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Achieving Ambitious Positions in Multilateral Negotiations: How does the European Union influence the Negotiation Outcomes?

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Abstract

This paper explains the influence of the European Union (EU) in multilateral negotiations. Focusing on the Basel Convention, this paper studies two issues negotiated at the Conference of the Parties 2019. Comparing two cases, it provides explanations for the EU's high influence in the negotiations on the management of plastic waste and its low influence in the negotiations on low Persistent Organic Pollutant (POP) content values. Using process-tracing, the paper maps the EU's diplomatic activities from the EU's initial position to the outcome of the negotiations. Two separate causal mechanisms outline the differences between the cases of high and low EU influence. Data is collected through interviews, observations and official documents. The paper shows that in the plastic waste negotiations, the EU engaged more strongly in diplomatic activities as it defended a high-ambition, high-flexible position. In that case, the EU was highly influencing the negotiations. However, the EU defended a low-ambition, inflexible position on low POP content values, downscaled its diplomatic activities and did not manage to influence the outcome.

Keywords

European Union; Multilateral environmental agreements; Negotiations; Influence; Process-tracing

The European Union (EU) is a major actor actively engaged in the negotiations on chemicals and waste governance, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Biedenkopf 2015, 2018). In the context of international chemicals and waste negotiations, the EU is often described as leading by example (Torney, Biedenkopf & Adelle 2018), or as having a leadership role (Delreux 2018). It promotes ambitious positions at the international level which 'are backed up by comprehensive and pioneering domestic chemicals policy' (Biedenkopf 2018: 191). The EU is active in the Basel Convention to advocate ambitious environmental policies and participates in the development of new policy solutions (Biedenkopf 2018). In international environmental negotiations, the EU is usually described as an influential actor, seeking compromises (Groen 2018).

In this paper, I compare the negotiations surrounding two issues negotiated under the Basel Convention at the 2019 Conference of the Parties (COP). First, the EU influenced the outcome of the negotiations when it pushed for high-ambition policies related to the management of plastic waste. The goal was to adopt a new agreement on the sound management of hazardous plastic waste under the Basel Convention. In this case, the EU influenced the outcome of the negotiations by showing a flexible position and convincing other parties to agree on a high-ambition outcome. Second, the EU did not influence the outcome of the negotiations when it favoured low-ambition policies aimed at setting new low Persistent Organic Pollutant (POP) content values in the general technical guidelines. POPs 'are chemical substances that persist in the environment [...] and pose a risk of causing adverse effects to human health and the environment' (Secretariat of the Basel Convention 2011). In this case, the EU had a low influence on the outcome of the negotiations, due to its low-ambition, inflexible position.

The starting point of this paper is the observation that the EU has been uninfluential when pushing for an unambitious, inflexible position, but influential when advocating for an ambitious, flexible position. Both cases present puzzling observations as they contradict the basic assumption of bargaining theory that unambitious positions are easier to achieve in the context of international negotiations than ambitious positions (Meunier 2000). In seeking to understand why this occurred, I illuminate the process between the initial position of the EU and the outcome of the negotiations. Through process-tracing, I address the following question: *How does the EU's ambition and flexibility affect the EU's influence on the Basel COP outcomes?* Data has been collected through interviews, observations at the COP, primary documents as well as reports of the conference. The paper shows that in the plastic waste negotiations, the EU engaged more strongly in diplomatic activities as it defended a high-ambition, high-flexible position. In that case, the EU was highly influencing the negotiations. However, the EU defended a low-ambition, inflexible position on the low POP content values, downscaled its diplomatic activities and did not manage to influence the outcome.

The paper is structured as follows: section 2 discusses the conceptual framework and explains how process-tracing was applied. Section 3 presents the case of high EU influence and section 4 discusses the case of low EU influence. Section 5 compares the cases and concludes the paper.

TRACING THE EU'S DIPLOMATIC ACTIVITIES

Conceptual Framework

This paper explores the EU's influence in the negotiations at the Basel COP as a function of its ambition and flexibility. When tracing the negotiation process, ambition and flexibility are the causes and influence is the outcome of the causal chain. Influence is defined as the extent to which the EU has an impact on the outcome of international negotiations (Chaban, Elgström & Knodt 2019; Groen, Niemann & Oberthür 2012; Van Schaik 2013). Contrary to similar concepts such as effectiveness and

goal achievement, influence describes the actual impact an actor has on the outcome of the international negotiations. Hence, the EU is considered to have a high level of influence, if it achieves its goals and contributes to achieving this outcome. I assess influence by comparing the initial position of the EU with the decision adopted at the end of the negotiations and by asking participants of the negotiations to what extent the EU was responsible for achieving this outcome.

Ambition is defined as the extent to which the EU prefers a negotiation outcome that leads to a high level of environmental protection. The EU's ambition is measured by comparing its initial position, as presented at the start of the negotiations at the COP, with the position of other parties. The party that is the furthest away from the status quo is the most ambitious one. The EU's flexibility determines if the EU is able to adapt its position during negotiations (Druckman & Mitchell 1995). Flexibility is needed to resolve differences, find compromises and change the position of different actors (Druckman & Mitchell 1995). If actors are inflexible, they are less likely to be influential, considering they create an asymmetrical situation in which 'one side capitulates to the other' (Druckman & Mitchell 1995: 13). A high flexibility of the EU can increase its chances of being influential, as international negotiations make it necessary to make at least some concessions in order to reach a compromise agreement (Van Schaik & Schunz 2012).

The EU's ambition and flexibility trigger a causal mechanism, leading to the EU's engagement in diplomatic activity. Diplomatic activities are the actions employed by the EU to promote its positions and to reach out to other parties during the negotiations at the COP. I have identified potential diplomatic activities through observations and interviews. The most formal diplomatic activities happen in official meetings, i.e. in plenaries and contact groups. In plenary, actors express their position and, if controversies occur, parties decide to open a contact group. In contact groups, text proposals are negotiated and technical discussions take place. In addition, co-chairs organise friends-of-the-chairs or drafting groups to bring together the parties with the most controversial positions. Moreover, actors engage in informal consultations by contacting other parties throughout the negotiations in order to convince allies and opponents of their position. Making concessions to other parties is another diplomatic activity and often necessary for achieving an agreement. An actor can propose a compromise in form of a written text or an oral intervention. Diplomatic activity thus refers to a broad range of actions an actor can engage in at the COP in order to achieve a specific negotiation outcome.

Actors are more likely to be diplomatically active when their ambition is high, as ambitious positions are more difficult to achieve (Meunier 2000; Romanyshyn 2018). Oberthür and Groen (2018) have pointed out that the EU will adapt its negotiation strategy and diplomatic activity to its position in the international context. In order to achieve high-ambition goals, the EU needs to be very active in the negotiations (Groen 2018). The ambition of the EU's position requires the EU to adjust its diplomatic activity, if it hopes to be influential. Only when the EU's level of ambition and its diplomatic activity are well aligned, it is able to have a high influence in international environmental negotiations (Groen 2018).

Moreover the EU will engage in different diplomatic activities, depending on its flexibility. The EU negotiators usually receive a mandate to negotiate, which can either have the form of a well-coordinated position or a Council decision (Corthaut & Van Eeckhoutte 2012). The more flexible the EU is, the easier it will be to make concession to other parties or propose compromise in form of textual changes. In addition, with a flexible position, the EU is expected to engage in more diplomatic meetings, such as bilateral or plurilateral discussions, because it can discuss specific textual changes that could unlock a deal. If the EU is inflexible, it will primarily focus on convincing others of its position and hence, needs to engage to a lesser extent in diplomatic activity. Therefore, I expect that the EU's level of ambition and flexibility will trigger a different process as both the extent of the EU's activities as well as the activities used to negotiate will differ.

Process-Tracing and Scope Conditions

Through theory-testing process-tracing, I will uncover the reasons for the EU's high influence in one and its low influence in another case. Process-tracing aims at illuminating causal mechanisms from the cause to the outcome through detailed empirical analysis (Beach & Pedersen 2019). Theory-testing process-tracing requires conceptualising a causal mechanism based on existing theory before applying the mechanism to the empirical material (Beach & Pedersen 2019). Through observations, I have identified the cause and the outcome in the two 2019 Basel COP cases. The EU presenting its initial position with a specific level of ambition and flexibility is the starting point, i.e. the cause. The EU's level of influence on the final decision adopted by the same COP is the endpoint, i.e. the outcome. In one case, the EU is highly ambitious, highly flexible and has a high level of influence. It deals with the management of plastic waste. In the other case, the EU has a low ambition, is inflexible and has a low level of influence. This case deals with the low POP content values within the general technical guidelines of the Basel Convention. As cause and outcome differ, it is necessary to establish two separate causal mechanisms for the cases.

Process-tracing also requires describing the context under which the mechanism is expected to function. Context is defined 'as the relevant aspects of a setting [...] in which a set of initial conditions leads (probabilistically) to an outcome [...] via a specified causal mechanism' (Falleti & Lynch 2009: 1152). It is merely necessary to identify the relevant aspects of the context needed for the mechanism to be valid (Falleti & Lynch 2009). These relevant aspects are called scope conditions (Beach & Pedersen 2019). Theory gives guidance to identify the scope conditions relevant 'above and beyond the input variables directly included' (Falleti & Lynch 2009: 1153) in the causal mechanism. Scope conditions are enablers of the causal mechanism. Hence this mechanism only holds true if all scope conditions are present.

For both causal mechanisms, I identify two external scope conditions. First, decision-making rules are important. Under consensus rules, individual countries act as veto players and thus, unambitious interests are strengthened (Oberthür & Groen 2018; Tsebelis 2002). In such settings, an ambitious actor possesses less bargaining power than an unambitious actor (Bäckstrand & Elgström 2013). The Basel Convention allows amending the Convention by a three-fourths majority vote, but it states that 'the Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus' (Secretariat of the Basel Convention 2018). The consensus-based institutional norm strengthens the position of unambitious parties.

Second, the international preference constellation is an external scope condition because international negotiations include many other actors besides the EU. Only if preferences are initially diverging, parties will engage in discussions outside of plenary. 'The distribution of the policy preferences of the EU and of its negotiating opponent relative to the status quo determines distinct negotiating situations' (Meunier 2000: 112). Thereby, extreme positions are less likely to be successful than moderate positions (Oberthür & Rabitz 2014). Dee (2013) argues that the international preference constellation is important in as much as the ability of an actor to persuade others is limited if the actor's ambition is far away from its partners.

Table 1 Cause and scope conditions

	Cause		Scope conditions	
	Ambition	Flexibility	Decision-making rules	International preference constellation
High influence of the EU: Management of plastic waste	High	High	Consensus-based	Divergence in positions
Low influence of the EU: Low POP content values	Low	Low	Consensus-based	Divergence in positions

In both mechanisms, the two scope conditions are similar. They are helpful to uncover in which settings the causal mechanisms are expected to work. In the case of high EU influence, I will track how the EU's high-ambition, high-flexible position led to its high level of influence on the negotiation outcome. In the case of low EU influence, I explain how the EU's low-ambition, inflexible position at the start of the negotiations led to its low level of influence on the outcome. To trace those processes, I triangulate several sources. First, I conducted interviews with contact group co-chairs, reporters from the Earth Negotiations Bulletin (ENB), as well as EU and member state (MS) representatives. An EU representative is any official of a European institution. To guarantee anonymity, I only distinguish between EU and MS representatives as well as non-EU actors (co-chairs and ENB reporters). I conducted nine qualitative, semi-structured interviews. Two interviewees were involved in the negotiations of both cases. Second, I attended the 2019 COP, which allowed for detailed observations of the official negotiations in plenary and contact groups. Third, I analysed primary documents such as the initial proposal for a COP decision and the decisions adopted by the COP. Fourth, I used reports of the ENB, which provide a balanced assessment of the negotiations.

Process-tracing requires establishing two causal chains: one for the case of high EU influence and one for the case of low EU influence. The causal mechanisms are based on the theoretical framework and further outlined for each case separately.

HIGH EU INFLUENCE: NEGOTIATING PLASTIC WASTE MANAGEMENT

Theoretical Causal Mechanism

I explain the high influence of the EU on the final decision adopted by the COP, which is the outcome of the causal chain. The cause is the EU presenting a position with a high level of ambition and a high degree of flexibility. It is identified through the position expressed by the EU in the first plenary meeting, its Council decision, its conference room paper (CRP), as well as interviews with EU and MS negotiators. I expect the high-ambition, high-flexible EU position to trigger the mechanism leading to a high level of influence on the outcome. This mechanism is expected to hold true under the conditions that decision-making is consensus-based and that there is a diverging international preference constellation.

The causal mechanism, consisting of different diplomatic activities, unfolds in three steps. In the first step, I expect that the *EU engages in official meetings, informal groups and informal consultations with other parties*. The cause of the mechanism, i.e. the EU presenting a high-ambition, high-flexible position, enabled by diverging positions of other parties, is expected to trigger the EU's engagement in many negotiation forums. A high ambition and a high flexibility will make it necessary to engage strongly in meetings, in order to convince others of the EU's position. The second step of the causal

mechanism is that the *EU makes small concessions close to its initial position*. By engaging in different negotiation forums, the EU can understand and monitor the positions of other parties, which should trigger the EU to make concessions. This should be enabled by the diverging international preference constellation, forcing the EU to adapt in order to achieve a compromise. Making concessions is only possible, because the initial cause of the mechanism was the high-ambition, high-flexible position. The third step of the causal mechanism is that the *EU proposes a compromise close to its initial position*. Making concessions is expected to trigger the proposition of a compromise. This step is enabled by the consensus-based regime, as the EU cannot achieve its goals without all parties agreeing to the proposal. The EU's compromise proposal, if accepted by the other parties, is expected to lead to *the EU's high influence on the outcome of the negotiations*. This causal mechanism is outlined in table 2.

Empirical Application

This first case deals with the negotiations on a new agreement on the management of plastic waste. No prior agreement existed on this matter under the Basel Convention, leading to lengthy discussions at the COP. The initial proposal to amend the annexes II, VIII and IX of the Basel Convention was proposed by Norway with the goal to ensure the sound management of plastic waste. Hazardous waste should be subject to the prior informed consent (PIC) procedure, but the trade of 'non-hazardous, unsorted, mixed, and other plastic waste' should remain allowed (Templeton, Allan, Kantai & de Andrade 2019). The EU supported this proposal with some additional amendments.

The EU's position was more ambitious than the initial proposal by Norway. Like Norway, the EU desired an entry in the annexes II, VIII and IX of the Basel Convention. Yet, the EU favoured allowing only the export of non-mixed plastic materials destined for recycling without prior informed consent. Prior to the COP, the EU adopted a decision in the Council, thereby publicly communicating its intention to support the proposal by Norway. An EU representative argued that this unusual measure was taken because 'this amendment in Basel would have a legal binding effect or a legal effect in EU law' (interview 9).

The EU was flexible in the negotiations because even an outcome with a lower ambition than the EU's position would still have been better than no agreement. As the EU's position was relatively far away from the status-quo, many possible compromise solutions located in between the EU's position and the status-quo seemed acceptable to the EU. In addition, the EU had adopted a Council decision which left a relatively large room of manoeuvre to the negotiators (Council 2019). The Council decision broadly formulated the EU's position and allowed for refinement of this position during on-site coordination meetings. This allowed the EU negotiators to continue negotiating internally to discuss potential compromise solutions with the EU member states.

Scope Conditions

Before analysing how the EU's ambition and flexibility triggered the causal mechanism, it is important to understand the context of the negotiations. Thereby, two scope conditions enable the causal mechanism: the decision-making rules and the international preference constellation. First, the Basel Convention is a consensus-based regime, because parties only rely on voting as an option of last resort. Second, there was a large divergence in the international preference constellation. Argentina and Brazil did not support amending annex II, but only annexes VIII and IX to the Convention. Argentina introduced its proposal in a CRP, arguing that amending annex II could create barriers to the recycling of plastic waste (Templeton et al. 2019). Brazil even stated that 'parties should consider intersessional work and deferral of this decision' (Templeton et al. 2019). Thus, Argentina and Brazil had the least ambitious positions. The African Group largely supported the proposal by Norway. China argued that all plastic waste should be subject to the PIC procedure and thereby had the most ambitious position. Norway and Japan, who had co-sponsored the proposal, wanted to have an outcome no matter what,

as long as something was added to annex II. One EU representative (interview 9) even said that Norway and Japan 'didn't really care about the content'.

Table 2 Process-tracing model: High EU influence

	Cause	Causal mechanism			Outcome
		1	2	3	
	EU presenting a high-ambition, high flexible position	EU engages in: <ul style="list-style-type: none"> - Official meetings - Informal groups - Informal consultations with other parties 	EU making small concessions close to its initial position	EU proposes a compromise close to its initial position	High EU influence on the outcome
Scope conditions	Consensus-based regime Divergence of positions				
Empirical manifestations	Written or oral expression of position	Engagement in plenary, contact and drafting groups and in informal consultations	Discussions in EU coordination meeting	Written or oral expression of possible solutions	Low difference between EU position and COP outcome
Observables	Observation, interviews, Council decision	Interviews, observations, CRP, draft submissions	Interviews	Interviews, observations, submission to the contact group	Interviews, COP decision

Causal Mechanism

The EU presenting a high-ambition, high-flexible position triggered the causal mechanism leading to the EU's high influence. The first step was enabled by the diverging international preferences, as this made it necessary for the *EU to engage* in all possible negotiation forums. *The EU engaged in official discussions*, i.e. in plenary and contact groups. In plenary, the EU presented its amendments to the proposal through a CRP, with the aim to clarify the scope and extent of its ambition (Templeton et al. 2019). One important discussion in the contact group started on day one, namely, what should be considered as mixed plastic waste. Many countries argued that to them, it sounded like in the EU's proposal, a bottle with a cap, would constitute two types of plastic. Thus, it would be mixed plastic waste. This was an important issue, as during the course of negotiations 'everybody was so obsessed with bottles' (MS representative, interview 5). Some believed that, following the EU's proposal, the bottle and the cap would need to be separated before the waste is traded. All countries agreed that this should be avoided and even the EU argued that the bottle and the cap are one waste. This was mostly a wording issue and the EU proposed to rework the text. As in addition to the EU, also Argentina had introduced a CRP and the initial proposal was by Norway, a discussion arose on which basis the negotiations should start. Norway supported the EU's proposal, yet a few countries wanted to negotiate based on the Norwegian or Argentinian draft. A member state representative argued that this was due to some unclear wordings in the Norwegian proposal. Thus, some countries thought there was 'more leeway in terms of not restricting the transportation of plastic waste as much' (interview 7). The EU's proposal was not entirely clear to many parties and seemed overly strict for some as well. Mainly, because of the unclear meaning of 'mixed plastic waste' (interview 7). Nevertheless, negotiations started based on the EU's proposal, which was a substantial success for the EU.

In addition, the *EU engaged in informal groups*, i.e. the drafting group established by the co-chairs. This was necessary as a result of the divergent, complex positions of the parties. The discussion focused on more technical issues and specific formulations. Initially, the parties needed to discuss 'at least five proposals and the starting point again was the main difficult thing' (EU representative, interview 9). The EU managed to convince other parties to start negotiations based on the EU's proposal. To adopt a decision at the 2019 COP, countries needed to come up with a compromise proposal during the last meeting of that group.

Moreover, the *EU engaged in consultations with other parties*. It participated in the like-minded group, established by Norway, with countries that favoured a similar outcome. According to one EU representative, the goal was 'to align our position, as much as we could, and [to try] to get a consistent message across' (interview 9). This helped generating support for the EU's position. The EU drafted text proposals as agreed among the like-minded countries. The EU's text proposals were generally well respected and genuinely appreciated from those having fewer resources. In addition, the EU met in many bilateral meetings for example with African countries, China and Argentina. As Argentina had a different opinion on the issue, the EU conducted many bilateral meetings with the Argentinian delegation. The main diverging interest was the inclusion of mixtures of plastic waste in annex II. Early bilateral meetings helped the EU to grasp the Argentinian position and to adapt its strategy accordingly.

The EU's engagement in all negotiation forums triggered the second step of the causal mechanism: the *EU making small concessions close to its initial position*. This was enabled by the diverging preferences, which did not allow the EU to impose its position and caused by the EU's flexibility, making it possible to adapt. The EU coordinated with its member states by establishing an EU internal expert group with interested representatives from all EU member states. A representative from an EU member state argued that the presence of many experts on plastics helped to 'look into the proposals quickly, put together information and to have new proposals ready for the negotiators' (interview 4). In addition, this group helped to create confidence and trust in the EU negotiators. As only two representatives

negotiated on behalf of the EU in the small drafting group, this ensured that member states backed up changes in the EU's position. One EU representative (interview 9) argued that the more member states are involved, the more they see that the new proposal is based on teamwork, and thus the more likely they are to support a compromise. The internal expert group also discussed if the EU would try finding a consensus solution, thereby deviating from its initial position, or if they would adhere to the 'quite strict position and then, there would be no consensus likely' (EU representative, interview 9). Ultimately, the EU agreed to be flexible and adapt the position.

The EU making small concessions triggered the third step of the causal mechanism. Having adapted its position caused the *EU to propose a compromise close to its initial position*. With only some adaptations by the drafting and contact group, the EU proposed an acceptable compromise to all parties at the last day of the COP. A member state representative argued that the compromise was acceptable to the EU because during negotiations it received new information (interview 5). The EU agreed that three specific polymers could be exported together when destined for recycling, as it understood that this mixture has a positive market value. Therefore, the EU agreed to make an exception to its approach that only non-mixed plastic materials should be allowed for exportation without the PIC procedure (Council 2019).

Outcome: The EU's High Influence

Ultimately, the EU strongly influenced the adopted decision. Although, the final decision allows to export some mixed plastic waste without PIC, the EU was satisfied with the decision as the outcome was close to what the EU initially demanded. The EU had a high influence and was described by one non-EU actor as being 'extremely active [and not] willing to let go of certain things' (interview 1).

The empirical observables have confirmed the causal mechanism linking the EU presenting a high-ambition, high-flexible position with its high level of influence on the negotiation outcome. The EU's high-ambition, high-flexible position triggered the EU's strong engagement in diverse diplomatic activities. Through this mechanism, the EU managed to achieve a high-ambition outcome. Throughout the negotiations, the EU was participating in all discussions, made concessions and proposed compromise solutions. By playing a strong role in drafting the final text, the EU ensured that its position was well represented. The numerous EU proposals were used as the basis of the negotiations, which helped the EU to increase its influence.

LOW EU INFLUENCE: NEGOTIATING LOW POP CONTENT VALUES

Theoretical Causal Mechanism

I explain the *low influence of the EU on the final decision* adopted by the COP related to the discussion on low POP content values. Its cause is the *EU presenting a low-ambition, inflexible position*, as expressed by the EU in the first plenary meeting. The causal mechanism for the case of low EU influence is expected to consist of two steps. Two scope conditions define the context: the consensus-based regime and the diverse international preference constellation.

In the first step of the mechanism, I expect that the *EU has downscaled its diplomatic engagement in official meetings, informal groups and informal consultations with other parties*. To achieve a low-ambition, inflexible position, a few diplomatic activities are typically sufficient because the position is close to the status quo. In addition, with an inflexible position the EU does not have much to offer and its key activities are focused on trying to convince others of its position, not on negotiating a compromise. However, due to the divergent international preferences, the EU still needs to engage with the other parties to ensure that no decision is adopted against its will. The constellation of

preferences of all negotiating parties is, therefore, an enabling factor of the mechanism. The second step is expected to be that the *EU refuses to make significant concessions*. Monitoring the positions of other parties through diplomatic activities, constrained by the inflexible position, is expected to trigger the EU's refusal of any compromise. This should then lead to the *low influence of the EU on the negotiation outcome*. Table 3 outlines this causal mechanism.

Empirical Application

The case of low EU influence deals with the discussion on low POP content values within the general technical guidelines. The aim of the values is to ensure that the POP content of waste 'is destroyed or irreversibly transformed so that they do not exhibit the characteristics of POPs' (Basel Convention 2019). Thereby, the values establish a threshold for waste containing POPs and every waste with POP levels above the value is considered to be POP waste (International Pollutants Elimination Network, 2017). Hence, it is subject to rigorous criteria for its disposal. At the COP, a controversial discussion arose around the values for two POP combinations: a commercial decabromodiphenyl ether (decaBDE) and short-chain chlorinated paraffins (SCCPs).


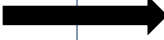
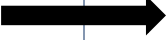
The EU had the most unambitious position on both low POP content values under discussion. It proposed the value of 1000mg/kg for decaBDE and 10.000 mg/kg for SCCPs. Those values reflect the previously established values at EU level. The EU's ambition is considered low because it favoured the highest values compared to all other parties. The higher the value, the easier it is to export waste including POPs, which are dangerous for the environment. Even with a low ambition, the EU was eager see values adopted, as for both POPs under discussion, no previous value had been established by the Basel Convention.

In addition, the EU was inflexible. As its position was unambitious, only a few compromise solutions were better for the EU than the status-quo. The EU had recently established new low POP content values at the European level. The negotiations among the 28 member states had been difficult, meaning that the position could not be adapted at the COP (MS representative, interview 4).

Scope Conditions

To understand the empirical application of the causal mechanism, I will first outline the context under which the mechanism is expected to function. The mechanism is enabled by two scope conditions. First, negotiations occurred under a consensus-based regime. Second, the positions of other parties were diverging. Whereas many countries favoured adopting values, there were some differences. The African Group presented the most ambitious position and was the biggest opponent of the EU. It favoured lower values by proposing the value of 50 mg/kg for decaBDE and 100 mg/kg for SCCPs. The African Group argued that it was critical to adopt reasonable values to demonstrate that the international community tries to move forward. A few parties proposed the value of 500 mg/kg for decaBDE as a compromise. Yet, the primary discussion arose between the EU and the African Group, with no country openly supporting the EU's position.

Table 3 Process-tracing model: Low EU influence

	Cause	Causal mechanism		Outcome
		1	 2 	
	EU presenting a low-ambition, inflexible position	EU downscales its engagement in: <ul style="list-style-type: none"> - Official meetings - Informal groups - Informal consultations 	EU refusing to make significant concessions	Low EU influence on the final decision
Scope conditions	Consensus-based regime Divergence in positions			
Empirical manifestations	Written or oral expression of position	Engagement in plenary, contact and drafting groups and in informal consultations	No proposition for compromise	High difference between EU position and COP outcome
Observables	Observation, interviews	Interviews, observations	Interviews	Interviews, COP decision

Causal Mechanism

The EU presenting an unambitious, inflexible position triggered the causal mechanism. First, it caused the *EU to downscale its engagement* in all forums. Engaging in negotiations was necessary because of the diverging international preference constellation. In addition, as negotiations are consensus-based, the EU could not rely on its voting power in order to achieve agreement. The EU *downscaled its engagement in official discussions* as the only real opponent was the African Group and the EU's activities were mainly oriented towards defending its position. An EU representative argued that the EU did not expect the mobilisation of the African countries in such a strong way and that it missed signals before the conference indicating this problem (interview 6). In a study, the International POPs Elimination Network (IPEN) warned African and Asian countries that they would face problems with POPs in children toys and argued that lower POP content values would provide a solution (interview 6). The EU did address neither this study nor the comments made by IPEN at the COP. However, according to an EU representative, this study was 'first assessed and then dismissed [...] by the lack of scientific quality' (interview 6) by the EU and the small-intersessional working group. As negotiators in the EU are trained not to undermine anyone personally, nobody dismissed the statement by IPEN. IPEN's intervention however left many under the impression that scientific facts existed, which would prove that the high values proposed by the EU were not necessary (interview 6). This strengthened the position of the African Group. In addition, differences occurred on the interpretation of the effect of low POP content values. On the one hand, the African Group and several NGOs shared the view that illegal trade and waste in the environment of developing countries were fundamental problems, which could be addressed through regulating the low POP content values. On the other hand, the EU argued that it would rather be a problem of enforcement. The EU was ill-prepared for a detailed, technical discussion and one EU representative (interview 6) argued that they did not expect a technical, but rather a political debate on the item. Thus, by engaging in the official discussions, the EU made three mistakes: it underestimated the African Group, was insufficiently prepared for the technical discussion and did not engage sufficiently to convince others of its position.

In addition, the *EU downscaled its engagement in informal groups*, i.e. in the friends-of-the-chairs group, which included the ten most interested countries. Neither the EU, nor the African Group were willing to agree on a compromise because of their inflexible positions. One member state representative had the impression that the African Group 'were not in a mood to negotiate' (interview 4). The friends-of-the-chairs group did not produce any solution.

Moreover, the *EU downscaled its engagement in consultations with other parties*. Negotiations were especially challenging with the African Group because according to one EU representative, their position was based rather on feelings than on explicit scientific knowledge (interview 6). African countries believed that the developed countries should control the values before exporting anything to African countries. They did not argue that they would be able to control the values themselves (MS representative, interview 5). The EU understood that a compromise was unlikely and focused its few bilateral meetings on trying to convince other parties of its position.

Downscaling its engagement in all forums caused the second step of the causal mechanism: the *EU refusing to make significant concessions*. This step was primarily caused by the EU's inflexibility. Even though, the EU understood during the negotiations that no agreement could be found, it did not settle for the proposed medium value of 500mg/kg for decaBDE. Contrary to what other countries said, the value was not based on a scientific report published by the EU (EU representative, interview 6). A member state representative explained that there would be no existing standards, which could detect such low values (interview 4) and 'the values [the African countries] proposed [were] absolutely unrealistic' (interview 6). The EU demonstrated its willingness to accept several values for one POP, but others refused this compromise, arguing that it was insufficient to address the problems raised by the African Group. The only alternative was to keep the values in brackets. A member state

representative explained that many EU officials believed that the practical difference between several values adopted or bracketed text was low (interview 5). Ultimately, the EU negotiators did not invest further resources and because of the diverging interests, had no choice but to accept the bracketed text.

Outcome of the Mechanism: The EU's Low Influence

The EU's refusal to compromise further, combined with the diverging preferences, led to the low level of EU influence on the outcome. The adopted COP decision included the low POP content values for both POPs in bracketed text, meaning no agreement was reached. The Basel Convention does provide the possibility to adopt several values for one POP. However, even this compromise was unreached. An EU representative argued that it was 'the worst possible result' (interview 6) as 'no decision here means that you are open to any kind of waste unless you do yourself the same process [of setting low POP content values] nationally' (interview 6). In the end, the African group 'got more what they wanted than probably [the] EU, because no common value was established' (interview 4). Yet, also the African Group was not satisfied with what was achieved and did not have a high influence on the outcome either. As the EU put forward an unambitious, inflexible position, it barely had any influence on the outcome of the negotiations. The low-ambition, inflexible position triggered a causal mechanism in which the EU downscaled its diplomatic activities and did not propose an acceptable compromise. As the activities were insufficient for obtaining an agreement with the other parties, the EU needed to accept its least favoured outcome.

The observations confirm the causal mechanism that links the EU presenting a low-ambition, inflexible position with its low level of influence. The EU's low-ambition and inflexible position led to a reduced engagement in diplomatic activities. Through that mechanism, the EU was incapable of achieving its goals. The EU had a low influence in the negotiations on low POP content values because it was incapable of changing the position of other parties and of reaching a compromise decision.

CONCLUSION

This paper started with the observation that the EU was uninfluential when pushing for an unambitious, inflexible position, but influential with an ambitious, flexible position in the negotiations at the Basel COP 2019. To trace the negotiation process, I conceptualised two causal mechanisms focusing on the EU's diplomatic activities, such as engaging in groups, speaking with other parties, making concessions or drafting text. The findings show that the EU achieved high levels of influence with a high-ambition, high-flexible position. Moreover, when the EU's ambition was low and its position inflexible, it was incapable of influencing the outcome. The different levels of ambition and flexibility caused a different engagement in the EU's diplomatic activity, ultimately leading to different outcomes. These observations lead to a more nuanced understanding of bargaining theory, showing that not only the EU's ambition, but also its flexibility is a crucial factor for its influence. Only knowing the level of ambition is insufficient to understand the EU's influence in international environmental negotiations.

In both cases, two scope conditions enabled the causal mechanisms: the consensus-based regime and the diverging preferences. In the plastic waste case, the EU's high level of ambition and high degree of flexibility led the EU to negotiate in all forums, to make concessions and to propose an acceptable compromise. In the POP case, the EU's low-ambition, inflexible position led to the EU downscaling its engagement in all negotiation forums and to no significant concessions. Hence, the EU did not propose an acceptable compromise to the other parties. As a consequence, the EU had a high level of influence in the plastic case, but a low level of influence in the POP case.

Theory-testing process-tracing allowed studying rich empirical material and demonstrated how the EU's ambition, flexibility and influence are related, by highlighting the role of diplomatic activities. This leads to the conclusion that negotiations at COPs matter and that outcomes are not predetermined by parties' positions at the start of the negotiations. The EU's position will trigger a different level of diplomatic activity depending on its ambition and flexibility. If the causal mechanism does not break down due to external reasons, a high-ambition, high-flexible position leads to a high EU influence.

Possible alternative explanations might attribute a more significant role to the EU's interests and priorities in the negotiations. The plastic waste case was of high priority for the EU as it adopted a Council decision. In that manner, it might have invested more into its activities. In addition, the EU produced some strategic errors in the POP case, which potentially had an effect on its low level of influence. The EU negotiators were ill-prepared for a detailed, technical discussion on the low POP content values. However, I want to point out that whereas the paper focuses on the EU's role in the negotiations, it does not want to argue that the EU was the single determining factor for the acceptance or refusal of a final compromise. Other parties probably had additional reasons for deciding if they wanted to agree to a proposed solution, such as their own interests and priorities. Yet, the two cases highlight which EU internal factors can cause or hinder the EU's influence. The expectation is that the EU can achieve an equal level of influence when it defends a similar high-ambition, high-flexible position, under the condition that external circumstances are comparable to the plastic case.

Further research might want to investigate the alternative explanations for the EU's influence. The international preference constellation is a factor that could not be explored in detail in this paper, due to the particular focus on the EU. Nonetheless, the preferences of other actors can provide new insights into both the study of the EU and the broader international relations literature. Thereby, both EU internal and external factors seem to provide potential for deeper analysis. Moreover, studies applying the mechanisms outside of the Basel Convention would allow to test if the mechanism holds in other international environmental negotiations and under which conditions the mechanism might break down.

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