ability to garner support from global partners for any number of issues.

Chapter 2 **Interests: Within and among Brussels and the Member States**

Rationalist theorists often ask 'what are the interests of the state, and what is the role of interests within the state?'[42] This question becomes exponentially more multiplex when referencing the European Union because 'the state' may refer to the EU or the Member States. The interests of the EU are in many ways reflections of the interests of the most powerful Member States, but it cannot be ignored that the European Commission as a wholly supranational entity has its own interests. The question of which is the fundamental driver of European integration has been a point of contention between neo-functionalists and inter-governmentalists for decades. Some, such as Tony Judt, believe that under the EU's grand rhetorical gestures, it is actually just pursuing its own narrow material interests.[43] A particularly illustrative example of this view can be seen in the negotiations surrounding targets for the Kyoto Protocol. The EU was calling for a flat 15% reduction for Annex 1 countries by 2010. JUSSCANNZ countries found this hypocritical, unfair and illogical because while calling for a flat target for other Annex 1 countries, the EU was planning on achieving the 15% goal through differentiated targets among its Member States.[44] They had a point. Under the burden sharing agreement,

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[42] P G Harris, "Explaining European Responses to Global Cliamte Change: Power, Interests and Ideas in Domestic and Internaional Politics," in *Europe and Global Climate Change: Politics, Foreign Policy and Regional Cooperation*, ed. P G Harris (Northampton, MA: Edward Elgar Publishing, 2007), 395.

[43] See Tony Judt quotation on pg. 7 of the Introduction.

[44] JUSSCANNZ refers to Japan, United States, Switzerland, Canada, Australia, Norway and New Zealand. Yamin, "The Role of the EU in Climate Negotiations," 55.

some countries such as Spain, Greece and Portugal were actually allowed to increase their emissions. While material interest and the realist perspective do not completely solve the question of the EU's declining leadership role within the UNFCCC, they do provide some answers. This chapter looks at how the interests of the EU and the Member States interact and influence its leadership capacity and position among its international partners.

Grubb & Gupta idea of structural leadership, leadership based on political influence derived from economic clout, speaks effectively to a trading bloc comprising four G-7 countries, over 400 million citizens and a substantial percentage of global GDP. The wide variety of economic interests within the EU, however, decreases the political influence of the bloc. This reduced political standing is related to the idea of 'actorness'. We will look at the development of the EU's actorness and how the conflicting interests of the EU and Member States and within EU institutions weakens that actorness. More specifically, this chapter will explore what Vogler described as 'actor capability'—the third of his three-phase process of actorness development.[45] Actor capability is comprised of three prerequisites; a shared commitment to a broad set of values and principles, an ability to identify priorities and then formulate coherent and consistent policies, and an ability to negotiate effectively with third parties. This chapter will focus on the second of those criterion—the ability to identify priorities and formulate coherent and consistent policies. The next chapter will examine the third prerequisite in the context of international negotiations. We will see that the marked lack coherent and

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[45] Vogler and Bretherton, "The European Union as a Protagonist to the United States on Climate Change," 9.

consistent policies has weakened the EU's capacity for structural leadership within an international context.

2.1 Structural leadership

Structural leadership or power is derived from the political strength of a given polity in relation to others with regard to a specific problem. It is based on what Young called 'sticks and carrots'.[46] The political strength of the European Union with respect to climate change is derived from the emissions (present and future) it produces and the economic resources and policy solutions it is willing to harness to mitigate their effects on the climate.[47] The increased emissions of developing countries (especially China but also India, Brazil and others) combined with the continued increase of emissions in the United States have decreased the EU's global contribution to climate change. While this is certainly positive in some ways, it has reduced the importance of the EU within the UNFCCC and thus reduced its capacity for leadership. Ironically this probably has less to do with Europe actively reducing its emissions than unprecedented growth in India and China. With that in mind, I will focus more here on the economic and policy resources that the EU has committed to the climate as those are more exclusively under the control of Europe yet nonetheless contribute to its structural leadership capacity.

Going into the Copenhagen Conference, EU negotiators had at their disposal the potential for quite a large 'carrot'; that is, a significant degree of negotiating latitude. Of

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[46] Gupta and Grubb, "Climate Change, Leadership and the EU," 18.

[47] Ibid., 19.

all industrialized nations, the EU possessed the most detailed stance on setting up an international fund in order to assist developing nations adapt to and mitigate emissions. In fact, already during the EU's opening statement for the conference, the Swedish Presidency established that EUR 100 billion per year would be needed for the purpose by 2020—thus establishing the EU as a leader in the effort to setup what would become the so-called green fund mentioned in the Copenhagen Accord. The Accord stipulates that developed countries will put forth USD 30 billion for the period 2010-2012 and USD 100 billion per annum by 2020 for the purpose of assisting developing countries mitigate or adapt to climate change. Of the total, the European Union committed to 2 to 15 billion Euros per year by 2020 with around EUR 8 billion fast-track funding for 2010-2012.[48]

The EU's leadership on the issue of international finance was not lost on others. Soon after Europe's pledge, Japan committed itself to USD 11 billion in funding for the period 2010-2012 and others followed as shown in the table below.

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[48] R S Dimitrov, "Inside Copenhagen: The State of Climate Governance," *Global Environmental Politics* 10, no. 2 (2010).

Table 2.1: Informal pledges for financial contributions to international climate fund made at the Copenhagen Conference.[49]

Country	Pledges for 2010-2012 (USD)
Canada	n/a
EU	10.7 billion
Japan	11 billion
Norway	10.5 billion
Russia	200 million
US	3.7 billion

In the end, this was not enough to save the conference, however. The green fund was often cited by developing nations as a bribe from developed countries in lieu of 'real' sacrifices. The small island nation of Tuvalu—the darling of the conference—referred to the fund as '30 pieces of silver to betray our people and our future'. Sudan used even stronger words when it stated that 'the promise of 100 billion US dollars would not bribe us to destroy the continent [of Africa]' and that the values underlying the Accord were the same as those that caused the Holocaust. Though it is debatable whether a larger sum from the EU would have changed the result, it is quite clear that a larger sum could have bolstered its structural stance. Japan and Norway, countries with significantly smaller economies than the EU-27, pledged comparable amounts in the short-term. So why was the EU unable to harness the full power of its economy and contribute an amount worthy of its own leadership rhetoric? Part of the answer lies with state of the European Union as a unified actor—its actorness.

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[49] Ibid., 808.

2.2 A consistent actor? Intergovernmental bargaining

'*Consistency* denotes the extent to which the policies of Member States are consistent with each other and complementary to those of the EU.'[50] On the surface, the EU appears to be a consistent actor with regard to climate change, especially compared to other major powers.[51] For instance, the US after initially signing the Kyoto Protocol in 1997, backtracked under George W Bush's tutelage and has recently returned to a somewhat more proactive stance under Obama—a back-and-forth that has left the US as an unreliable partner. The same can be said of Canada, along with Australia and Norway, as they have reneged on initially respectable commitments made in the 1990s. The EU's image derives from its strong rhetorical stance that an international regime should be created to confront climate change. It's efforts to tackle the problem within that regime have proven less consistent. This inconsistency has two fundamental causes. First, climate change policy involves many sectors over which the EU has shared competencies with Member States. At times can lead to policies that mirror those of the lowest common denominator inside the EU. Second, internal squabbles between Member States can impinge the policy-making process in a number of ways.

It is not surprising that an issue such as climate change, which has fundamental implications for the way societies and economies function, transcends several policy

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[50] Vogler and Bretherton, "The European Union as a Protagonist to the United States on Climate Change," 10.

[51] J Gupta and N van der Grijp, "Strengths, Weaknesses, Opportunities and Threats of the EU," in *Climate Change and European Leadership: A Sustainable Role for Europe?*, ed. J Gupta and M Grubb (Springer Netherlands, 2000), 264.

sectors including those of the environment, development, energy, transport, trade and taxation. It does make the formation of EU-level climate policy particularly difficult, however. The European Union has shared competency over climate change policy; because while it has exclusive purview over environmental legislation, energy and taxation, to pick only two examples, are largely within the domain of the individual Member States. This not only limits the negotiating ability of the Union by requiring much more internal debate at international conferences (discussed in the next chapter), but it often means that what is tabled by the EU is no more than that of the most conservative Member State.[52] This lowest common denominator effect is the result of a requirement for unanimity within the Council of Ministers on matters of Member State sovereignty. While climate change policies fall under the category of majority voting under procedural rules, when they are closely related to issues of sovereignty (eg energy supply), they are treated as such and require unanimity.

Internal disputes among Member States often can produce inconsistency as well. Of course in a Union of twenty-seven, spread over widely varying geographic regions there are differing interests. This is especially true when it comes to climate change, but Member States can be broadly divided into two camps—the environmental agenda-setters and the laggards. Unsurprisingly these roles are often divided clearly between the older wealthier Member States (agenda-setters) and the cohesion countries

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[52] N S Lacasta et al., "Articulating a Consensus: The EU's Position on Climate Change," in *Europe and Global Climate Change: Politics, Foreign Policy and Regional Cooperation*, ed. P G Harris (Edward Elgar Publishing, 2007), 214.; J Gupta and L Ringius, "The EU's Climate Leadership: Reconciling Ambition and Reality," *International Environmental Agreements: Politics, Law and Economics* 1, no. 2 (2001).; B Metz et al., "How Can the European Union Contribute to a Cop-6 Agreement? An Overview for Policy Makers," ibid.; L van Schaik and C Egenhofer, "Reform of the EU Institutions: Implications for the EU's Performance in Climate Negotiations," *CEPS Policy Brief* 40(2003): 4.

(laggards). Austria, France, Germany, the Netherlands, the UK and Scandinavia are generally viewed as being on the forefront of environmental efforts, while the countries that joined in 2004 along with Spain, Portugal and Greece are at times preoccupied with development. This isn't a new development even for the new members and should surprise no one considering that even while designing the Kyoto Protocol, the EU received descent from the then-accession countries to the East. At the time Hungary, Poland and others were unable to fully support the EU proposal for harmonized policies and measures during the preparatory negotiations and as a result the US proposal for voluntary measures carried the day.[53]

The situation is much more complex however and can hardly be blamed on the new Member States or even the cohesion countries. Sometimes the roles are blurred or even overlap within individual Member States. To take the Netherlands as an example, the Netherlands has played a sometimes conflicting role within Europe. On one hand, it is a small environmentally-conscious country who is particularly sensitive to rising sea levels (most of its land is reclaimed and below sea-level), on the other, it has massive North Sea oil and gas interests.

Other times, Member States have particular interest in seeing their own policy models transferred to the European-level. Some small Member States find it easier to coordinate actions at the regional and international level so as not disproportionally

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[53] Yamin, "The Role of the EU in Climate Negotiations," 52; A. Michaelowa, "Impact of Interest Groups on EU Climate Policy," *European Environment* 8, no. 5 (1998): 154.

disadvantage themselves.[54] The EU's about-face with emissions trading can be seen as an example of this. It was the decisions of Denmark and the UK to go ahead alone on their own emissions trading plans that helped finally persuade the Commission to abandon the carbon tax and put its full support behind a Europe-wide ETS.[55] France, the Netherlands and Sweden had also voiced interest in emissions trading, but their programs had not come into force as those of Denmark and the UK had. When the Commission was ready to formulate a European policy, Denmark and the UK were consulted extensively and each attempted to 'upload' critical parts of their respective national systems to the EU-level in order to preserve their 'first-mover' advantages and reduce the costs of converting to a future EU ETS different from their own. In the end, Denmark won out as the Commission decided on a scheme that more closely reflected the system of that country.

2.3 A coherent actor? Supranational inconsistencies

While related, problems of policy *coherence* stem from the EU institutions, primarily the Commission, instead of among the Member States. The policy process within the Commission isn't perfect and at times can disadvantage some policy areas more than others. This is particularly true from climate change. One significant area of concern is that policy areas are divided between numerous Directorates-General (DGs). The reason climate change is especially disadvantaged is because its responsibility is

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[55] Knill and Liefferink, *Environmental Politics in the European Union: Policy-Making, Implementation and Patterns of Multi-Level Governance*, 136.

shared between several DGs—some of which have almost opposing interests (eg DGs Environment and Trade). Another area of concern is the role of interest groups in the policy formation process.

Concerning the Directorates-General, again the fundamental issue is the complex nature of climate change itself. In the past, climate change policy was divided between DGs as diverse as Environment (DG ENV) and Trade. In early 2010, following CoP-15, a Directorate General for Climate Action (DG CLIMA) was created from relevant committees within the DGs for Environmental, External Relations and Enterprise & Industry. Bringing expertise from these three DGs together is certainly a step in the right direction, but it leaves DGs Trade, Transport and Energy among others in a position to advance their agendas in opposition of the new DG Climate Action. Zito notes the example of the World Summit on Sustainable Development (Johannesburg 2002) where the EU's negotiating capacity was crippled because of two core EU tensions: (a) prioritization of trade competitiveness and economic growth and (b) a lack of policy integration across sectors.[56] At that summit the Directorate General for Trade (DG Trade), in the end, submitted textual changes that watered down the Union's environmental stance. A similar story played out during the carbon tax debate; though then it was DG Taxation that presented strong opposition.[57] On the other hand, the creation of DG Climate Action represents the institutional entrenchment of the climate change issue and reflects the importance the EU assigns to the problem. This will make

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[56] A R Zito, "The European Union as an Environmental Leader in a Global Environment," *Globalizations* 2, no. 3 (2005).

[57] Michaelowa, "Impact of Interest Groups on EU Climate Policy," 153.

it more difficult for those at DG TRADE in particular to subjugate climate issues in favour of trade liberalization. To be sure, the creation of DG CLIMA shows an effort to counter the influence of powerful economic DGs by creating more inherit advocates for mitigating climate change. Though it must be said that splitting relevant committees from DG Environment in order to create DG CLIMA may have been on the efforts of some an attempt to 'divide-and-conquer' the most powerful of voices in the area. Many have hoped that problems such as these were simply signs of an immature polity that would soon grow into a flourishing democratic union. Unfortunately that time has yet to come to fruition and the problem has only been exacerbated by the recent economic uncertainty. In order to further develop, the EU must more fully resolve the question of how to reconcile environmental and economic interests.

Part of that reconciliation may involve the role of interest groups and lobbies within the EU bureaucracy—indeed this may actually take place within a larger reform of the DG system, because it is the Commission to which interest groups have the highest degree of access with memberships on many committees.[58] Interest groups greatly reduce coherence by creating a discrepancy between targets and implementation. This happens because environmental groups generally have more say on developing stringent targets, while lobbies for energy-intensive industries have more say on how those targets are implemented. For example, emitters' groups were unable during the Kyoto negotiations to prevent the adoption of emissions targets, but they did have some

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[58] Interest groups have much less access to the Council, but do influence the politicians that make up the Council at the national level.

success in blocking the carbon tax and stalling the market-based ETS that followed it.[59]

Moreover they have pushed the Commission to fund research into nuclear power and unproven 'pie-in-the-sky' technologies such as carbon capture and storage in order to maintain the status quo. Still, interest groups should have a rather positive impact on the performance of the EU within the UNFCCC since targets are more often the topic of negotiation than the means of achieving them, but that has not been the case. The EU's creditability (ie actorness) on the international stage has been affected by incoherent and inconsistent of policies—each of which are primarily rooted within the European Commission. This is ironic as the Commission (of the three main EU institutions) is the only EU Institution that is solely supranational[60] and as such has the most at stake with regard to the EU developing it's own external relations portfolio.

The European Commission has always spearheaded the EU's ambitions to lead the world in climate policy, because of environmental concerns as well as a desire to strengthen the Union's role as a major international actor.[61] These two desires though— even combined—are still not as significant as that of economic growth and the material interest of the Member States. While this emphasis may indeed strengthen the EU's political or structural leadership within international trade regimes, it doesn't within the

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[59] Ibid., 157.

[60] The others, the Council and the Parliament, are intrinsically intergovernmental because of their links to the Members States; the former made up of nationally elected politicians and the latter directly elected by the populations of the Member States.

[61] M Jachtenfuchs and M Huber, "Institutional Learning in the European Community: The Response to the Greenhouse Effect," in *European Integration and Environmental Policy*, ed. D Liefferink, P D Lowe, and A P J Mol (London: Belhaven Press, 1993). Also see the Commission's *Agenda 2000*, which articulated the Union's objective to 'assert its identity on the international scene'.

UNFCCC. Procedural rules and institutional structures are still too much geared towards the unfettered economic development and consumption which brought Europe back from the brink after the Second World War. Unfortunately the post-war development of Europe was coupled with environmental degradation. To prosper in the next century, Europe will have to come to terms with a new paradigm for development—sustainability.

Chapter 3 **Opportunities: the symbiotic relationship between EU and the UNFCCC**

The European project has always had a certain liberty to explore its own path. That is of course because during it's formative years following the Second World War, global politics were dominated by the Soviet Union and United States. The unique environment within which the then European Economic Community (EEC) and subsequently the European Communities (EC) operated allowed Europe to become what early thinkers on the topic dubbed a 'civilian power'. Because of its position between the superpowers, the EU was less inclined to become a world leader in terms of military might or economic vigour. Instead, the it was free to pursue a power based on ideas and persuasion. Those ideas are the topic of Chapter 4. Here the focus is the opportunities that led to the EU's reputation as a climate leader, how it has manipulated those opportunities and the externalities that led to its disappointing performance at Copenhagen.

Opportunity, as borrowed from Vogel's theory on the development of actorness, refers to the externalities that enable *or* constrain action. It is through that lens that this chapter looks at the EU within the UNFCCC. We also use the idea of instrumental leadership to explore the negotiating capability of the EU, as external communication is at the core of 'opportunities'. Instrumental leadership is associated with skillful negotiation with third parties in order to construct a particular regime. With that in mind,

this chapter also employs ideas of regime theory. Traditional regime theory posits that participants in regimes are constantly learning from other participants and that regimes, in general, are conduits for the spread of information.[62] Others have suggested that regimes can go through periods of so-called 'ossification' in which participants stop learning and cooperation is greatly reduced.[63]

What follows is a look at the opportunistic tactics and instruments used by the EU to shape the climate change regime in its own light with special attention paid to coalition building. It is formatted as a narrative that shows the development of, first, environmental policy and then climate change policy within the EU. In other words, how has the European Union taken advantage of the external situation in order to craft an environment which best suits its aims for the climate regime. After briefly reviewing the theoretical framework, the discussion moves to the historical circumstances that have affected the EU's past international environmental presence—a policy area that predates yet informs the current climate change debate—and its current role within the UNFCCC.

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[62] R O Keohane, "The Analysis of International Regimes: Towards a European-American Research Programme," in *Regime Theory and International Relations*, ed. V Rittberger and P Mayer (Oxford University Press, 1995).

[63] E L Miles, *Environmental Regime Effectiveness: Confronting Theory with Evidence* (The MIT Press, 2002); J Depledge, "The Opposite of Learning: Ossification in the Climate Change Regime," *Global Environmental Politics* 6, no. 1 (2006).

3.1 The development of European environmental policy

It is difficult to appreciate the EU's international presence without first looking at the development of the EU's environmental and climate change policies. The 1957 Treaty Establishing the European Economic Community, known as the Treaty of Rome, does not explicitly mention environmental protection. As a result, most early regulations and directives were made on the basis of Article 100 of the Treaty which allows for rules in order to facilitate the common market. Still ten years passed before the first directive aimed at protecting the environment was passed. It established a uniform system for the classification, labelling and packaging of dangerous materials.[64] Two years later it was followed by 70/157[65], which outlined permissible levels for sound and exhaust systems of motor vehicles; and 70/220[66], which placed limits on automotive emissions. None of the EU legislation during these first years was environmental *per se*, but it certainly had an environmental impact and more importantly it laid the foundation for future European-level moves in the area.

At the Paris Summit Conference of 1972, the newly enlarged EEC (original six plus United Kingdom, Denmark and Ireland) called on the Commission to formulate an outline for a Community-wide environmental policy. The Commission produced such an outline in the first Community Action Programme on the Environment from 31 July 1973. In the summer of 1972, the United Nations' Stockholm Conference on the Human

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[64] Directive 67/548 EEC of 27 June 1967, JO No. 196, 1 (French edn).

[65] Directive 70/157/EEC of 06 February 1970, OJ No. 42, 16.

[66] Directive 70/220/EEC of 20 March 1970, OJ No. 76, 1.

Environment produced, among other things, the United Nations Environmental Programme (UNEP). It was at these conferences that three fundamental realities came together to form the foundation for future EU environmental policies. The first was that economic growth was inextricably linked to environmental protection. The second was that it was becoming apparent that because of the trans-border nature of environmental problems, the EEC was perhaps more well-equipped to deal with the issue than national governments. The third was that it was clear that international public sensitivity to environmental degradation could no longer be ignored.

In many Western countries, environmental concerns began to surface on political agendas. They were featured in the 1969 election platform of Germany's Social Democratic Party and its leader, WIlly Brandt, placed a priority on environmental worries as Chancellor; launching an official environmental program in 1971. Not to be left behind, France created the world's first environment ministry in 1974. The late-1960s also saw the emergence of popular environmental activists including Bernhard Grzimek in Germany and Jacques Cousteau in France along with a number of environmental NGOs that would later become important stakeholders in the EU policy-formation process including Greenpeace, Friends of the Earth (FoE) and the World Wildlife Fund (WWF). Two publications from the period provide particular telling glimpses into the changing attitudes towards the environment that were emerging in the late 1960-70s. Rachel Carson's *The Silent Spring* brought to the public's attention the dangers of man-made fertilizers and pesticides such as DDT.[67] While a report by the Club of Rome titled

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[67] R Carson, *Silent Spring* (Boston: Houghton Mifflin, 1962).

the *Limits of Growth* posited for the first time that the ecological restrains on growth may be so great that technology may not be enough to overcome them.[68]

The European Court of Justice has played a substantial role to expand the EU's responsibility for environmental matters—at once taking advantage of the external environment while simultaneously providing a beneficial legal context from which the larger EU could operate. In two landmark cases (91/79 & 92/79) from the late-1970s, the Court upheld that the EU could legislate environmental matters if they were linked to the Common Market.[69] The court went further in 1985 ruling that the environmental protection justified certain restrictions on the free movement of goods—an idea at the very heart of the Union.[70] Still these two cases only reenforce the notion that environmental policy in the EU was for a longtime only incidental to economic policy, particularly the creation of an internal market. Still the judicial confirmation of early European environmental laws only encouraged their propagation. Between 1973 and 1985; 120 directives, 14 regulations and 27 decisions were implemented making environmental policy the fastest growing area within the EU.[71]

The 1970s and 1980s were marked by a large number of environmental disasters that amplified and reenforced the realizations of Paris and Stockholm by drawing yet more

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[68] D H Meadows et al., *The Limits to Growth. A Report for the Club of Rome's Project on the Predicament for Mankind* (New York: Universe Books, 1972).

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[70] Case 240/83, Procureur de la République v. Association de défense des brûleurs d'huiles usagées (ADBHU), [1985] ECR 531, 549 (1985)

[71]

attention to the link between unrestricted economic growth and environmental degradation plus the trans-border nature of pollution. A prime example of the latter is acid rain. Acid rain in Scandinavia, which had been increasing at an unprecedented rate since the mid-1950s, was by the 1970s blamed for stunted forest growth. The source of much of that acid rain was the Ruhr Valley in Germany.[72] In addition, anthropogenic pollution, including but not restricted to acid rain, was found to be responsible for the widespread forest dieback of Central Europe that was first discovered in Germany and subsequently known as *Waldsterben.*[73] Indeed economic growth and the associated industrial production had begun to visibly affect Europe's environment. A fact made all the more apparent by a series of incidents involving the European chemical industry. The first occurred in 1974 in Flixborough, UK; a factory that produced components for nylon experienced a reactor breach that resulted in the largest explosion that that country had seen since the Second World War.[74] In 1976, thousands of people were exposed to dioxins when a chemical factory north of Milan exploded. On top of many becoming ill with long-term conditions, the event also resulted in the culling of many tens of thousands of animals in order to prevent them from entering the food chain.[75] Finally in 1986, a fire at an agrochemical warehouse in Switzerland resulted in vast amounts of chemicals being washed into the Rhine. Infamously, the incident turned the

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[72] G E Likens and F H Bormann, "Acid Rain: A Serious Regional Environmental Problem," *Science* 184, no. 4142 (1974): 1176.

[73] B Ulrich, "Waldsterben: Forest Decline in West Germany," *Environmental science & technology* 24, no. 4 (1990): 436.

[74] J E S Venart, "Flixborough: The Explosion and Its Aftermath," *Process Safety and Environmental Protection* 82, no. 2 (2004).

[75] P A Bertazzi, "Long-Term Effects of Chemical Disasters. Lessons and Results from Seveso," *Science of the total environment* 106, no. 1-2 (1991).

river red throughout Germany, France and the Netherlands; and also resulted in widespread damage to the river's ecosystem.[76] However, it was two events that occurred beyond the borders of Western Europe that galvanized both the public and the European Union to act. The nuclear accidents at Three Mile Island in 1979 and Chernobyl in 1986 were perhaps the most pronounced indications that an international regime was needed in order to stave off future trans-border environmental catastrophes.

From 1986 forward we can speak of a definitive environment portfolio at the European level. It was in that year that the Single European Act (SEA)—the first serious change to the original 1957 Treaty of Rome—was signed, which greatly expanded the EU's oversight of the environment by adding an entire dedicated subsection to the topic.[77] The SEA introduced Title VII to the EC Treaty and with it Articles 174-176, which finally gave the EU competence to act on environmental issues. As mentioned above, the EC had already been active in this area, but the SEA made it official.[78] Moreover, Article 95 (regarding the common market) stipulated that the Commission take 'as a base a high level of [environmental] protection' when legislating issues relevant to the internal market. The new Articles 174-176 required an unanimous vote in the Council, whereas measures pursued through Articles 94-95 require only a Qualified Majority Vote (QMV)

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[76]R Durth, "European Experience in the Solution of Cross-Border Environmental Problems," *Intereconomics* 31, no. 2 (1996).

[77] EEC, Single European Act, 1986.

[78] This had previously occurred via Article 100 (renumbered Article 94 by the SEA), which related to issues of the common market.

—a procedure also first introduced by the SEA. This procedural 'opportunity' has proved valuable for those measures still pursued in the heading of the common market.[79]

The combination of wide-spread public anxiety resulting from massive ecological disasters (particularly Chernobyl), the massive growth of European-level environmental presence (nearly 200 pieces of legislation) and the changes to European law introduced by the SEA had created a robust domestic environmental framework. Expansion of NGOs and other actors at the European-level are rather good indications of the increased influence or at least role of the EU in the environmental sphere.[80] Then in 1986, the European Parliament adopted a resolution calling for a European climate policy. Most of the problems that had been addressed until that point had been on, at most, a regional scale, which the EU was rather well-equipped to deal with. The emerging climate change problem however required a global effort, ie an international regime. The EU recognized that and began to lay the foundation, foreshadowing it emergence as an international climate actor.

3.2 The development of the climate change regime

The early-1990s were a time of economic prosperity for many European countries. Side-effects of that prosperity included wide-spread support for environmental protection and a general sense of optimism for the European project. At the international

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[79] Legislation pursued under the newly introduced environmental articles, were still subject to unanimous votes in the Council.

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level, most OECD countries were also enjoying economic success as well as a sense of euphoria from the conclusion of the Cold War. Likewise, international regimes were enjoying a classical period of learning in which participants were adding new *technical information*, new *concepts and ideas*, and were *strengthening relationships* amongst themselves; greatly enhancing the common store of consensual knowledge.[81] It was within this environment of wealth and optimism that the UNFCCC was created at the 1992 UN Conference on the Environment and Development in Rio de Janeiro. The UNFCCC stipulated that the parties to the convention meet at least once a year at a so-called conference of parties. The first of these was held in Berlin in 1995.

The EU's proactive stance at CoP-1 was bolstered by its recent enlargement. The enlargement of the EU to include the traditionally environmentally-conscious countries of Austria, Finland and Sweden in 1995 added more weight to climate issues within the halls of Brussels and helped to strengthen the Union's creditability internationally. At the Conference, the EU showed an early propensity for leadership by promoting multilateralism and binding targets. It tried to keep that momentum going two years later at CoP-3 in Kyoto. Taking advantage of its prior success, the EU entered CoP-3 submitting a large number of proposals even though it was apparent that few others shared its enthusiasm or many of its approaches.[82] Take for instance the case of policies and measures (PAMs). The EU proposed that the Convention create three categories of PAMs: the first comprising mandatory policies and measures to lower

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[81] On more information regarding forms of learning in regimes see: Depledge, "The Opposite of Learning: Ossification in the Climate Change Regime," 2.

[82] Yamin, "The Role of the EU in Climate Negotiations," 52.

emissions, the second to include high-priority PAMs and the third made up of PAMs suited to specific national circumstances. The US refused to consider this plan as it believed each party should be allowed to come up with their own voluntary policies and measures depending on national circumstances. Already at this first CoP, a dichotomy was forming in which the EU positioned itself as an actor prepared to call for difficult cuts and the US tried to maintain a status quo involving as little structural change as possible. Still cracks were beginning to show in the EU's negotiating stance even then. Countries who were aspiring to EU membership such as Hungary and Poland could not even then give their full support to the EU's proposals.

While the general atmosphere during the early stages of the UNFCCC were favourable to EU leadership, there were some negative 'opportunities'. Most notably of these was the carbon and energy tax drafted by the Commission. Several Member States could not come to terms with the tax and the episode proved to be example of how disparate interests between the Commission and Member States can lead to a reduced stature for the EU on the international stage. In fact during the run up to CoP-1, many industrialized countries began to talk of a 'credibility gap' between the EU's lofty political goals and it's seemingly incoherent implementation strategy.[83] These disagreements were only a prelude to what has been described as the ossification of the entire climate regime. An ossified regime is identified by political entrenchment, taboo topics, 'stuck issues' and underlying stagnation.[84] Still the EU came out of the CoP-1 relatively on top

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[83] Ibid., 49.

[84] Depledge, "The Opposite of Learning: Ossification in the Climate Change Regime," 3-7.

and was very active during the negotiations that led to the Kyoto Protocol in 1997. It was that treaty's ratification process though that would lift the EU's reputation to where it was immediately before the Copenhagen Conference.

Perhaps the most demonstrative instance of EU leadership within the UNFCCC to date involves the ratification of the Kyoto Protocol. In March 2001, the US administration of George W Bush announced that it did not intend to sign the agreement. This was a potential roadblock because the Protocol stipulated that countries representing at least 55% of global emissions sign the treaty in order for it to come into force and the US accounted for 36% of 1990 emissions. In order for the treaty to come into force, the EU —with 24% global emissions—would have to convince other countries (representing 30% of 1990 emissions) to sign the agreement.[85] The EU was able to accomplish that in the absence of US hegemonic power by convincing Japan (8.5%) and Russia (17.4%) to ratify the treaty; demonstrating a high level of instrumental leadership via coalition building. The reluctance of the US to actively participate in the Kyoto Protocol specifically and the international climate regime in general made it possible for the EU to maintain a respected reputation with the outside world.[86] This situation had changed by Copenhagen. The newly elected Obama administration in the US was far more

[85] M A Schreurs and Y Tiberghien, "Multi-Level Reinforcement: Explaining European Union Leadership in Climate Change Mitigation," ibid.7, no. 4 (2007): 20.

[86] E Woerdman, "Path-Dependent Climate Policy: The History and Future of Emissions Trading in Europe," *European Environment* 14, no. 5 (2004).

willing to negotiate than former administration had been. In fact, there were hints that the US was interested in a leadership role.[87]

3.3 The 'mood' surrounding Copenhagen

In the years between the Kyoto ratification and the Copenhagen Conference, the European Union was more or less unrivalled in its agenda-setting role. There were conflicting opinions in the months immediately before the conference with some media, politicians ands NGOs suggesting that the EU was losing its grasp on the leadership role, but with few alternatives the EU was still on top.[88] In fact, Kilian and Elgström concluded after CoP-14 in Poznań, that the EU was viewed by NGOs and stakeholders to be a coherent and credible green leader.[89] The US had withdrawn into a security-dominated insularism that was deeply suspicious of multilateralism and China and India, while still rising in prominence quite rapidly, where not in a position to dictate terms on climate change. The EU went to Copenhagen optimistically; offering to increase its emissions reductions from 20 to 30%, if other major emitters would agree to similarly stringent reductions. However, it became apparent rather quickly that the opportunities for leadership that had existed were gone. The change in dynamics was thanks to three factors. First, the US, led by the newly elected Obama administration had recently reversed it skeptical view of the UNFCCC and was eager to show the world. Second, as

[87] M Hjerpe et al., "Looking for Leaders: Perceptions of Climate Change Leadership among Climate Change Negotiation Participants," *Global Environmental Politics* 11, no. 1 (2011): 105.

[88] B Kilian and O Elgström, "Still a Green Leader? The European Union's Role in International Climate Negotiations," *Cooperation and Conflict* 45, no. 3 (2010): 258.

[89] Ibid., 255.

eluded to above, China and India had very recently gained a voice in the negotiations as their percentage of global emissions had steadily risen since the Kyoto negotiations and would be an important factor in any post-2012 agreement.[90] Third, developing nations represented by the Group of 77 (G-77) were much more organized during the Conference than they had been in 1997.

While at least one EU negotiator placed the blame for the failure of the European Union (and consequently the entire Conference) squarely on the shoulders of China, India and Brazil[91], leaked US diplomatic cables have shown that there was a concerted effort on the part of the US and China to undermine the EU position.[92] It is certainly true that the environment had changed from previous CoP meetings, but the failure of the EU at the conference was due to its own inability to adapt to the new conditions and use them favourably. An example is the EU's failure to build a winning coalition with the G-77 countries. The two groups had very similar goals going into the conference—both were seeking development money and sharp emissions reductions from industrialized nations —but the EU could not formulate a strategy to work with the group. Critics of this analysis with undoubtably cite China's determined stance to block any agreement that called on it to reduce it's own emissions as the fundamental reason the EU could not work with the Group and they are partially right. However, the G-77 as a negotiating bloc is rather weak and the EU could have easily relegated the Chinese perspective

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[90] To China and India, I would add Brazil and South Africa—the so-called BASIC nations.

[91] Dimitrov, "Inside Copenhagen: The State of Climate Governance," 796.

[92] G Traufetter, "The US and China Joined Forces against Europe," *der Spiegel* (12 August 2010), http://www.spiegel.de/international/world/0,1518,733630,00.html.

because it did not line up with the majority view of the group. The oversight is surprising because at CoP-1, the EU built a coalition of 'green' countries including the G-77 that outnumbered and out-maneuvered the JUSCANNZ[93] and OPEC countries in order to setup negotiations for what would become the Kyoto Protocol.[94] In fact, the EU didn't form a coalition with any other parties at the Conference—even Japan after it had taken several cues from the EU on issues such as the green development fund. The EU has the capability to play a unique role in global society because of its long-standing relationships with many post-colonial developing countries and its post-WWII relationships with the JUSCANNZ countries.[95] This can be partially blamed on the regime, because political entrenchment—that is, the intransigent political alliances within the regime—is a characteristic of an ossified regime.[96]

In the end, the European Union's failure at the Copenhagen Conference, with regard to opportunities and the external forces at work, cannot be blamed solely on those external forces but on the EU's failure to use the instrumental leadership to build a viable coalition of like-minded partners as it had done in the past. As laid out earlier in this chapter the EU successfully took advantage of the *zeitgeist* and embraced multilateralism to help develop the international climate change regime in its formative stages. It is still inconclusive but CoP-15 may have only been the first indication that the

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[93] Here JUSCANNZ refers to Japan, United States, Canada, Australia, Norway and New Zealand. Switzerland left the group between the Kyoto and Copenhagen conferences.

[94] Yamin, "The Role of the EU in Climate Negotiations," 50.

[95] Gupta and van der Grijp, "Strengths, Weaknesses, Opportunities and Threats of the EU," 264.

[96] Depledge, "The Opposite of Learning: Ossification in the Climate Change Regime," 3.

EU has failed to adapt to a new paradigm, which in itself points to a weak actorness. Then again the success of the European Union has in the past been reliant on the international community's enthusiasm from regional and international multilateralism in general, which in December 2009 was quite low because of the global financial crisis encouraging many countries to focus on domestic affairs. The leadership capacity and actorness of the EU are enhanced not only by the success of climate policies but also by the success of the European project and vice-versa. Because they run tandem, leadership or actorness may decline during periods of relative pessimism for the EU. Or, as was the case in the early 1990s, the EU may enjoy widespread success during periods of pan-European optimism. The same can be said about the general health of the climate change regime. During the early-1990s, the UNFCCC promoted learning and cooperation, but in recent years it has been characterize by ossification. CoP-15 occurred during a time when the EU's external environment was perhaps less than favourable to attaining a high level leadership within the UNFCCC. It is difficult though to conceive that an organization with such experience in the area and with such close normative ties to the topic will let future opportunities slip away so easily, but externalities *are* unpredictable.

Chapter 4 Ideas: the normative foundations of a pragmatic behemoth

If we question whether the EU considers itself a leader in the efforts to mitigate climate change, all we must do is visit its website or read a press release from at least the last eight years. As recently as CoP-14 in 2008, few outside the EU questioned that statement either. After the Copenhagen Conference, doubts were visible on both sides, however. Of the three reasons for European leadership regarding climate change mentioned by Environment Commissioner Stavros Dimas in 2007, leadership by example resonates loudly in EU rhetoric.[97] In this chapter, we will delve into the ideas that inspire European-level policy, how those policies inspire other actors and manifest as directional leadership and finally how the perceived disconnect between rhetoric and implementation have harmed the EU as an actor and leader—contributing to the disappointing performance at Copenhagen.

This chapter is informed by three theoretical frameworks. The first are the two overarching theories found throughout this paper—of actorness and leadership. The third is a general theory, or more precisely a band of theories that conceptualize Europe as an normative power. That is, a power inspired by ideas. We will begin by introducing this notion more throughly, then briefly reconsider the theories of actorness and

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[97] S Dimas, "Climate Change: Why a Global Response Needs European Leadership," in *Launch event of the European Commission and the All Party Parliamentary Group on Climate Change co-operation for 2007* (London2007).

leadership in light of the ideational conceptualization with particular attention to presence and leadership by example. As we will see, the three theories are mutually reenforcing, but to illustrate, we will look at two dimensions of EU policy (sustainable development and the Emissions Trading Scheme), which typify its presence in the climate change regime with special emphasis on the directional mode of leadership and its normative construction. Finally, we will conclude with an analysis of the EU's performance at the Copenhagen Conference in light of the aforementioned theoretical schemes.

We have alluded to the unique nature of the European polity; not quite a wholly economic power and certainly not a unified military power. In the previous Chapter, we discussed the external influences that have led to that unique polity but exactly what sort of power is Europe, or more specifically the European Union? A popular term to use when referring to the EU is 'soft power', which was coined by Joseph Nye immediately after the Cold War and refers to using co-optive means to get another to *want* to do something opposed to 'hard power' where one would *order* another to do what was desired.[98] One way of getting someone else to want what you want is to manipulate what is considered normal; in our case, to adjust international norms. In international relations, norms are one type of rule in what could be called the 'rules of the game' where the 'game' is the regime. Each group, organization or institution; whether an NGO, government or international organization; has rules by which its members or constituent parts abide. More specifically norms are rules that involve standards of

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[98] J S Nye, "Soft Power," *Foreign Policy*, no. 80 (1990): 166.

'appropriate' or 'proper' behaviour.[99] This is in contrast to behaviour that is determined by short-term material interests.[100] Whereas rationalists have traditionally investigated material incentives, constructivists theorize the role of social construction on behaviour —or the role of ideas and persuasion in the development of new international perceptions of 'normal'. Fundamentally a norm embodies a sense of 'ought'—the way an actor should act. It is because of this close connection that norms have with an ambiguous moral righteousness that actors are susceptible to accusations of hypocrisy. Moreover, it is difficult for governments and polities such as the European Union to avoid such criticism unless the norms they seek to promote are so entrenched in the constituent parts of the whole that they show through consistently in all policy areas.

François Duchêne's 1973 discourse on the European Community as a civilian power is regarded by most as the beginning of the discussion of Europe as a different kind of power.[101] Duchêne describes the EC's rise in status in terms of promoting its stated social values (equality, justice and tolerance) through civilian (ie non-military) means. He thought the EC could develop as the first great actor in a new balance of power based not on military might but a civilian, perhaps economic, power. He envisioned the EC '...as a civilian group of countries long on economic power and relatively short on armed force.'[102] Duchêne imagined the EC as an additional power to the dual hegemony of the

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[99] M Finnemore and K Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 04 (1998): 891.

[100] A Florini, "The Evolution of International Norms," *International Studies Quarterly* 40, no. 3 (1996): 364.

[101] F Duchêne, "The European Community and the Uncertainties of Interdependence," in *A Nation Writ Large?*, ed. M Kohnstamm and W Hager (New York: Macmillan, 1973), 1.

[102] Ibid., 19.

time. The debate of a civilian Europe continued throughout the eighties and nineties, and indeed there are many strong arguments today for a primarily economic power imitating from Europe.[103] Though, as constructivist theory began to gain ground in European Studies and International Relations, scholars started to argue that Europe was not exclusively an economic power but was instead guided, in at least some policy areas, by ideas. With that in mind, Ian Manners in 2002 dubbed the EU a 'normative power'.[104]

Manners argued, like others before him, that Europe was indeed a different sort of international power; a power based on ideas (an *idée force* to quote Duchêne), a normative power. Yet the idea of normative power or actorness imitating from Europe was not completely new. After all, the decolonization policies of many European countries immediately following World War II were viewed by many to be part of a normative agenda.[105] Carr, Galtung, and even Duchêne to a lesser extent briefly discussed the idea in reference to the then European Community in the sixties and seventies, but it was Manners who started the current discourse.[106] Where the others (Carr and Galtung respectively) imagined normative power Europe as having the ability to dictate opinion or ideology internationally, Manners argued that normative power

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[103] K E Smith, "The End of Civilian Power EU: A Welcome Demise or Cause for Concern?," *International Spectator* 35, no. 2 (2000): 2.

[104] Manners, "Normative Power Europe: A Contradiction in Terms?."

[105] Finnemore and Sikkink, "International Norm Dynamics and Political Change," 887.

[106] E H Carr, *The Twenty Years' Crisis, 1919-1939: An Introduction to the Study of International Relations* (New York: Macmillan, 1940); Duchêne, "The European Community and the Uncertainties of Interdependence."; J Galtung and Institutt for Fredsforskning, *The European Community: A Superpower in the Making*, Prio Studies (Oslo: Universitetsforlaget, 1973).

meant the ability to shape others' perceptions of 'normal'.[107] Manners' conceptualization of a normative power departed from the idea of a civilian power where he considered the older concept centred on a 'Westphalian' state-system and the focus on rational interest as the primary motivation behind external policy.[108] In his new conceptualization, he outlined nine norms which the European Union seeks to promote internationally and argues that it promotes them through normative means.[109] Of these norms, sustainable development is one and within that we find our current topic, climate change.

Using norms or ideas as a means of persuading others to want what you want is often difficult because of the emphasis placed on the perceptions and expectations of others. In order to champion international norms, one must exemplify those norms. In Vogler's notion of actorness this is termed presence and in leadership theory, directional leadership. It is safe to say that the importance of presence with regard to climate change is great for the EU, at least in terms of expectations. Expectations can be born of simple shareholder status—the European market contributes a large share to global emissions—or of rhetorical/policy origins. The EU with its origins as a regional trade body is very strongly associated with globalization, which is suspect because globalization is considered major contributor to climate change. EU policies such as CAP subsidies and the Common Market create external expectations for a

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[107] Manners, "Normative Power Europe: A Contradiction in Terms?," 240.

[108] S Scheipers and D Sicurelli, "Normative Power Europe: A Credible Utopia?," ibid.45(2007): 436.

[109] The other norms are the centrality of peace, liberty, democracy, rule of law, human rights, social solidarity and anti-discrimination. I Manners, "Normative Power Europe: A Contradiction in Terms?," ibid. 40(2002): 46.

counterbalance to mitigate the negative side-effects of those policies.[110] Still while it cannot be disputed that the EU is and has historically been a significant emitter of GHGs—in 2002, the EU 25 was second only to the US with 4.8 million metric tons of CO_2 equivalent[111]—most expectations placed upon it are a result of its own making. For instance, the Dublin Declaration of 1990 sent a clear message to the world that the EU intended to lead on matters of environmental governance, thus thrusting expectations upon itself.[112] Likewise, when the EU decided to use the climate change regime as an avenue to enhance its actorness and lead by example, it created expectations from others. In that way presence can be a feedback loop. The EU's directional leadership with regard to climate change is twofold. First, its internal policies such as the Emissions Trading Scheme or energy efficiency targets act as examples of *what* others can do; and second, the EU as a regional organization, offers an example of *how* countries can cooperate to achieve climate goals. The role of ideas upon this mode of leadership may at first seem tenuous, but we must consider that ideas here refers collectively to 'knowledge', 'cognitive dimensions', 'paradigms', 'world views' or 'cultures'.[113]

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[110] Vogler and Bretherton, "The European Union as a Protagonist to the United States on Climate Change," 5.

[111] Ibid., 6.

[112] European Council, "Presidency Conclusions European Council Dublin 25 and 26 June," *Bulletin of the European Communities* 6/1990(1990).

[113] Grubb and Gupta, "Leadership," 19.

4.1 The development of the EU as an actor/leader within the UNFCCC

So what can be said of the EU's directional leadership role? In recent years, two examples are oft cited as the reason for the EU's reputation as agenda-setter: the codification of sustainable development and the Emissions Trading Scheme. Sustainable development is the bridge between the environment and the economy and society.[114] The most common definition of the term comes from the Brundtland Commission report of 1983, which stated that sustainable development is development that 'meets the needs of the present without compromising the ability of future generations to meet their own needs'.[115] It was formally included as an EU objective in Article 2 of the Treaty Establishing the European Community by the Treaty of Amsterdam, which also stipulated in Article 6 that environmental protection requirements be considered in all EU policies and activities. The inclusion or consideration of sustainable development in all EU policy areas is a clear sign that it considers the principle one that should be perceived as 'normal'.

One policy for which the European Union has become noted and which again illustrates the mutually reenforcing relationship between presence, directional leadership and norms is the Emissions Trading Scheme (ETS). As part of the EU's efforts to combat climate change, the Emissions Trading Scheme was established from fairly foreign concepts to Europe. It is based on shared Union norms—specifically sustainable

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[114] J Vogler and H R Stephan, "The European Union in Global Environmental Governance: Leadership in the Making?," *International Environmental Agreements: Politics, Law and Economics* 7, no. 4 (2007): 393.

[115] G Brundtland, *UN Brundtland Commission Report: Our Common Future* (Oxford: Oxford University Press, 1987).

development and fairness, but it is best known as a market-based initiative—distinguishing it from the command regulations common to the EU. It is the world's first multination emissions trading system and the largest CO_2 cap-and-trade system. Established in 2005, the ETS sets a cap for the total amount of CO_2 that facilities are allowed to emit per year and then the Commission allocates a number of permits equal to the cap. The emitters are then allowed to buy or sell permits as their needs dictate. That is, if the cap for 2011 is 12 tons of carbon, the Commission will issue 12 allowances (EUAs), each giving a company the right to emit one tonne of CO_2. Companies that upgrade their facilities or find other ways to reduce their emissions will find themselves in a long position regarding carbon allowances and will be able to sell their surplus credits to a company that produces more carbon than they have permits for. The idea is that emitters who invest in cleaner means of production will be rewarded with the revenue earned from the sell of surplus carbon credits and that the company will reinvest revenues into yet cleaner technology. Creating the first such trading scheme also afforded the Europeans credibility, which reinforced it's own aspirations to be a global leader in efforts to combat climate change.

Another important example of directional leadership can be seen in how Europe facilitates new ideas and knowledge, which inspire other regime participants. For example, when Europe decided it would try to lead in climate change policy, it acted as a small policy workshop for the rest of the world; trying out new ideas and demonstrating how international cooperation could produce tangible results.[116] Indeed,

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[116] Zito, "The European Union as an Environmental Leader in a Global Environment," 370.

the unique composition of the EU (ie 27 sovereign Member States) can sometimes predict how policies will work internationally. By essentially removing or at least subsidizing research and development costs of climate change policies, the European Union produces real incentives for other global actors to pursue those policies. In addition some have suggested that the most effective model for the climate change regime may be one of multi-level governance, of which the EU is a valuable example.[117] Thus through directional leadership the EU is perceived as a credible actor, which is essential for to setting new international norms.[118] The EU must buy into its own ideas before it tries to sell them to others, however.

That may have been the idea when, in March 2007, EU leaders officially adopted a combined climate and energy policy agenda known as the 20-20-20 targets. By 2020, the EU plans to reduce GHG emissions by 20% (below 1990 levels), achieve a 20% share of energy production from Renewable Energy Sources (RES), and achieve a 20% increase in energy efficiency (compared to business-as-usual projections). Originally, the 20% emissions reduction would have been boosted to 30%, if a binding treaty was to have come out of Copenhagen. Of course there was no binding agreement, but still the EU has decided to in crease the target to 25%. That said, cracks in the EU's reputation were beginning to show in the months and years leading up to CoP-15.

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[117] R Lidskog and I Elander, "Addressing Climate Change Democratically. Multi Level Governance, Transnational Networks and Governmental Structures," *Sustainable Development* 18, no. 1 (2010).

[118] I Manners, "The Normative Ethics of the European Union," *International Affairs* 84, no. 1 (2008): 46.

The EU's ability to lead within the UNFCCC may be hindered by discrepancies between its official rhetoric and its perceived actions. This is a pitfall associated with ideational or normative actorness. Fundamentally a norm embodies a sense of 'ought'—the way an actor should act. It is because of this close connection that norms have with an ambiguous moral righteousness that actors are susceptible to accusations of hypocrisy. Because Europe has the ETS and emissions targets well above other 'heavyweights' it is perceived to be on the forefront, but the EU has deeply unsustainable trade, agriculture and fisheries policies.[119] Moreover, while the EU's renewable energy targets may look very impressive, some may perceive the long-term funding of technologies such as Carbon Capture and Storage (CCS)—meant to sustain the fossil fuel sector— and nuclear energy as hypocritical. There must be real internal and external policy coordination in order to maintain legitimacy.[120]   Indeed some critics note that the EU should model itself on the utopia it projects to the rest of the world.[121] Even the insiders such as former DG Environment Commissioner Margaret Wallström, recognize the need for consistency.   She noted that the EU's 'credibility will suffer if unsustainable trends persist or if [it's] policies have detrimental affects outside the EU, in particular on the development opportunities of the poorest countries.'[122]

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[119] Burchell and Lightfoot, *The Greening of the European Union?: Examining the EU's Environmental Credentials*, 343.

[120] K Nicolaïdis and R Howse, "This Is My Eutopia...: Narrative as Power," *Journal of Common Market Studies* 40, no. 4 (2002): 788; Vogler and Stephan, "The European Union in Global Environmental Governance: Leadership in the Making?," 391; N Chaban, O Elgstrom, and M Holland, "The European Union as Others See It," *European Foreign Affairs Review* 11, no. 2 (2006): 246; Y Usui, "Evolving Environmental Norms in the European Union," *European Law Journal* 9, no. 1 (2003): 76.

[121] Nicolaïdis and Howse, "This Is My Eutopia...: Narrative as Power."

[122] S Lightfoot and J Burchell, "Green Hope or Greenwash? The Actions of the European Union at the World Summit on Sustainable Development," *Global Environmental Change* 14, no. 4 (2004): 342.
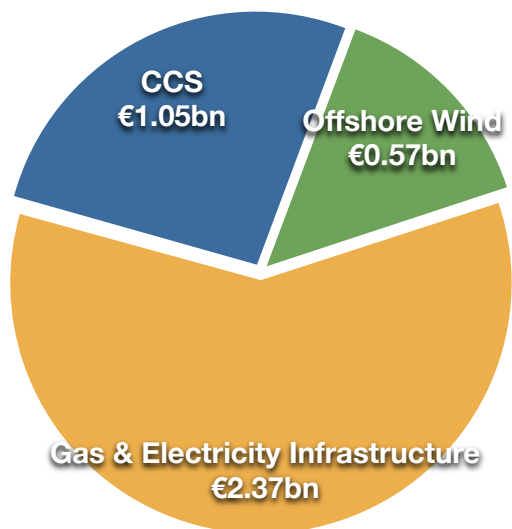
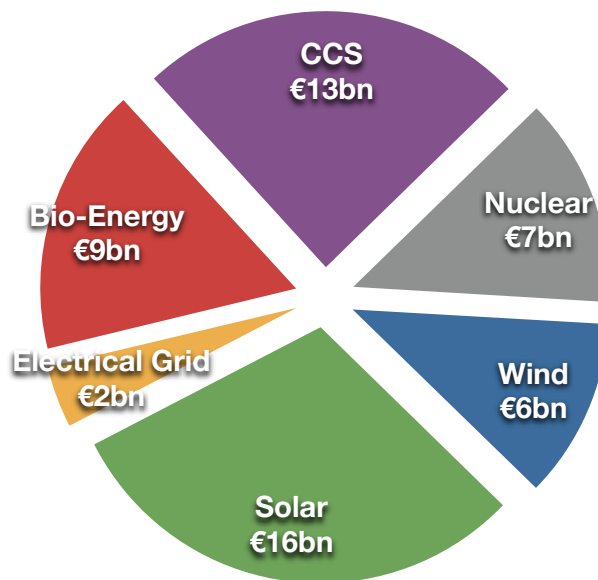**European Energy Programme for Recovery**   **SET-Plan**

Figure 4.1: EU long-term energy funding schemes: European Energy Programme for Recovery and the Strategic Energy Technology Plan.

4.2 The ideational actor at Copenhagen

Prior to the Copenhagen Conference, Kilian and Elgström interviewed participants (both from inside and outside the EU) from the fourteenth Conference of Parties in Poznań. They found that there was unanimous agreement among the third party representatives that they interviewed; including those from the US, Japan and China and as well those from developing countries; that the EU is still a leader in climate change.[123] Once we delve into the results, however, there is evidence that the opinions are more complicated and may have predicted the result of Copenhagen.

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[123] Kilian and Elgström, "Still a Green Leader? The European Union's Role in International Climate Negotiations," 262.

Most striking among the findings is that many consider the EU a leader only *compared* to other major actors.[124] This is perception is no doubt the result of the EU's directional leadership over the years, but leaves significant latitude for claims of sanctimoniousness as the blind have been known to lead the blind. A Chinese interviewee noted that the 'EU should be as good as its words', while other G-77 countries opined that the EU was not reliable and produced too few commitments.[125] While the sample from Kilian and Elgström's study was too small (fifteen total) to suggest a grand shift in global opinion, it may help explain why the EU was not able to build a coalition including G-77 countries, a 'green group', as it had done during the first Conference of Parties in 1995.[126]

In addition to other actors perceiving inconsistency in the EU's climate policies, they are also aware of a lack of vertical coherence within the EU. Internal wrangling and diverging national interests were cited as reasons for this perception by US officials.[127] This is consistent with the findings presented in Chapter 2 of this paper. In addition, some partners find it difficult to understand the differing opinions of every Member State, yet are confident of existence of differing opinions among Member States.[128] Therefore, not only has the EU failed to speak with one voice but it has failed to convince partners that it has the potential for a single voice.

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[124] Ibid.

[125] Ibid., 263.

[126] Yamin, "The Role of the EU in Climate Negotiations," 50.

[127] Kilian and Elgström, "Still a Green Leader? The European Union's Role in International Climate Negotiations," 262.

[128] Ibid.

In hindsight we know that the final negotiations that resulted in the Copenhagen Accord were conducted behind closed doors between the United States and the BASIC counties. If those countries took the view that the EU was incoherent and inconsistent, it might partially explain why Europe was sidelined. This observation is particularly relevant to the question of coherence, because the EU may not have been seen as an actor able to act on its feet, as it were, and push through an agreement on the final night of the conference. Obviously even if there is unanimous agreement that the EU is still a leader, it doesn't mean that its credibility has not been damaged in recent years even as it has demonstrating directional leadership.

Chapter 5 **Conclusions**

The real question we have been trying to answer in this thesis is whether the Copenhagen Conference was an indicator of the future performance of the European Union within the UNFCCC, whether the EU's performance in the UNFCCC speaks to larger problem of actorness and whether the UNFCCC is a fundamentally flawed institution. Should the EU be considered an integrated actor or a gloried coalition? Unfortunately as we have seen, the shortcomings that contributed to the EU's failure at Copenhagen are not new. The problems of inconsistency and incoherency have long plagued the ability of the EU to act and lead. The inconsistency as we have discussed is a result of the shared competencies of the issues related to climate change and the internal disagreements of the Member States. The incoherence is a result of the fact that climate change is highly cross-sectoral and the responsibility of several different Directorates General, each with its own embedded interests. The EU's international partners know these weaknesses and have used them to their advantage consistently. The interests of the major Member States are likely to always have a disproportional influence on EU policies and as long as economic interests are the dominate concern of those major Member States, they will inform the negotiating stance at climate change conferences. Several scholars have noted a convergence of climate change policies among Member States recently, so this may be resolved in the coming years.[129] Climate

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[129] J Albrecht and B Arts, "Climate Policy Convergence in Europe: An Assessment Based on National Communications to the Unfccc," *Journal of European Public Policy* 12, no. 5 (2005).

change must be elevated to the level of trade policy. The Lisbon Treaty includes several procedural changes meant to address these problems but unfortunately the Copenhagen Conference occurred only two weeks after the Treaty came into force and was effectively planned and negotiated under the pre-Lisbon rules. The creation of the DG Climate Action in early 2010 has the most potential effecting change on the coherence of Commission and EU climate policy, though as discussed in Chapter 2 this could have negative side-effects if the proper support and resources are not provided to the nascent DG. It is a step in the right direction, however. It is too early to tell whether these recent changes will have a major effect.

Besides the EU's internal short-comings, the external environment surrounding the Copenhagen Conference was not beneficial. In December 2009, many countries were still very much in the depths of the global economic downturn and were preoccupied with issues such as currency stabilization and domestic unemployment. The climate change cause was not helped by the release, immediately before the Conference, of thousands of emails from the Climate Research Unit of the University of East Anglia— an episode dubbed 'climategate'. The Unit is a leading body in the science of climate change and a major contributor to the IPCC's annual assessment of global climate change. The unfortunate wording of emails from a number of lead scientists appeared to show collusion and suppression of unwelcome findings.[130] The incident showed how skeptical certain media outlets and segments the public were towards the seriousness climate change. What is more important for EU leadership, however, was the fact that

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[130] R Kennedy, "Climate Change Law and Policy after Copenhagen,"(2010), http://www.ucc.ie/law/ LawAndEnviromentConference2010/RonanKennedyAfterCopenhagen.pdf.

the United States, under the newly elected Obama administration, had shown interest in taking the leading role, thus relegating the EU to a second-tier position while that traditional hegemon negotiated with the up-and-coming BASIC countries.

Another problem that had been building in intensity over the years was Europe's credibility gap, or the perceived gap between its rhetoric and its actions on climate change. The problem is tied to the EU's position as a normative leader. As we have seen, one way of thinking the European Union is as an ideational, or even soft power. It has embraced ideas in its policy-making process, becoming a normative entrepreneur that has led the climate change regime since its inception by offering valuable examples to the rest of the world. Whether that directional leadership came in the form of a regional analog for the wider international community or via actual policy initiatives such as the Emissions Trading Scheme, it has succeeded in inspiring global debate. Normative leadership comes with the risk of scrutiny, however.

In the end, the external variables surrounding the Copenhagen Conference did not add up in favour of the European Union. Though, those externalities should not have been insurmountable for a well-developed actor or an effective leader. While the EU has enjoyed a role as directional leader within the climate change regime, its role as structural and instrumental leader has failed to develop to the level needed to steer a stagnate regime such as the UNFCCC to success. Those two modes of leadership have not developed because of a perceived lack of consistency and coherency, which has

hindered the development of the EU's actorness at the same time. So it can be said that the EU has not developed as a leader because it lacks actorness and vice versa.

The European Union's identification as a soft power or a normative *idée force* cannot be understated in its effect on the perception of EU policies and performance. Because the EU has for so long touted its own climate change credentials, even the smallest falter may be perceived as a systemic failure or change in direction. What happened at Copenhagen was neither. It was a situational opportunity that brought to the surface long-established shortcomings within the European Union, which at their root have been the topic of integration theorists for the past fifty years. To what end has the EU developed all of its means? That existential question will not likely be resolved soon, but an answer to the question of climate change leadership is potentially much closer. If institutional reforms such as those in the Treaty of Lisbon are capable of tempering intergovernmental wrangling and if the creation of DG Climate Action can promote climate change to a level closer to that of DG Trade or at least help coordinate efforts in a way that trade could be used to promote environmental objectives[131], the EU could lead Europe and the UNFCCC and help encourage the world to make the life-style changes necessary to mitigate a looming catastrophe. This is especially true since there are no major competitors within the regime and the only benchmarks are set by the European Union itself.

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[131] A Mattoo and A Subramanian, "From Doha to the Next Bretton Woods-a New Multilateral Trade Agenda," *Foreign Affairs* 88(2009): 23.

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