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Introduction: The Role of the European Union as a Global Player in Environmental Governance

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Introduction

For the last 40 years the environment has been on the agenda at an international level, the 1972 United Nations Conference on the Human Environment in Stockholm being the first major conference on environmental issues. Principle 24 in the Declaration of that Conference set out that protection and improvement of the environment should be "handled in a cooperative spirit by all countries, big and small ... through multilateral or bilateral agreements or other appropriate means" (United Nations, undated). Subsequent conferences including the 1992 UN Conference on the Environment and Development (UNCED) in Rio de Janeiro, and the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg, increasingly brought environmental concerns to wider public attention. Those conferences were "highly influential in developing a 'global view' of our planet's future", resulting in thousands of initiatives taken locally, nationally or globally, and across a range of environmental challenges (Mebratu, 1988, p. 494). One such environmental concern has been climate change, with UN Climate Change Conferences taking place since 1979.

While the first conference in Rio was attended mainly by scientists, attendance at subsequent conferences included representatives of environmental ministries from countries across the globe, together with representatives of non-governmental organisations (NGOs), and have seen shifting alliances between nation states with their own interests and negotiating positions (see for example Gupta, 2010, p. 643; Timmons Roberts, 2011, p. 779). In respect of international environmental politics there has, according to Daniel Keleman and David Vogel been a "dramatic and systematic shift from US to EU leadership since the early 1990s" (2010, p. 431), in part due to the growing influence of environmental groups within the European Union which resulted in some of the world's strictest and ambitious environmental regulations, and a decline in the influence of such groups in the US where fewer domestic regulations were adopted (p. 432).

Within the context of international conferences and negotiations, John Vogler and Hannes Stephan (2007) indicate that the EU has developed policy competencies across a range of environmental areas and has signed more than 60 multilateral environmental agreements (p. 394). In recognising the international nature of many environmental issues, the EU Europa Website (undated) notes that the EU has some of the highest environmental standards in the world with priorities in the areas of combating climate change, preserving biodiversity, reducing the health impacts of pollution, and the responsible use of natural resources.

It is the governance role of the EU - setting policies and standards, taking action to protect and manage the environment, and pushing forward measures at a regional level which have gone on to have a global impact - which forms the basis of this special issue. However, International environmental regimes and EU environmental instruments do not exist in isolation (see Oberthür and Gehring, 2006, p. 1). Many environmental problems are transboundary in nature. In the example of greenhouse gases, air currents move pollutants from one area to another. In the case of marine pollution (for example, by oil, debris, plastics), pollutants can spread over large distances as a result of wind and tidal action. Similarly, pollutants entering a river in one country will travel downstream and cause harm to the river ecosystems in any other country through which it flows, while deforestation can lead to loss of biodiversity, soil erosion and, potentially, to flooding

during heavy rains. This can again have a downstream and cross-border impact depending on location. By not limiting the special edition to a single environment or issue, the objective was to bring together articles in areas of environmental research that might not normally be considered together, and for those articles to be disseminated to a wider audience than may be normal for these types of articles.

The articles in this special issue are a series of new papers by authors from institutions across Europe, and ranging from Doctoral Candidates to Professors. They examine the role played by the EU in international environmental negotiations, looking at the role of the EU in climate change negotiations at the Copenhagen and Cancun Conferences (Groen, Niemann and Oberthür), at climate change negotiations post-Kyoto (Fernandez-Martin) and at the role of the Rotating Presidency of the EU (Delreux). They also examine EU energy policy (Dupont and Oberthür), and the role played by the EU in developing a marine policy and in the protection of the marine environment from pollution (Carpenter).

Lisanne Groen, Arne Niemann and Sebastian Oberthür, in examining whether the EU is a global leader in climate change negotiations, compare how much of a leadership role the EU was able to play at two conferences, Copenhagen in 2009 and Cancun in 2010. They note that the EU entered the Copenhagen negotiations with ambitious goals and expectations, for example seeking a legally binding agreement on greenhouse gas emissions (GHGs) for the period post-2012 after the expiry of the 1999 Kyoto Protocol (United Nations, 1998), but facing many internal political debates and conflicts on issues to be negotiated at that Conference. The unwillingness of both developed and developing countries to make binding commitments at Copenhagen resulted, they suggest, in the marginalisation of the EU and its negotiators. In contrast, at the 2010 Cancun negotiations, the EU arrived with much more limited goals and advocated a set of concrete decisions to implement various elements of the Copenhagen Accord. The EU also established itself in a bridge-building role between different blocs of countries, actively building coalitions based on its position on each issue. The authors of this article conclude that, although divisions between Member States remained on the issues on the negotiation agenda for Cancun, the EU achieved many of its less ambitious but more realistic goals through its coalition - and bridge-building activities, resulting in a far more positive outcome at that Conference.

Rosa Maria Fernandez-Martin also examines the EU role in climate change negotiations, taking the Kyoto Protocol as the starting point of her paper. She examines how the EU has integrated climate change and environmental issues into its decision making processes, and has been a front runner in taking action to reduce greenhouse gas emissions within its own territory. She notes that the EU simultaneously had to deal with enlargement from 15 to 27 Member States (some of those new states being transition economies) while taking actions to implement its commitments under the Kyoto with impacts across a range of policy areas. In this paper the failure of the EU in its leadership role at Copenhagen is again identified as stemming from a lack of consensus between Member States, while the issue of the Rotating Presidency (considered by Tom Delreux in this Special Issue) is also raised. However, that lack of leadership at Copenhagen has, Fernandez-Martin suggests, been mitigated by the EU finding common positions and establishing internal targets on emissions reduction. With this the EU moved towards a low carbon economy and has assumed a leadership by example role.

Tom Delreux takes a more detailed look at the EU internal negotiation mechanisms on international environmental issues, contrasting the role of the Rotating Presidency of the Council of Ministers, post Lisbon Treaty (Official Journal, 2007), with the role of the European Commission at two negotiation sessions – on biodiversity at Nagoya (October 2010) and on climate change in Cancun (December 2010) respectively. He highlights a particular difficulty of EU representation at such negotiations – that is who speaks for the EU – the Presidency or the Commission. Delreux provides a detailed examination of how the EU was represented at Nagoya and Cancun in 2010, and on the practical arrangements made at those conferences for the EU's voice to be heard. He concludes that while the rotating Presidency had maintained its role in the biodiversity negotiations, the Commission had gained the stronger role in the climate change negotiations at Cancun (and subsequently at Durban, 2011), noting that it is the substance and impact of international negotiations which should be the main focus, not who represents the EU in those negotiations.

Claire Dupont and Sebastian Oberthür, in their paper on climate policy integration (CPI) and the EU energy sector, have drawn on a broad raft of literature to develop a conceptual and analytical framework for how energy policy in general, and renewable energy (RE) policy in particular, have developed in light of the EU's climate change commitments in post-Lisbon Europe. While noting that energy policy competences remain at the Member State level, Dupont and Oberthür highlight how those competences have slowly shifted to the European level, with the Commission pushing for energy policy to be developed at the EU level. They contrast the RE policy of the EU which seeks to increase the use of renewable energy sources as one way of achieving its target for reducing GHG emissions by 2020, with the need to maintain secure gas supplies (an issue of energy security), at least until such time as RE developments can fill the gap in EU energy requirements. This paper therefore offers a new framework for the empirical study of CPI, taking account of the EUs long term climate policy objectives and requirements to 2050, and looking at that policy within theories of European integration.

In the final paper in this Special Issue, Angela Carpenter examines the development of a European Integrated Maritime Policy (IMP) which will enable it to benefit from a thriving maritime economy from multiple uses of its regional seas (fisheries, transport, tourism for example), while also protecting the marine environment and ecosystems. The development of the IMP identified the need to integrate different EU policy areas to achieve those economic and environmental outcomes, and to take a sustainable development (SD) approach to managing the marine environment. Carpenter therefore examines the development of an EU definition of SD which goes far beyond those originally developed at the end of the 1980s. Subsequently, her article examines how the EU has moved away from a reliance on international conventions and regimes to protect the marine environment towards introducing its own much stricter standards and regulations, providing the example of EU measures to protect its maritime regions from accidental oil pollution from tanker accidents. In that example, Carpenter identifies that those stricter EU standards were quickly adopted at a global level, illustrating that the EU does play a leadership role in promoting environmental policies that are implemented far beyond its Member States' territorial (or in this case) maritime boundaries.

The authors in this Special Issue underscore the importance of continued action by the EU to protect the environment and the role the EU can play in setting regional standards that have a global impact. The EU is a signatory or contracting party to many and varied international conventions protecting the land, the air and the seas, globally through UN multilateral agreements, regionally and also sub-regionally (for example through agreements on its regional seas). Those agreements include the areas of biodiversity, climate change, protection of the ozone layer, desertification, chemical and waste management, transboundary water and air pollution, and marine and river protection (European Commission, 2012). Irrespective of who speaks for the EU at negotiations, it is vital that it goes to them with achievable, realistic goals, and that it acts to bridge gaps between the many different countries attending those negotiations, each with their own national agendas and requirements. The papers in this Special Issue illustrate only a very small portion of the research – theoretical and empirical – that is taking place on environmental issues but it is hoped that they can highlight the significance of such research to a board audience, through the policy of the JCER to promote cross-disciplinary research in the field of contemporary European Studies.

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The EU as a Global Leader? The Copenhagen and Cancun UN Climate Change Negotiations

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Abstract

This article compares the degree to which the European Union (EU) managed to play a leadership role at the United Nations Framework Convention on Climate Change (UNFCCC) Copenhagen negotiations in December 2009 and the Cancun negotiations in December 2010. Our notion of leadership is composed of (a) direction (i.e. the degree to which an actor pushes towards a recognized collective purpose), and (b) goal-attainment (which is explained by three factors: coherence, the opportunity structure, and politicisation). The outcomes of the Copenhagen negotiations have been rather disappointing for the EU in terms of its substantial ambitions and leadership expectations. At Cancun, the Union had a firmer hold on the outcomes, but its goals have also been less ambitious compared to the Copenhagen negotiations.

Keywords

Climate change; Conference of the Parties (COP); EU actorness, coherence, external relations; international climate policy; UN Framework Convention on Climate Change

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For over a decade the European Union (EU)[1] has been characterised as a leader in international climate policy-making and negotiations (see Zito, 2005; Groenleer and van Schaik, 2007; Oberthür, 2009). However, the outcomes of the 15th Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC) in Copenhagen in December 2009 were disappointing for the EU given its ambitious goals and expectations. No ambitious legally binding agreement on limiting greenhouse gas (GHG) emissions of major emitting nations, which the EU aimed at, could be concluded for the period after 2012, when the first commitment period of the Kyoto Protocol expires. Moreover, the Copenhagen Accord, a series of non-binding political commitments by states eventually agreed among major emitters at the end of the Copenhagen conference, could not gain the support of the entire COP and, from a European perspective, contained disappointingly few concrete and ambitious provisions.

More concrete decisions were taken at COP16 in Cancun one year later. On the basis of more moderate objectives, the EU seems to have played a more influential role at the Cancun negotiations than at Copenhagen, being more involved in the decision-making process and having a firmer grip on the outcomes (Fuhr et al., 2011; IISD, 2011; Oberthür, 2011a).

In this article, we analyse and compare the degree to which the EU managed to play a leadership role, and seek to explain variation, across the two cases. By investigating the varying role of the EU at two consecutive COPs, we hope and expect to be able to identify the specific factors that help explain this variance. To what extent did internal and external factors affect EU leadership and influence? To what extent did the improved influence of the EU at COP16 result from learning of the Union from the Copenhagen

[1] In this article, we define the European Union (EU) as the combination of both the EU institutions that represent the EU at the climate negotiations (the European Commission, the Council Presidency) and the 27 EU Member States.

failure? Our case selection and analytical approach are targeted at providing an answer to these questions.[2]

We proceed as follows: in the next section we briefly specify our analytical framework. On this basis, we then analyses the COP15 negotiations leading to the Copenhagen Accord. Subsequently we examine the COP16 negotiations culminating in the Cancún Agreements. Finally, we draw some conclusions from our findings.

Analytical framework

Leadership

In the growing literature on (international) leadership (e.g. Underdal, 1994; Gupta and Grubb, 2000; Skodvin and Andresen, 2006; Schirm, 2010), two aspects can be identified that have proven to be particularly promising/relevant for a conceptualisation and analysis of leadership: (a) direction and (b) goal-attainment. In terms of direction it matters to what extent a particular actor drives and steers others towards a recognised collective purpose (cf. Underdal, 1994, p. 178; Eckersley, 2012). Arild Underdal (1994, p. 178) relates leadership to the "collective pursuit of some common good or joint purpose". Robyn Eckersley (2012) also mentions the importance for a leader of working towards a "shared" or "common purpose". Leaders are "progressive" by nature and push their followers forward rather than backward.

Criteria for a common international good/standard are not specified in the literature, but in the area of climate change the ultimate goal of the UNFCCC "to achieve […] stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic [human induced] interference with the climate system" (UNFCCC Article 2) is widely recognised. More recently, the Intergovernmental Panel on Climate Change (IPCC) has suggested that this goal implies limiting the global temperature increase to 2 degrees Celsius above pre-industrial levels. To this end, it should be necessary to reduce global GHG emissions by at least 50 per cent by 2050 from 1990 levels; GHG emissions by developed countries by 25-40 per cent by 2020 from 1990 levels (and 80-95 per cent by 2050); and GHG emissions of developing countries by 15-30 per cent by 2020 below "business as usual" levels (IPCC, 2007). Hence, in the empirical analysis, we will assess to which degree the EU's goals are in line with these benchmarks.

Going beyond direction, it does not make sense to talk of leadership if other actors do not follow at all (Schirm, 2010). This can be best operationalised by assessing the degree to which an actor's goals have been attained. EU goals can only be achieved if other parties follow the EU and the required agreement on them is secured. The extent to which the EU succeeds in transforming its goals into "COP-wide" decisions affects its degree of success, effectiveness – and thus leadership. Our account of goal attainment has been derived inductively from prior research (Groen and Niemann, 2012) and has been found relevant in studies that focus explicitly on EU actorness and effectiveness

[2] While comparing the Copenhagen conference with the Durban conference in 2011 might have provided an even starker contrast as regards EU influence, the Cancun conference also provides for an interesting comparison as it was the meeting immediately following the Copenhagen conference, enabling us to investigate immediate EU adaptation and learning. Pragmatically, the origins of the article are prior to the Durban conference.

(e.g. Jupille and Caporaso, 1998; Bretherton and Vogler, 2006). The subsequent analytical factors – that are somewhat intertwined and cannot always be neatly separated from each other – account for goal-attainment.

Coherence

A first analytical factor that we consider to explain the degree of EU goal-attainment is coherence. Several authors have considered coherence to be crucial for EU effectiveness in terms of goal attainment (e.g. Ginsberg, 2001; Thomas, 2012). In addition, coherence is often considered an indispensable ingredient for successful leadership (Elgström, 2007; Gupta and Grubb, 2000). We build on the concept of cohesion from Joseph Jupille and James A. Caporaso (1998)[3] to define coherence. Jupille and Caporaso build a theoretical model to analyse the degree of actorness/actor capacity[4] of an entity in world politics, of which cohesion is one of the four indicators. They state that cohesion is a "slippery concept", which does not equal substantive agreement on values and goals (Jupille and Caporaso, 1998, p. 219). Such substantive agreement would mean that interests are completely in harmony over a longer period of time, which in reality is almost never the case.

In order to clarify their definition of cohesion, Jupille and Caporaso (1998) distinguish between four types of cohesion: value (goal) cohesion, tactical cohesion, procedural cohesion and output cohesion. Accordingly, we will take into account the analytical questions that derive from these four categories of cohesion. Related to value (goal) cohesion, we thus investigate to what extent EU Member States share common basic preferences and goals. Regarding both tactical and procedural cohesion, we ask to what extent the EU has been able to overcome diverging preferences and resolve disagreements by means of established procedures and instruments within the EU's negotiating infrastructure – or tactical instruments, such as issue linkage and side payments. In relation to output cohesion, we in particular analyse to what extent the EU has succeeded in formulating common positions followed by the EU actors involved (the Commission and the Member States).

Opportunity structure

Whether the EU can attain its goals, may to a large extent depend on the "opportunity structure", i.e. the external context of events and ideas that enable or constrain EU action. It signifies the environment surrounding the EU in which action can (or cannot) take place (Bretherton and Vogler, 2006, p. 24). Ideas and events in this external environment can stimulate EU action, be conducive to EU action, or rather hamper the EU to act. For example, we analyse whether the overall constellation of actors (and their objectives) at the negotiations strengthens or weakens the EU's pursuit of its goals. The position of the other major negotiating parties (based on their domestic

[3] We use the term 'coherence' rather than 'cohesion' because it is more widely used in the literature (and signifies basically the same phenomenon/concept) (Niemann and Bretherton, 2013 forthcoming).
[4] Jupille and Caporaso (1998, p. 214) define actorness or actor capacity as "the capacity of an entity to act in world politics". Their three other indicators of actorness, besides cohesion, are recognition, authority and autonomy.

preferences/constraints), and how the EU reacts to these positions, are important determinants for the final outcome of the international negotiations.

In addition, we also consider the degree of politicisation of the items on the negotiating agenda as a part of the external environment. Politicisation can be described as the extent to which discussions about these agenda items are turned into a political debate. To politicise an issue means to make it political. An issue that is handled by bureaucrats can move to the agenda of top politicians when it is politicised (Elgström and Jönsson, 2000, pp. 691-692). Politicised issues/areas are hypothesized to be "permeated by national interests and competitive strategies, and non-politicized issues by segmented co-operation and a desire to preserve the arena as a locus for generating future, joint benefits." (Elgström and Jönsson, 2000, p. 692) The extent to which discussions about the agenda items of the negotiations become political debates and affect discussions in other countries, often involving a range of interest groups with different preferences concerning the outcome of the negotiations, influences the EU's ability achieve its goals at international negotiations. The degree of media attention and attention of the public, non-governmental organisations and political leaders for the COP meeting is also a factor that we consider in this respect, which can increase the overall degree of pressure put on the negotiating parties and impede or stimulate action.

The EU at the Copenhagen Negotiations

Negotiations at the Copenhagen conference of December 2009 took place at three different levels. First, negotiations proceeded among senior officials of the parties to the UNFCCC and the Kyoto Protocol during the first week of the conference. Second, political decisions at COPs in general usually involve ministers joining the conference during its "high-level segment" (normally towards the end of the conference). In Copenhagen, ministers arrived somewhat earlier than usual, because the conference was to culminate in a third level of decision-making; and due to the far-reaching decisions expected, heads of state and government were invited to take (or sign off on) the final decisions during the last days of the negotiations, from 16 to 18 December 2009. In the case at hand, about 30 heads of state and government were convened informally by the Danish COP Presidency during the last days of the conference to hammer out what was to become the main outcome of the conference: the Copenhagen Accord.

This informal setting superseded the preceding formal division into two negotiating tracks. First, in the Ad-Hoc Working Group on Further Commitments for Annex-I Parties under the Kyoto Protocol (AWG-KP), established in 2005, parties to the Kyoto Protocol (i.e. excluding the US) discussed a possible second commitment period under the Kyoto Protocol. Second, in the Ad-Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA), established in 2007, all parties to the UNFCCC (including the US) considered how to advance action under the Convention (UNFCCC, 2012; van Schaik and Schunz, 2012).

EU goals and their attainment

As expressed in Presidency Conclusions of the European Council and Council Conclusions of EU environment ministers, the EU aimed at a legally binding agreement to limit global

average temperature rise to less than 2°C above pre-industrial levels. Accordingly, the EU supported that global GHG emissions should start falling from 2020 and be reduced by at least 50 per cent as compared with 1990 levels by 2050. Developed countries should thus collectively reduce their emissions by 25–40 per cent by 2020 and by 80–95 per cent by 2050. Developing countries should achieve a substantial relative emissions reduction in the order of 15–30 per cent from 'business-as-usual' by 2020. The EU itself made an unconditional commitment to an emissions reduction of 20 per cent and offered to increase this to 30 per cent in the context of an ambitious agreement (Oberthür and Pallemaerts, 2010, pp. 44–46). This goal can be considered to be very ambitious and nearly completely in line with the ultimate goal of the UNFCCC and the related scientific advice (see above). It was also ambitious because it was far ahead of the much less ambitious goals of other negotiating parties at Copenhagen, such as the United States, India and China (see also below).

Eventually, the EU achieved hardly any of its goals in Copenhagen. With the exception of the 2°C goal, there is hardly anything in the last-minute Copenhagen Accord that would live up to the very high EU ambitions and reflect the above EU goals. In particular, there is no mention of any legally binding emission reductions. National emission reduction pledges should be submitted to the UNFCCC secretariat, but countries are not bound by these pledges (UNFCCC, 2009, Oberthür, 2011b). The negotiations did not deliver the much-wanted results, due to persisting differences between the EU, the United States, and developing countries, in particular the group of advanced developing countries, the 'BASIC' countries (Brazil, South Africa, India and China). A deep divide between developed and developing countries became apparent in Copenhagen, especially on the form a future agreement on climate change should take. Developing countries (and the US) did not want to bind themselves to any legal commitments and other developed countries refused to do so unless the United States and major developing countries would go along (Metz, 2011, pp. 347-348). The contents of the final agreement, the Copenhagen Accord, were mainly determined by the US and the BASIC countries, whereas the EU was marginalised (Curtin, 2010; van Schaik and Schunz, 2012).

Coherence

At Copenhagen, EU coherence faced significant challenges and remained severely limited. While EU Member States managed to agree on an ambitious EU negotiating position (see above), preferences among Member States diverged significantly and led to serious internal political debate and conflicts on important issues on the negotiating agenda, including in particular whether to move the own emission reduction goal to 30 per cent and regarding financing for adaptation and mitigation measures in developing countries. Political debate inside the EU Member States effectively diminished the degree of EU coherence.

Debate and conflict among EU Member States on these core issues were rooted in a long-standing divergence of preferences. The conditional 30 per cent reduction commitment complementing the unconditional 20 per cent reduction commitment had already been established in 2007 (Council of the European Union, 2007, p. 12). Differences of opinion among EU Member States concerning climate change ambitions subsequently came to the forefront during the deliberation of the climate and energy package of legislative measures implementing the unconditional 20 per cent commitment

within the EU in 2008. Throughout 2009, the EU continued to struggle internally over GHG emission reduction targets with the debate focusing on whether to move to 30 per cent (New York Times, 6 December 2009). The issue also became a major issue of contention at the Copenhagen conference itself. Internal dissent was increased by the upcoming economic crisis (Parker and Karlsson, 2010). Disagreement among EU Member States, with Britain, Denmark and the Netherlands among those supporting further substantial emission cuts, and Italy and Poland leading the front against such steps (tacitly supported by other Eastern European Member States), "created the potential for an embarrassing public dispute among EU nations right when the bloc most hopes to assert its leadership" (International Herald Tribune, 2 December 2009; see also New York Times, 6 December 2009; The Times, 17 October 2008).

In addition, many EU Member States, most notably the Eastern European Member States, were reluctant to commit financial resources to help developing countries adapt to and mitigate climate change, because of the financial crisis (Guardian Unlimited, 11 December 2009). In contrast, Member States like the Netherlands, the UK, Germany, France, Denmark and Sweden were ready to put concrete amounts of money on the table (Interview with Dutch delegate, The Hague, 12 May 2010).

Internal procedures did not facilitate progress. The consensus requirement often drove negotiators towards the lowest common denominator (Interview with UK delegate by telephone, 10 May 2010). Despite a substantial number of meetings beforehand, no concrete common EU position could be formulated at all on some agenda items (e.g. climate finance and land use, land use change and forestry) because the Member States could not reach sufficient agreement (Interview with Council Secretariat representative, Brussels, 3 May 2010).

Under the circumstances, EU negotiators were seriously constrained. They could not deviate from the negotiating position before the Member States had unanimously approved of change (interview at the Council Secretariat, 3 May 2010). Consequently, it was difficult for the EU to interact with third parties at the negotiations (also because it lost a lot of time at the negotiations with internal coordination). In addition, when the negotiations shifted to the level of heads of state and government, even the daily coordination meetings between them did not allow keeping ranks closed. At this final stage the leaders of France, the UK and Germany took over the lead from the Swedish Council Presidency representative Prime Minister Fredrik Reinfeldt and from Commission President José Manuel Durão Barroso in order to secure an ambitious outcome and left the less ambitious EU Member States behind (Interview with Council Secretariat representative, Brussels, 3 May 2010; NRC Handelsblad, 11 December 2009).

Internal divergence continued beyond the conclusion of the Copenhagen Accord. While France, the UK, the Swedish Presidency and the Commission were disappointed about the non-legally binding outcome, Italy and the Central and Eastern European Member States indicated that they were quite satisfied (Barroso 2009; Interview with EP delegate by telephone, May 2010). Substantial disagreements also continued on the EU's GHG reduction target (whether to upgrade it to 30 per cent or not). By the required 31 January 2010 deadline, the EU could thus only send to the UNFCCC secretariat the target of reducing GHG emissions "by at least 20 per cent by 2020 relative to 1990 levels and by 30 per cent relative to 1990 levels provided that other developed countries commit themselves to comparable emission reductions and that economically more advanced developing countries contribute adequately according to their responsibilities and

respective capabilities consistent with staying below 2°C" (UNFCCC, 2010, p. 11). Disagreement on climate finance also remained. By the end of the negotiations the EU had not yet settled on how much it would contribute to the required long term finance of $100 billion from 2020 for adaptation and mitigation measures, owing to persisting disagreement on the questions of how this burden should be shared and whether payments had to be recorded (CAN Europe, 2009).

Opportunity structure and politicisation

First of all, the international context at Copenhagen was far more multi-polar than in earlier negotiations on the Kyoto Protocol. The US, under Barack Obama's administration, was back at the negotiation table at Copenhagen and the group of BASIC countries (four emerging economies: Brazil, South Africa, India and China) also came to the table with firm stances. In 1990, the 15 EU Member States and the US accounted together for about 60 per cent of the CO2 emissions of developed countries (UNFCCC, 1998), and the EU and the US thus dominated the discussions within the UNFCCC in the 1990s. When the US withdrew from the Kyoto Protocol in 2001, the EU became the clearly most important actor. However, when global emissions (rather than emissions of industrialised countries, as in the case of the Kyoto Protocol) were discussed in the Copenhagen process, the EU only constituted one of several important actors, including the US and the BASIC group. In 2005, the EU only accounted for a share of about 13 per cent of global GHG emissions. While the EU reduced its emissions, China and the other BASIC countries significantly increased their share in global GHG emissions. China's global GHG emissions share was already higher than that of the EU in 2005. The US also increased its global GHG emissions. Thus, in terms of emissions share, the EU had become less important than the BASIC group and the US (Oberthür, 2011b).

The stances and objectives of the US and the BASIC countries were considerably less ambitious than their own. Compared to the EU's unilateral GHG reduction target of at least 20 per cent, the US and BASIC country reduction targets were a lot more modest. The US target was to cut GHG emissions by 17 per cent by 2020 from 2005 levels. China, which can be considered the leader of the BASIC country group, pledged to reduce the amount of carbon dioxide emitted per unit of economic output by 40 to 45 per cent by 2020 compared to 2005 levels, which would not decrease the total amount of emissions in 2020 compared to 2005, as China's economic output would continue to grow (New York Times, 26 November 2009). Especially, both were not prepared to accept any legally binding commitments. Also detrimental in terms of the overall actor constellation was that, in late November, just before the start of the conference, the BASIC countries decided to act jointly against the developed nations at the COP15 meeting (Dasgupta, 2009). During a closed-door meeting in Beijing they drafted an accord that became the basis for the final Copenhagen Accord. They decided to jointly walk out of the meeting if the developed countries tried to move them to go beyond their limits. This initiative was led by the Chinese government (Schall-Emden, 2009). On 15 November 2009, at the Asia-Pacific Economic Cooperation (APEC) forum, the group of attending leaders, including both US President Obama and Chinese President Hu Jintao, agreed to consider the Copenhagen negotiations as a "staging post" rather than an end point in the search for a global climate deal (BBC News, 2009).

The EU's goals seem to have been too ambitious to be reconcilable with the interests of the United States and the BASIC countries. The latter could not be convinced by the normative arguments of the EU to shift their positions. The negotiating strategy adopted by the EU did not sufficiently take into account the fact that the US and the BASIC countries had adopted rather conservative negotiating positions (van Schaik and Schunz, 2012). There was no plan B included in the EU negotiating strategy, which could have allowed the EU to react to the negotiating realities and stay more closely involved in the process of arriving at some sort of compromise agreement. In particular, the position of the EU to abandon the Kyoto Protocol and replace it with a new global agreement alienated developing countries and made a possible coalition with them (small island states and least developed countries) virtually impossible (Oberthür, 2011b, pp 678-679). As a result, the US and the BASIC countries more or less sidelined the EU during the final negotiations among the heads of state and government on the Copenhagen Accord (van Schaik and Schunz, 2012; Curtin, 2010).

The COP15 negotiations were characterised by an exceptionally high political salience. It was expected that decisions would be taken about important topics like climate finance and concrete GHG emission reduction goals in Copenhagen. The summit marked the culmination of several years of negotiations and was attended by an unprecedented number of media, non-governmental organisations and political leaders. According to a Commission delegate the political pressure put on the EU before and during the Copenhagen conference was very high. The EU stood fully in the spotlight of public opinion, stronger than ever before at a COP meeting. It was challenged from various sides to adjust its position, both in more ambitious and in less ambitious directions. Climate politics had acquired a geo-political dimension. The result was a political chess game at the level of the heads of state and government and finance ministers (Interview with European Commission delegate, Brussels, 14 April 2011). The high degree of politicisation at Copenhagen (also) adversely affected EU coherence (see above), as it cemented member governments' positions and left little scope for manoeuvre due to significant domestic public attention and pressures.

In addition, domestic constraints prevented other players from moving away from (substantially) amending their positions at Copenhagen and searching for a compromise closer towards the EU's stance. The new US Obama government, for example, that was more predisposed to a far-reaching deal than its predecessor, would have needed the agreement by both chambers of Congress for entering into a legally binding international agreement (Council on Foreign Relations, 2009). Moreover, the general US external policy stance is that the US will only ratify international agreements "when domestic policy is settled on the issue in question" (Bang and Schreurs 2011, p. 247), which was not the case with the issues on the Copenhagen agenda. Federal climate policy requiring mandatory emission reductions had been blocked for many years. A bill proposing a 17 per cent cut in US GHG emissions from 2005 levels by 2020 was passed in the House of Representatives in 2009, but stalled in the Senate. Oil, coal and manufacturing lobbies had been spending millions to frame the proposed bill as fuelling unemployment and increasing home heating bills (Guardian Unlimited, 17 November 2009). Such domestic constraints on a considerably politicised issue limited the US' willingness to compromise. Overall, it can be assumed that the high stakes at play at Copenhagen made it less feasible that the negotiations would result in a highly ambitious agreement as proposed by the EU.

Interim conclusions

The analysis above suggests that both internal coherence, and opportunity structure and politicisation may have worked against the EU attaining its goals at Copenhagen. The EU could not present more ambitious common positions because of internal disagreement on important agenda items, such as the EU's GHG emission reduction goal and its financial contributions to developing countries. Preoccupation with internal conflict also made it more difficult to reach out to third parties at the negotiations. At the same time, the external opportunity structure and a high level of politicisation also worked against EU goal attainment. In the changed and evolving international context, the EU was no longer the most important player and was not considered crucial by others (such as the US and BASIC countries). A high level of politicisation further limited the willingness of the other players to compromise and increased their level of ambition.

Under these circumstances, it may appear that the unfavourable opportunity structure and politicisation trump coherence as regards explanatory power. Given the external circumstances, it is difficult to see how a more ambitious EU position could have enhanced EU influence. After all, the EU was already the player with the most ambitious position. Consequently, there is little reason to believe that even a highly coherent EU could have changed the positions of the US and the BASIC group. At most, a higher level of EU coherence and unity may have assisted in gaining room for strategic thinking. In this respect, the EU position of abandoning the Kyoto Protocol foreclosed the possibility, and the EU failed to make a concerted effort, to build a coalition with like-minded developing countries (see also Oberthür, 2011b).

The EU at the Cancun Negotiations

The Cancun COP16 negotiations, held in December 2010, one year after the Copenhagen negotiations, were able to take away a large part of the distrust between developing and developed countries culminating into an agreement, which formalised many elements of the Copenhagen Agreement by incorporating them in a UNFCCC decision (Metz, 2011; Barroso, 2010). Agreement was reached, among others, on administrative UNFCCC mechanisms on adaptation, technology transfer and REDD+, including the decision to establish a Green Climate Fund (UNFCCC, 2011).

EU goals and their attainment

For Cancun, the EU adopted a more pragmatic approach and set less ambitious goals than for Copenhagen. It aimed at a concrete set of decisions that implement the elements of the Copenhagen Accord (e.g. Oberthür 2011a, p. 10). In its Environment Council Conclusions of 14 October 2010, the EU stated that it aimed for a balanced outcome across and within the two negotiating tracks (the Long-Term Cooperative Action under the Convention track and the Kyoto Protocol track) involving all parties, that would contribute to the establishment of a post-2012 regime and deliver actions on the ground. The Council Conclusions also confirmed the EU's long-term GHG emission reduction objectives, both at the global level (50 per cent by 2050) and for developed countries including itself (80-95 per cent by 2050) (Council of the European Union, 2010). While its goals thus remained progressive, the short-term ambition for Cancun

was significantly more moderate than for Copenhagen: the EU did not aim for a universal legally binding treaty as an outcome of the conference (but instead as an aim for the future), nor for concrete commitments by other players. Instead, it advocated a set of concrete decisions on various institutional issues with a limited immediate impact on mitigating climate change. Importantly, the EU now also signalled "its willingness to consider a second commitment period under the Kyoto Protocol, as part of a wider outcome including the perspective of the global and comprehensive framework engaging all major economies" (Council of the European Union, 2010, para. 4). All in all, achieving the EU goals would thus constitute progress, but deliver little in terms of achieving the emission reductions required (see above).

To a large extent the EU's goals for the Cancun conference can be said to have been reached. Whereas little progress was made towards establishing a global post-2012 climate regime, decisions were adopted under both the Convention and the Kyoto Protocol tracks that elaborated on the Copenhagen Accord and kept the possibility of a second commitment period of the Kyoto Protocol alive. Many elements of the final package, the so-called "Cancun Agreements" (including the establishment of various bodies and agreement on all elements of the Copenhagen Accord), reflected what the EU had laid down in its Council Conclusions – although one may want to caution that the EU position was also carefully crafted in general terms. This lack of concreteness certainly facilitated reaching the goals established (see also Oberthür, 2011a). Overall, we can nevertheless conclude that the EU was considerably more successful in achieving its goals in Cancun than in Copenhagen – while these goals were also considerably less ambitious (so that it was much easier to realize them).

Coherence

Towards the Cancun conference, the coherence of preferences among EU Member States had changed little as compared with Copenhagen. The emission reduction target and climate finance were still very contentious. At the Environment Council meeting in October the question of whether the EU's emission reduction target should be raised from 20 per cent to 30 per cent below 1990 levels by 2020 was discussed. No agreement on scaling up the target could be reached. The divide between two blocks of Member States, already present before the Copenhagen negotiations, seemed to persist. On the one hand, a group of Western European Member States – including the UK, the Netherlands, Sweden and Denmark – was in favour of raising the target, while on the other hand a group that included many of the Eastern and Central European Member States and also Italy, only wanted to agree on scaling up the target when other major GHG emitters commit themselves to similar targets within the UNFCCC negotiation process (Euractiv, 2010a; Santarius et al., 2011, p. 9). EU Member States also did not make further progress on the question of climate finance. Reports rather suggested that the EU would fall 200 million EUR short of its 2010 yearly financial commitment and 357 million EUR over the entire period 2010-2012. Reportedly, four Member States failed to deliver their share for 2010 (Euractiv, 2010b). As a growing number of Member States had to cope with severe budget problems, it seemed likely that problems regarding climate finance commitments would increase in the future.

The division among EU Member States on the two topics mentioned above could not be overcome, as the divide was rather deep (Interview with Commission official, Brussels,

14 April 2011). This divide did, however, not restrain the EU from adopting a coherent negotiating stance, albeit a less ambitious one than the Commission and the more progressive Member States would have liked (which was also the case for Copenhagen). Because the EU did not aim for a highly ambitious outcome at Cancun, the contentious issues among its Member States did not stand in the way of its negotiating efforts (Interview with Commission official, Brussels, 14 April 2011). At this point, the Cancun and Copenhagen conference clearly differ. Whereas serious internal conflicts arose especially regarding the emission reduction target and climate finance on the way to Copenhagen, the negotiating positions that the EU could agree upon in its Council conclusions for Cancun matched the international agenda so that not much internal debate ensued. As a matter of fact, neither upgrading climate finance nor strengthening emission reduction targets stood high on the agenda of the Cancun conference that was focused on formalising and elaborating the Copenhagen Accord. Whereas internal disagreements thus remained in substance, they hardly translated into incoherence as regards the international negotiations as they were not relevant for that context.

Opportunity structure and politicisation

In the first place, many parties considered the Cancun negotiations as the make-or-break-moment for the international climate change negotiations, after the failure of Copenhagen. If the Cancun negotiations did not result in an outcome, there would be little chance that a meaningful global deal on climate action would ever be reached and the UNFCCC could have lost its value. Therefore, the majority of the UNFCCC parties were eager to reach a substantial outcome in Cancun, that is to say an outcome involving all parties, both developed and developing countries, including conclusions on a list of topics.

The EU benefited from this atmosphere. Compared to the Copenhagen summit, the US and the group of BASIC countries behaved in a more cooperative manner, which made it easier to arrive at a final package of agreements that satisfied all negotiating parties, including the EU. The US' goal was to ensure that the Copenhagen Accord would survive and be given a more definitive shape. This goal matched with the EU's goal for Cancun. The US was especially concerned about transparent climate action in China (measurable, reportable and verifiable). It urged China to proceed towards such action, which was also in the interest of the EU. China showed its support for the multilateral process and pushed for a second commitment period of the Kyoto Protocol, as did Brazil. Thanks to Brazil's persuasion efforts India and China showed more willingness to consider binding mitigation actions. South Africa tried to form strategic alliances with the other BASIC countries, the African Group, the G77 and the EU and tried hard to resolve divergences, for example on a second commitment period for the Kyoto Protocol and on legally binding mitigation commitments. The Cancun Agreements include two Indian proposals, one on a technology transfer mechanism and another on an International Consultation and Analysis mechanism that helped to break the deadlock on the transparency of mitigation efforts. These Indian proposals were favourable to the EU, which also wanted the divisions on mitigation transparency to be overcome (Santarius et al., 2011, pp. 12-20).

Another important contextual factor enabling the EU to act at Cancun was that expectations were scaled down considerably after the disappointing outcome in

Copenhagen (IISD, 2010b). The Cancun negotiations were less politicised than the negotiations at Copenhagen. After the failure of the Copenhagen negotiations nobody expected a big and highly ambitious (legally binding) outcome anymore, neither the negotiators, nor the public at home. Much fewer heads of state and government attended the Cancun negotiations. Also, the COP16 meeting was much less discussed in the media and lobby groups were less active than they were before and during the Copenhagen summit (IISD, 2010b). The EU did not stand as much in the spotlight of public opinion as was the case at the Copenhagen summit and much less was expected from it.

The EU could profit from this atmosphere to find its own way to reach many of its goals, step by step. In a highly politicised atmosphere interest groups with different positions might have pushed the EU's negotiating stance in various directions, thereby weakening the EU's ability to negotiate. In a low-ambition-level-context with less interference from such groups than at Copenhagen, it was easier for the EU to operate. Its pragmatic approach towards a concrete set of decisions that get action going on the ground suited the low-ambition context well (Interview with Commission official, Brussels, 14 April 2011).

In this low-ambition context, the EU took proactive steps at Cancun by which it made progress towards its goals. It tried to act as a bridge-builder by positioning itself between the major blocs – Brazil, South Africa, India and China (the BASIC countries), the US, Japan, Canada, Australia and the developing countries – and tried to shift the balance as much as possible towards its own objectives. Arguing that existing mitigation pledges need to be strengthened and clarified and that more needs to be done on measurement, reporting and verification, the EU sometimes aligned with the developing countries and the BASICs, in other cases with the US and other developed countries, depending on the issue under discussion (Oberthür, 2011a, p. 10). Importantly, the EU actively engaged in outreach activities and coalition building with other countries, most importantly by taking part in the "Cartagena Dialogue for Progressive Action". This Dialogue is "an informal space open to countries working towards an ambitious, comprehensive and legally-binding regime under the UNFCCC" (IISD, 2010a). 30 like-minded developed and developing countries from the Alliance of Small Island States, Latin America, Europe, Oceania, South East Asia and Africa participate in the dialogue. Their goal is to explore areas of convergence and joint action. The EU engaged actively in these talks and thereby made progress in coalition building (Oberthür, 2011a, p. 10; IISD, 2010a). In addition, the fact that the EU clearly expressed in its Council Conclusions for Cancun that it was willing to consider a second commitment period under the Kyoto Protocol (as part of a wider outcome) provided the basis for coalition building with the developing countries (which had turned against the EU at Copenhagen because of the EU's position on the Kyoto Protocol).

Interim conclusions

Whereas preferences of EU Member States had changed little one year after Copenhagen, there was much less internal conflict regarding the international position of the EU towards the Cancun conference. This has to be seen in the context of an evolving international opportunity structure and a much-reduced level of politicisation. The agreed EU negotiating positions matched the international agenda, so that not much

internal debate ensued. Whereas internal disagreements remained in substance, they hardly translated into incoherence as regards the international negotiations as they were not relevant for that context. Furthermore, most parties considered the negotiations as the make-or-break-moment for the UNFCCC, after the failure of Copenhagen, and were eager to reach concrete outcomes of a much more similar level of ambition than in Copenhagen (e.g. no immediate legally binding agreement). At the same time, (public) expectations for Cancun were scaled down considerably after the disappointing outcome in Copenhagen.

The EU itself contributed to an improved level of goal attainment in particular in three ways. First, its much less ambitious (and less concrete) goals for Cancun substantially facilitated achieving them. Second, the EU's change of position on the future of the Kyoto Protocol, now signalling its willingness to consider a second commitment period, facilitated coalition building especially with developing countries. Finally, its active engagement and strategic focus on such coalition building and a bridge-building role seems to reflect a growing awareness of the need to adapt EU strategy to the changing geopolitics of climate change, which eventually enhanced EU influence (under the constraints of these geopolitics).

Conclusion

Comparing the EU's role in the Copenhagen and Cancun conferences, it may be unsurprising that there appears to be an inverse relationship between ambition and goal achievement. In Copenhagen, the EU pursued highly ambitious and concrete goals that were largely in line with authoritative international scientific advice to achieve the ultimate objective of the UNFCCC to avoid dangerous anthropogenic interference with the climate system – but it failed miserably in achieving these goals. In contrast, the EU arguably reached many of its goals for the Cancun conference, which were, however, much toned down from and less concrete than the previous year.

However, more factors have been at play. Internal EU coherence and conflict have also varied significantly. To be sure, general interests and preferences of EU Member States did not significantly vary between 2009 and 2010. Significant divisions existed throughout the period investigated between a group of more progressive “old” Member States and a group of mainly ”new” Member States (led by Poland but also including Italy) that stalled more ambitious EU climate policies. However, Member States still acted in a much more united way in Cancun than they did in Copenhagen because the most divisive issues (ambition concerning emission reduction targets and climate finance) had essentially been exhausted for the time being in Copenhagen and were thus not prominently on the agenda of the Cancun meeting. This correlation between coherence/unity and EU goal achievement is in line with expectations in much of the relevant literature, but our analysis does not allow us to make causal claims in this respect. It does highlight, however, that EU coherence and unity regarding EU external policy cannot be assessed on purely internal grounds, but that such coherence and unity is contingent on the external context, in our case the international negotiating agenda (which relieved the EU from having to resolve its internal divisions at Cancun).

On the basis of our analysis, we furthermore suggest that the international opportunity structure and the level of politicisation trumps internal coherence when it comes to

understanding EU goal achievement in the cases at hand. A careful look at the international context and the nature of the internal disagreements within the EU as regards Copenhagen leads to the conclusion that greater EU unity (e.g. on a higher ambition) at Copenhagen could hardly be expected to have contributed significantly to enhancing the EU's weight in the highly politicised international discussions in view of (1) the unwillingness especially of the US and China to move significantly, (2) the large divergence of preferences of the major players, and (3) the limited weight of the EU in the evolving geopolitics of climate change (somewhere in between multi- and bi-polarity). Conversely, the reduced politicisation, the scaled-down international agenda and the larger overlap of preferences of the major actors towards Cancun provided a more amenable context for the EU to exert influence and achieve its objectives. Importantly, a majority of countries were eager to prevent another failure (which would have dealt a major blow to the UNFCCC) and reach an agreement in Cancun.

We should also not forget about the EU's room for manoeuvre to adapt its positions and strategy more or less well to the international opportunity structure – a factor that also varied significantly between the two cases investigated. In the Copenhagen process, to some extent preoccupied with internal discussions, the EU isolated itself from developing countries as a whole, including important potential allies in its quest for an ambitious international agreement (including small island states, least developed countries, Latin American countries, and others), by abandoning the Kyoto Protocol. Overall, it did hardly pursue a strategy suitable for its reduced weight in the new geopolitics of climate change. In contrast, it adapted its positioning and strategy towards the Cancun conference by taking a middle position between the other major blocs and investing heavily in coalition building, especially with developing countries (enabled by its modified position on the Kyoto Protocol). On this basis, it was able to act as a bridge-builder, sometimes aligning itself with the developing countries and the BASICs, in other cases reaching out to the US and other developed countries. Overall, our analysis thus suggests that the EU has been able to learn its lesson from Copenhagen by adapting its position and strategy to international political reality – an adaptation that may have been facilitated significantly by requiring agreement on less rather than more ambition (with more ambition having proven particularly divisive among EU Member States).

This successful adaptation and learning illustrates a major dilemma of contemporary EU external policy and international leadership on climate change, relating to the possibly impossible task of realigning ambition with political reality. On the one side, pushing for policies in line with scientific advice so as to prevent dangerous anthropogenic interference with the climate system may not be politically realistic under current circumstances and diminish influence. On the other side, the EU pursuing less ambitious goals may have better prospects of being successful and influencing outcomes, but dangerous climate change may not be prevented thereby. In practice, the EU's challenge consists in pushing for the most ambitious margin within the realm of realistically possible agreements (while working towards upgrading the ambition scope of this realm, inter alia by means of coalition- and bridge-building).

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The European Union and International Negotiations on Climate Change. A Limited Role to Play

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Abstract

The European Union played a key role on Kyoto Protocol's entrance into force, and has been a front runner on the implementation of measures to reduce greenhouse gas emissions within its territory. However, the slow progress achieved since the Bali Roadmap was agreed (2007) illustrated a worrying trend that was confirmed by what happened at Copenhagen Summit in 2009. The Cancun Summit in 2010 showed how developing countries also had something to say in order to achieve a positive outcome. All these facts seem to indicate that the EU is losing its influence at international negotiations in the area of climate change, which makes sense if we take into account that its participation on total emissions is smaller each day, and that it is time for the biggest polluters to commit on reduction targets and energy efficiency policies. Nevertheless, the positive results that the measures adopted by the EU are giving in terms of emissions reduction and shift towards a low carbon economy could be taken as example by these countries, reinforcing its assessment role in the future.

Keywords

Climate Change, Copenhagen Accord, decision making, emissions reduction, European Union, International negotiations, Kyoto Protocol

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The approval of Kyoto Protocol is considered the most relevant international agreement related to climate change currently in place. However, we are arriving at the end of its first commitment period (2008-2012) and, despite very small steps, there is no sign of a new binding agreement in the near future. What is more, there are voices claiming that Kyoto has not made any appreciable difference to climate change, nor would it have done so, had it been fully implemented and the targets delivered, as the framework does not include binding caps for the USA neither targets for China and India (Helm, 2009a, p. 10). It is not the purpose of this paper to dig deep into the accuracy or ambition of the Protocol, though it will be taken into account when making reference to the future negotiations about how to tackle climate change.

Nevertheless, there is no doubt that European Union played a key role on Kyoto's entry into force, and it has been a front runner on the implementation of measures to reduce greenhouse gas emissions within its territory. That has not been an easy process. In fact, one of the criticisms that the EU frequently receives is the lack of a unified voice representing EU interests (Charlemagne, 2010; Mulders, 2011). This is one of the factors that have weakened EU position in international negotiations such as the G20 or the World Trade Organization forums. Other counterparts find it difficult to determine who is talking in the name of the EU, and who is doing it to defend national interests while proclaiming to represent the EU as a whole, so the problem does not only affect climate change negotiations.

Within the context of international negotiations on climate change, it must be mentioned that the United Nations summits have been the framework where the most important agreements related to environment protection and climate change have been reached. Furthermore, it is from the United Nations that the EU received the strongest encouragement to become the leader on the negotiations to replace the Kyoto Protocol beyond 2012 (BusinessGreen, 2011), despite the shift on position of its Secretary-

general about his involvement on such negotiations and his lack of confidence on a positive outcome (AFP, 2011).

The fact is that the EU has proclaimed itself as the leader on the fight against climate change (European Council, 2007) and theoretically it has been playing this role while nobody else wanted to take it.

Notwithstanding the efforts that the EU has made trying to get as many countries as possible involved in the international goal of tackling climate change, the reality tells us that there are many factors and many other actors that limit the capacity the EU has for getting words translated into actions. The trial to include the aviation sector on the European Emissions Trading Scheme (ETS) is a good example of the many factors and countries involved.

The proposal to amend the ETS Directive was first presented in 2006 (COM (2006) 818 final) and six years later it is still not clear how it is going to affect third countries. There have been protests from China mainly, but also from the USA and Russia, as it intends to apply taxes on flights coming from those countries and it would increase the price of the commodities imported from them, so it would affect the balance of international trade. There could be an opportunity to overcome this carbon tax, as per the last version of the Directive, if the third country implements similar measures at domestic level, which apparently China intends to do, although it is not clear when or how (Keating, 2012). The efforts to avoid international frictions with powerful commercial partners show how delicate and time consuming the implementation of measures in the area of climate change can be.

The slow progress achieved since the Bali (promising) Roadmap was agreed (2007), showed a trend confirmed by what happened at the Copenhagen Summit in 2009. Individual commitments were negotiated out of the official meetings by some of the biggest emitters, United States and China, while the European Union voice was almost unheard, focused as it was on its own energy dependency issues. Several factors contributed to the perceived failure of the Summit. Among them several sources (BBC News, 2009; Becker, 2009) point to the role played by the United States and Obama administration, willing to take measures but being limited by the need for approval by the US Congress. In general it was also perceived that there was a lack of any real aim to negotiate, but rather to present each country's position without listening to others. The setup of meetings among special guests, organised by the host (Denmark), upset those not invited and led to cancellation of sessions once the official round of meetings had started.

The enlargement of the EU to include countries not really convinced about the need to reduce emissions any further also did not help, nor did it help that some Member States (France and United Kingdom particularly) had made efforts to include some developing countries in the framework and did not want to see the Summit finish without signing an agreement. This could also be applied to the EU as a whole, as the EU rejection of the accord would have led other nations (developing ones) to reject it as well. So the EU ended up signing something it was not convinced about (BBC News, 2009). Others also blamed the reluctance of China to accept international verification of its climate change measures of the failure of the Summit (Becker, 2009). It was at that moment that the European leadership started being publicly questioned. The Cancun Summit in 2010 showed how developing countries also had something to say in order to achieve a

positive outcome. The announcement of Canada's withdrawal from the Kyoto Protocol at the end of the Durban Summit (December 2011) illustrates the weakness of the whole process and makes observers wonder what can happen next (Vaughan, 2011).

All these facts seem to add up and indicate that the EU is possibly losing its influence at these negotiations, which makes sense if we take into account that its contribution to total emissions is smaller each day, and that it is time for the biggest polluters to act. However, these countries seem to be focused on other problems. In the case of the USA, for instance, the fact that the Obama administration was trying to get approved, at the same time, health system reform and emissions reduction was putting too much pressure on the government. In the case of China, it has been more focused on short term goals related to its commercial agenda (BBC News, 2009; Becker, 2009). Nevertheless, the positive results that the measures adopted by the EU are giving to some Member States could be taken as an example by other countries, reinforcing its assessing role in the future.

The aim of this paper is to analyse the role that the EU has really been playing at international negotiations on climate change and the role that it is foreseen it will play in the future, bearing in mind the multiple actors involved and the increasing influence of emerging countries in the international arena, together with the complexity of circumstances around international negotiations over an issue as global as climate change.

Kyoto Protocol and Fight against Climate Change in the EU

The EU tried its best to get the Kyoto Protocol into force as soon as possible, although the process took a long time after it was first approved in December 1997 (signed 1998). It finally entered into force in 2005 (Fernandez, 2010, p. 209). However, what made a difference in the EU's behaviour was its political will to start taking early action in order to be ready for what would need to be in place from 2008 onwards.

This early action gave birth to the approval of the Burden Sharing Agreement (ratified by Decision 2002/358/EC), which established emissions reduction targets for each Member State, and to the creation of an internal market for greenhouse gas emissions, the European ETS, through Directive 2003/87/EC. This Directive intended to create a market mechanism similar to the one that the Protocol suggested, and to have it operational between 2005 and 2007 as a transition period, in order to have time to detect failures and to adopt corrective actions.

It was clear that the ETS was not perfect almost from the beginning. The amount of emissions forecast for each Member State proved to be too high and thus the allowances assigned to each country did not foster the necessary investments to reduce emissions. It did not help either to keep carbon prices high and stable, which was required in order to obtain the desired outcome: CO2 emissions reduction. Subsequently modifications were included for the period 2008-2012, this time adapting the regime to fully comply with the Protocol requirements. In fact, the link of the ETS with the Kyoto Protocol was reinforced by Directive 2004/101/EC, allowing the procurements of credits through project based flexibility mechanisms (Certified Emission Reductions - CER, from the Clean Development Mechanism; and Emission Reduction Units - ERU, from the Joint Implementation Mechanism).

The progress achieved on emissions reduction during the last years across Member States has been uneven (see Table 1) and has been affected by a number of factors.

Table 1: Evolution of GHG emissions in CO2 equivalent indexed to 1990 (base year = 100)

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Target
EU15	97	97	98	98	99	99	98	97	96	94	88	89	92.0
DE	83	83	85	83	83	82	80	80	78	78	73	75	79.0
BE	101	102	102	101	102	103	100	97	93	95	87	92	92.5
IT	106	106	107	108	111	111	111	109	107	104	95	97	93.5
DK	106	99	102	101	108	99	93	104	98	93	88	89	79.0
ES	130	135	135	141	143	149	154	151	154	143	130	126	115
FR	102	101	101	100	101	101	101	99	97	96	92	93	100
UK	87	88	88	86	86	86	86	85	84	82	75	77	87.5

Source: Eurostat (Data retrieved 26.11.2012)

One of these factors is that the ETS is applicable to some economic sectors that account for 45 per cent of the total emissions, so it is necessary to implement measures in other sectors such as transport, not included in the scheme, where emissions have steadily grown during the last decade up until 2008 (26 per cent increase between 1990 and 2005) (EEA, 2008, p. 10), when the economic crisis started hitting European countries. The crisis itself can be considered the main reason for emissions reduction from 2008 onwards, due to the decrease in economic activity especially in the industrial sector. It would have been desirable that part of this decrease had been caused by improvements in the levels of energy efficiency, and perhaps it has been the case, but only to certain extent, given the fact that the European Commission is repeatedly complaining about disappointing progress in this area by Member States (EC, 2010, p. 4).

Another factor that should not be forgotten when talking about tackling climate change at EU level is the fact that the Kyoto Protocol was initially signed by the then 15 Member States and the situation has changed significantly since that time. The last enlargements increased EU membership to 27 States, with the latest accession countries being transition economies. This has made, among other things, the already complex decision making process at EU level even more complex, and resulted in the setting up of special targets on emissions reduction for the new Member States, with the exception of Malta and Cyprus.

Integration of the fight against climate change on EU policies

Given the fact that climate change is a global issue that affects every area of our lives, it is not surprising that the EU has tried to integrate the measures to be taken in as many policies as possible. The approach is similar to the one given to environmental issues in general. The Fourth Action Programme on the Environment (1987-1992) advocated for the integration of environmental matters in every European policy in order to achieve a balanced development (Official Journal of the European Union, 1987).

The Fifth Action Programme (1993-2000) was the one that made a significant change, being approved after the famous Rio Summit of 1992. It embraced the integration of environmental issues within every European policy area and called for a sustainable development. The progress achieved under this programme was important but the problems and barriers encountered made it necessary to go further and get the Sixth Action Programme on the Environment approved. When the Commission presented the Sixth Action Programme (COM (2001) 31 final), the timeline considered was until 2010. However, when the Programme entered into force in 2002, a 10-year horizon was established, namely until 2012. This change made sense when considering that it covered practically the entire first commitment period of the Kyoto Protocol (2008-2012). This Programme, in force at the time of writing but shortly to be replaced, enumerates specific objectives which include the fight against climate change and compliance with the Kyoto Protocol.

One of the policies most seriously affected by climate change issues, apart from the Environmental one, is the Common Agricultural Policy (CAP). Agriculture plays an extremely important role in the preservation of ecosystems, biodiversity and natural spaces and, thus, suitable planning of agricultural activities may be an essential piece in the fight against climate change. Moreover, the effects of climate change, with adverse phenomena such as droughts, plagues and flooding, particularly affect the agrarian sector and can compromise the availability of food, a controversial issue since the earliest years of the CAP. It is worth noting that the European Union is the world's largest food importer and the second largest exporter. This is why decisions made to protect agriculture take on such great relevance.

One further and quite controversial element must be added to what is above mentioned. Some cereal and oil crops have ended up becoming essential raw materials for the production of biofuels, one of the European Union's clear commitments to reduce greenhouse gas emissions. In the 'Energy and Climate Change Package', discussed later in this paper, one of the targets was for biofuels to represent 10 per cent of the fuel used for transport by 2020. This goal - laudable in principle - has ended up having a more sinister side. The UN (FAO, 2008) has stated that the deflection of agricultural production initially earmarked for human consumption towards biofuel production, stimulated by production premiums, is one of the elements causing the exorbitant leap in raw material prices and, therefore, in basic foodstuffs, triggering the last food crisis.

Trying to resolve this negative effect, the production of 'second generation' biofuels has started to be promoted. What is more, the last Directive on renewable energies keeps the goal of reaching a 10 per cent of renewable energies used for transport but it does not stick to the fact that those renewable sources must be biofuels (Directive 2009/28/EC).

Agricultural Policy has been reviewed and modified several times in the last decades and there will be more changes to come, as it needs to be adapted to changing circumstances, and especially to budget constraints. One of the measures that could have a great impact is the one that will suppress the premiums for energy crops. This reveals that despite the commitment to fight climate change, on the one hand biofuels do not seem the most suitable option, and on the other hand budgetary restrictions could end up compromising emission reduction objectives.

Another policy highly related to the fight against climate change is, necessarily, Transport Policy. Together with energy, the transport sector has contributed most significantly to the increase in greenhouse gas emissions in the EU, as previously stated. Both sectors are closely connected, as they use the highest amount of fossil fuels in their operations. It is estimated that transport has an environmental cost that reaches approximately 1.1 per cent of the European GDP (COM (2006) 314 final). As a means to encourage the use of more energy-efficient vehicles and reduce polluting emissions, car manufacturers voluntarily agreed at first to reduce CO2 emissions of their vehicles and in the end agreed to participate in the emission allowances market from 2012 onwards. The counterpoint is the increase in vehicle prices, as well as inequalities in the taxes that consumers pay depending on emissions.

With regard to Energy Policy, it is not the purpose of this paper to discuss if such a policy exists or to what extent it is still in an early stage at European level. What it is relevant in this case is the huge number of measures approved in search for better integration, markets liberalisation and sustainable growth. The Energy and Climate Change Package (ECCP) approved in 2008 is a very good example, as it brings together climate change and energy, a key sector to reduce emissions and contribute to Europe's compliance with the Kyoto Protocol targets, although it looks beyond the first commitment period and counts on big emitters to join a new international agreement in order to achieve greater emissions reduction.

The ECCP sets up three main targets for 2020: 20 per cent decrease in energy consumption; 20 per cent increase of energy efficiency; and 20 per cent decrease on GHG emissions that could become 30 per cent if other countries also contribute to this aim. However an agreement on how to achieve these targets faced a lot of difficulties to see the light. Since it was first presented at the beginning of 2007, until it was finally approved at the end of 2008, intense negotiations took place, given the reluctance from Eastern European countries to measures that could put in risk their competitiveness. They asked for guarantees to avoid 'carbon leakages' and in the end this was translated into much weaker regulations. It is particularly worthwhile mentioning the new Directive that amends the ETS from 2013 onwards (2009/29/EC), whose main modification over the previous regime is the generalisation of the auction system to obtain emissions allowances. The benefits of such an auction appear clear, as it definitely fosters measures implementation by the affected industries to reduce emissions. However the regulation includes too many exceptions and a progressive adoption of the auction system depending on which sector we make reference to. In the end it establishes a timeframe by which the auction system will not be fully operational until 2027, which is hardly consistent with targets supposed to be reached by 2020.

This is only one example of the difficulties that adoption of measures can find at European level, and it does not apply only to climate change issues but also to the decision making process in general. This analysis could list all the Communications that the European Commission has presented related to climate change, particularly in the last two years. However, it does not matter how many measures are approved at EU level, if Member States fail to implement them at national level. It is unfortunate that this is what has been consistently happening. The European Union is good at designing measures but it fails on implementation, something that has already been acknowledged by European authorities in its Europe 2010 Strategy (European Commission, 2010a).

One of the statements included in that Strategy (COM (2010) 2020) remarks on the need to comply with the targets agreed in the Energy and Climate Change Package. Observers should wonder why was it necessary to reinforce the commitment with those goals if successive regulations had already been approved and were mandatory for Member States. Do Member States need to be constantly reminded of their responsibilities? This study suggests they should not, but the repeated discourses seem to indicate otherwise, which in itself weakens the EU image in the international arena.

Unified position at international negotiations

If the European Union wants to keep a leadership position at international negotiations on climate change, without discussing if current negotiations and climate policies are the most accurate ones (Helm, 2009b, p. 16), it needs to defend a common discourse and present a unified image in front of its international counterparts. As aforementioned, it is not an easy goal. The crisis has impacted on increasing concerns across all the Member States that seek to defend their national instead of European or international interests.

The entry into force of the Lisbon Treaty (OFEU, 2007) at the end of 2009 created a new momentum, and with regards to climate change it brought a fundamental novelty, assigning for the first time shared competencies between the EU and Member States in the areas of energy and environment. However, only two years after its approval, negotiations addressed changes, and in light of the current international economic crisis, its effectiveness is being put under scrutiny.

In the area of international negotiations on climate change, the first indicator of the EU's failure to play a leadership role was the result of the Copenhagen Summit at the end of 2009. It was publicly perceived as an insufficient outcome and a lost opportunity. It was far from the legally binding agreement that almost everyone was hoping for and it did not establish new targets, nor did it contribute to create an environment of certainty for future actions that, for example, investors require. The goals of the Summit targeted the reduction of emissions of countries such as the USA, Australia and Japan on one side, and on the other, how developing countries such as Brazil, China or India could limit their emissions without compromising economic growth. It also sought to stabilise funding from developed countries to developing ones in order to sustain adaptation to climate change (Dell'Amore, 2009). This is the only point where there appeared to be some progress. The EU was particularly disappointed by the fact that no collective targets were established - it failed to achieve 2010 as deadline to conclude a new treaty and, in the Accord, a legally binding treaty was not even mentioned (European Commission, 2009). Since the Bali Roadmap agreed on December 2007 set out 2009 as the deadline to reach an agreement to replace the Kyoto Protocol beyond 2012 (Pew Center on Global Climate Change, 2007), the Copenhagen Accord (UNFCCC, 2009) looked almost empty in content. However, this was not a surprising result, and before the Summit there were already doubts about the capability of the EU to present a common position (Fernandez, 2010).

When analysing the reasons for such a failure, many factors can be mentioned, at both intra-European and international levels (Eppstein et al., 2010). One factor is who represents the EU at international negotiations. Given that climate change is a shared issue, we find the Commission, the Council and national representatives trying to agree

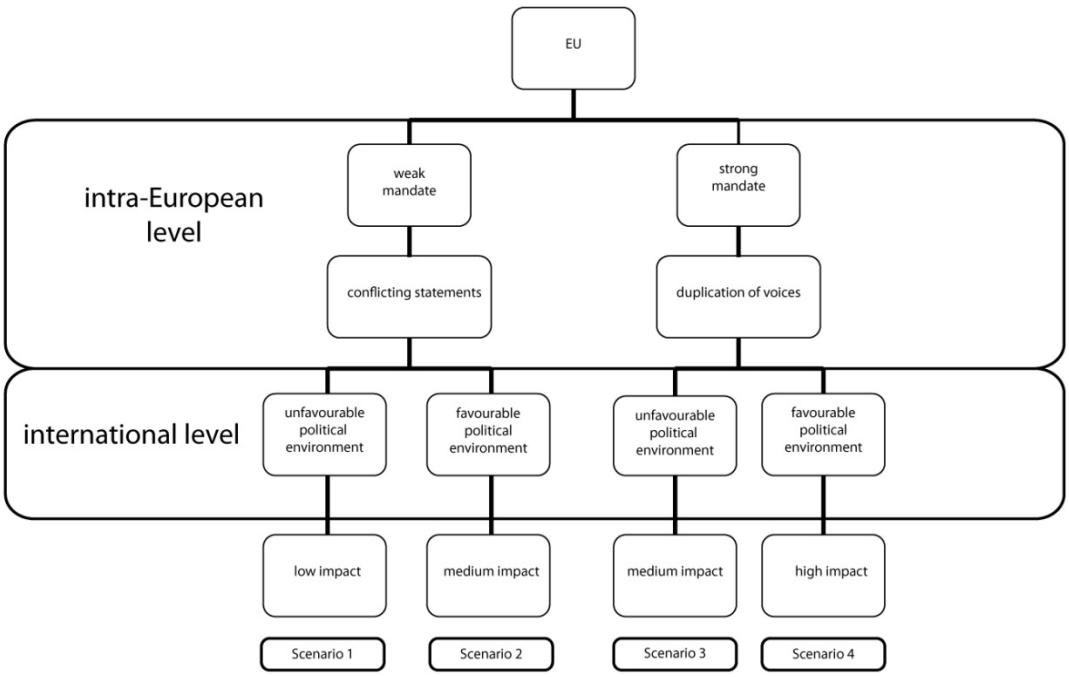
on a common position. The problem is that in recent times there is a trend showing Member States preference to appear as prime actors in the negotiations, so the results will depend on their "willingness to cooperate with each other" (Eppstein et al., 2010). The internal operational system of the EU makes it difficult to reach a consensus sometimes, especially with the rotating Presidency. The fact that the Presidency needs to keep contact with the previous one and the incoming one to coordinate efforts and agree on common discourses can be controversial.

A good example is what happened with the Copenhagen Summit. There were divergent interests in Member States and conflicting positions about the role that the EU should play, the financial resources, the type of commitments that could be signed or where the focus should be put on: climate change (France, Sweden) or energy security (Czech Republic). In the end the common position was agreed at the last minute and with only a minimum common denominator. In a situation like this, it is understandable that, when the moment to negotiate with third countries arrived, the EU position fell short of flexibility and capacity of reaction, as every movement needed to be consulted with all Member States. This shows clearly how time consuming and inefficient the decision making process can be, so it was not surprising that other countries kept conversations and negotiations apart while the EU was trying to give a common answer to the new proposals.

Nevertheless, even if the EU had managed to arrive in a more united position to Copenhagen, or if it finally manages to adopt one in future international negotiations, there are many factors out of the scope of the EU that can undermine its so called leadership role. It must be mentioned as a starting point that for the EU to play a leadership role, the rest of countries have to accept that the EU is in fact the leader. Going back to the Copenhagen Summit case, it could be observed that while in previous summits nobody else questioned European leadership, in Copenhagen the US, China and emerging economies (Brazil and India in particular) started showing doubts and even a clear reluctance to it.

With the Obama administration's interest returning to environmental and climate change issues, the US claimed for itself a leadership position and having seen the divergence in EU countries, other participants, particularly China, moved towards US as the counterpart with which to negotiate. Additionally, these other countries may have divergent interests and thus they may choose to negotiate with some individual EU Member States, with which they want to develop closer relationships, rather than negotiate directly with EU representatives. So overall we find possibilities for different scenarios where EU leadership could be constructed (see Figure 1) and the final outcome at any international negotiation would remain unclear.

Figure 1: The EU's impact in international climate negotiations



Source: Eppstein et al., 2010, p. 5

As a result of all these issues and conflicting interests, leadership roles remain undefined, and the main consequence is remains the lack of a new agreement to replace Kyoto after 2012.

In fact, the Durban Summit (December 2011) confirms that international negotiations follow the same trend as European ones: slow and poor in results, questioning the United Nations as the best framework to reach an agreement, even though they present the "achieved" results at the end of each summit as a great progress and breakthrough.

It is the opinion of this author that the EU may have transferred its own inefficiency and lack of common voice to international negotiations on climate change. The example previously mentioned about repeating goals, targets and commitments in every communication presents big similarities with UN Climate Change Summits. If the Bali roadmap in 2007 established 2009 as deadline to reach an agreement that would replace Kyoto, Durban (2011) closed with a new deadline, 2015 (UNFCCC, 2011), which in the end gets translated into new delays to take effective actions.

EU's influence on other countries behaviour - Third countries role

It has been already stated that other voices want to be heard in international negotiations on climate change apart from the EU one. In particular, emerging countries' engagement on action implementation will be necessary for a successful outcome. We could all agree that if developed countries are responsible for the majority of greenhouse

gas emissions nowadays, they are the ones which should take action and pay for the negative impacts of that development. However this should not be an excuse for a lack of action from emerging economies. In fact, the message transmitted should be: "We have grown causing great harm to the planet and big risks for the future. Please do not follow the same pattern and, now that new technologies are available, use them to do things better". Technology transmission to developing and emerging countries is still an unsolved issue, unless it happens with the necessary financing to implement projects which really contribute to sustainable development in the poorest areas of the planet. The strategies currently in place do not seem to be focused on that approach. In fact, carbon markets and credits coming from the implementation of projects under the Clean Development Mechanism, which were supposed to foster sustainable growth and reduce GHG emissions, helping both developed and developing countries, seem to give more importance to secondary markets than to real projects, as indicated by figures from the 2010 world carbon market report (World Bank, 2010).

The EU has internally established targets and regulations on how to reach a low carbon economy by 2050, and all of them being linked to energy, sustainability and climate change. While not listed here, these documents range from the Energy and Climate Change package (2008) to the Strategy for Smart, Sustainable and Inclusive Growth (2010). together with the subsequent directives. However there is one aspect that it is worthwhile mentioning with regard to the EU Energy Policy. This has to do with the external dimension of that policy and how this role is being remarked in every communication.

On one side, the EU is promoting investment on renewable energies (Directive 2009/28/EC), and at the same time it is calling for the interconnection of networks and grids with third countries and for the intensification of international negotiations with those countries to guarantee security of supply. On the other side, through initiatives like the Energy Community (EC, 2011a, 2011b, 2011c) or MedReg (MEDREG, 2011), it is trying to help third countries with energy regulation and in some cases trying to make those countries adopt the EU vision and rules.

Since the fight against climate change is embedded in every energy measure, the aforementioned top-down approach could help both the EU and third countries and bring those countries to the EU side at international forums. This, in fact, would contribute to reinforce a possible leadership role of the EU in international negotiations while performing an assessment role for those countries, increasing the accuracy of their legal systems and facilitating technology transfer.

Additionally, the EU has already strong Cooperation for Development and Neighbourhood policies, which play an important role for the international arena. It cannot be forgotten either, that the EU is one of the biggest markets in the world and, as such, commercial partnership with third countries could be another way of approaching EU interests towards environmental protection and climate change issues.

On the other hand, emerging economies like Brazil, China and India see how their importance at the economic level increases every day, so it is normal that they want to see their voices heard in international negotiations. The same applies to the United States, and from the United Nations they all receive the same encouragement to take action. Despite this, the main reluctances remain the same over time. The US still rejects the idea of a binding international agreement if developing countries do not commit to

reductions as well (CAPAF, 2011), though the US has committed to certain targets at national level. China remains reluctant to allow international verification of reductions (Carson et al., 2009), but it has started implementing measures as well, given the fact that pollution is becoming a real issue for health in China.

The different performance on climate policies implementation and the progress reducing GHG emissions may also have a significant influence on the perception of a country as a leader or not; and some of these results can be surprising. Table 2 illustrates this by showing the rankings awarded to a number of countries in a 2012 performance index - with the top 3 rankings left blank as no countries were considered to have performed well enough to gain one of those rankings. The ranking values the progress achieved in three different areas: GHG emissions reduction in the year considered, the trend in reductions over a number of years and the progress on climate change policies implementation. To be in the top 3, clear positive changes should have been observed in the three areas mentioned.

Table 2: Climate Change Performance Index 2012

Rank	Country
1	*
2	*
3	*
4	Sweden
5	United Kingdom
6	Germany
7	Brazil
8	France
9	Switzerland
10	Mexico
11	Slovakia
12	Denmark
13	Belgium
---	---
23	India
---	---
35	Spain
---	---
52	USA
---	---
57	China

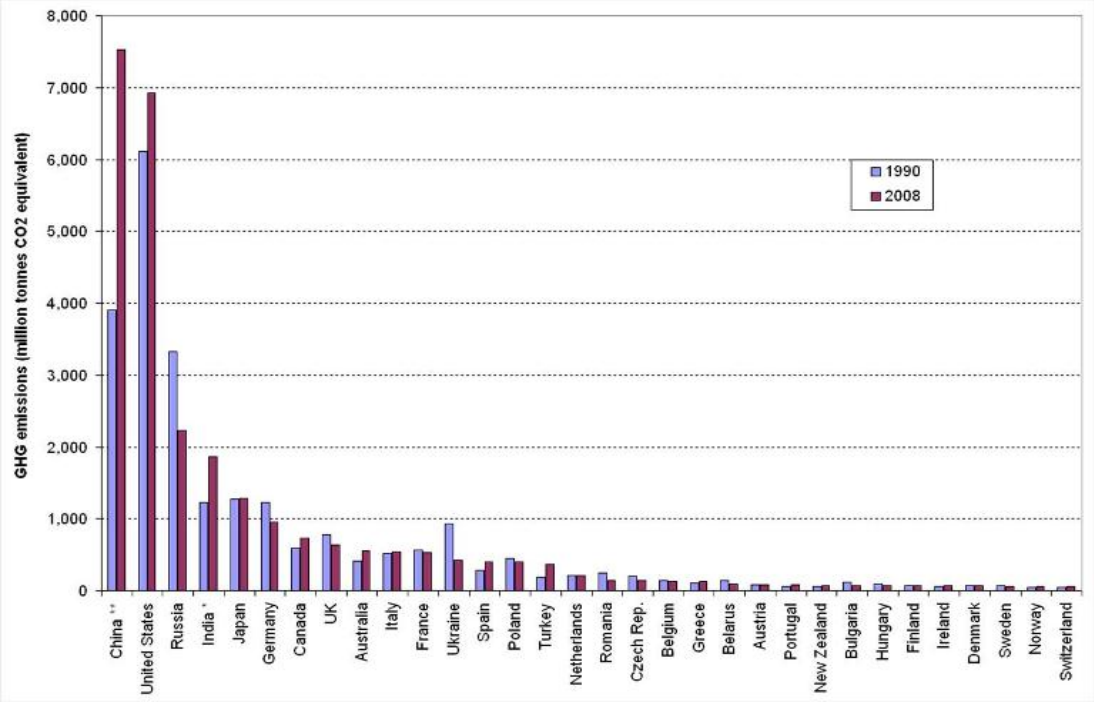
Source: Germanwatch (2011)

The ranking published by Germanwatch shows how apart from some EU countries in the first levels, Brazil and Mexico appear among the first ten countries worldwide. This means that they have achieved good progress both in their level of GHG emissions, in their reduction trend and in climate policy implementation (Germanwatch, 2011). Such an achievement could make these countries and other question why the EU (not to say the US or China - seeing their score in the list) should lead negotiations to reach an international agreement to tackle climate change.

Nevertheless the EU deserves some credit, bearing in mind that it will comply with its Kyoto target (reduction of 8 per cent in GHG emissions over 1990 levels) and is on track to comply with its targets for 2020 (20 per cent reduction of GHG emissions), according to some of the reports coming from the European Environmental Agency (2010). Having said that, it is important to remark that this positive outcome at EU level is not such a success if we take into account that not all Member States will comply with their targets with regard to the Burden Sharing Agreement, and it will be the better behaviour of some which will cover the insufficient action of others -and all of it counting on the countries with the biggest gaps to make use of the flexibility mechanisms, as measures implementation at national level would not be sufficient.

This reduction on emissions at EU level reinforces the fact that China, India and the US will continue to be the biggest emitters in the future (see Figure 2), so it is extremely important to keep them engaged on decision making processes and foster their commitment at international level. This is the only way that an agreement to replace the Kyoto Protocol will have a possibility to become not only signed, but effective in the fight against climate change.

Figure 2: GHG Emissions (million tonnes CO2 equivalent)



Source: Climate Change Connection

Conclusion

Climate change is a complex issue affected by multiple factors. International negotiations, dealing with different interests and circumstances, are necessarily difficult to handle. Leading the fight against climate change is something the EU did not ask for and found itself pushed into by its own convictions and the international community lack

of such a leader. Historical reasons made the EU commit to a fight against an issue believed to involve serious negative consequences internationally. As it has been discussed throughout this paper, the EU policies started early by creating frameworks within its borders in order to improve the situation with regards to greenhouse gas emissions, and during the Eighties a lot of resources started being dedicated to issues linked to climate change, particularly in the area of energy (ALDE, 2010). This early internal action allowed the EU to be perceived internationally as a possible leader and, as it has been pointed out, it has claimed for some time to perform that role (EC, 2007) with the international arena. It is necessary to mention that the measures related to climate change and energy have also a very strong economic incentive, as they have been implemented thinking of reducing the EU energy dependency and increasing energy efficiency and thus economic competitiveness.

However, circumstances change, and performing a leadership role involves first, a consistent message coming from each of the 27 EU Member States, and second, proof of positive outcomes from implementation measures in its own territory. The EU has not performed all that well in either of those two requirements, despite making good progress on emissions reduction and great developments in renewable energies technologies.

The failure to speak with one voice, particularly at the Copenhagen Summit (2009), weakened the EU's position in front of the international community and gave the chance to other actors to claim for leadership (particularly the US). Even those who participated in the negotiations on the side of the EU recognised the lack of effectiveness on the way the EU approached the Summit (Metz, 2010). This paper has stated the need for internal and international factors to allow the EU gaining a leadership role. Internally it must find a common position and externally other countries should be willing to accept this leadership role.

Finding common positions has proved to be complex and time consuming, so the first lesson the EU should apply is the modification of its decision making process to make it more flexible and timely. We might wonder, therefore, if it is necessary for the EU to play that leadership role at international negotiations on climate change. Given the fact that EU emissions account for a small proportion of the total each day, the role of biggest emitters should be increased (see Figure 2).

Since it does not seem that a clear new leader will appear in the nearest future, there are many actions that the EU can implement in order to help that happen. As has been established throughout this analysis, there are many instruments and policies that can be used at EU level to serve as guidelines for other countries. In fact, there are some policies of the EU, such as the Neighbouring Policy, with goals in this area (Friedrichshafen, 2012) and we can suggest that the EU is already performing this assessing role.

In this regard, the assessment role of the EU is foreseen as a growing trend, and it should not be perceived as something negative or undermining EU prestige in the international arena. The positive results of the measures implemented by Member States increase EU credibility and an assessment role could be better accepted by third countries, which to some extend may have been considering the leadership assumed by the EU as patronising.

In conclusion, most countries have already recognised the need to take action in order to deal with climate change issues. A global problem requires global and unified action, and in this sense it is less important who is the leader - or even if there is one leader (or more than one) - than to have on board as many countries as possible so that there can be a real chance of an efficient agreement.

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The Rotating Presidency and the EU's External Representation in Environmental Affairs: the Case of Climate Change and Biodiversity Negotiations

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Abstract

This paper examines the role of the rotating Presidency in the external representation of the EU in international environmental negotiations after the entry into force of the Lisbon Treaty. Focussing on two negotiation sessions under the 2010 Belgian Presidency, the biodiversity negotiations in Nagoya (October 2010) and the climate change negotiations in Cancún (December 2010), the paper's aim is fourfold. First, it explains why the entry into force of the Lisbon Treaty has not changed the existing practices with an important role for the rotating Presidency. Second, the paper discusses the developments in the debates on the EU's external representation on environmental matters. Third, it empirically analyses the way the EU was represented in the biodiversity and climate change conferences of 2010. Here, the paper also points at the increasing importance of the so-called 'practical arrangements' that settle the external representation of the EU on the floor, often in a very ad hoc manner. Fourth, the paper describes how the European negotiators in Nagoya and Cancún have dealt with their representation task that generates a tension between expectations coming from the international level and pressures originating at the EU level.

Keywords

Belgian Presidency; biodiversity negotiations; Cancún climate COP; climate change negotiations; external representation; Nagoya biodiversity COP; rotating Presidency; Treaty of Lisbon

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This paper examines the role of the rotating Presidency of the Council of Ministers in the external representation of the European Union (EU) in international environmental negotiations. It argues that even after the entry into force of the Lisbon Treaty the rotating Presidency is still to be taken into account if one wants to understand how the EU conducts international environmental negotiations. This becomes clear from the paper's analysis of the EU's representation in two important international environmental conferences in the second half of 2010, the biodiversity talks in Nagoya and the climate change negotiations in Cancún, where it was the then Belgian Presidency of the Environment Council that led the EU negotiation delegation.

The observation that the Presidency still plays an important role in the EU's external representation in environmental negotiations may come as a surprise, since the intent of the Lisbon Treaty was to diminish the role of the rotating Presidency and to streamline the EU's external representation along the Commission and the newly established actors such as the permanent president of the European Council (Article 15 TEU), the High Representative of the Union for Foreign Affairs and Security Policy (Article 27(2) TEU), the European External Action Service and even the EU delegations (Article 221 TFEU) (Laatikainen, 2010). The Lisbon Treaty was politically meant to let the EU "speak with a clearer voice on external relations" and in this way "fulfil its potential as global player" (Degrand-Guillaud, 2009, p. 408). Reducing the external role of the rotating Presidency was not only one of the political rationales behind the Lisbon Treaty, nor can any legal reference to the rotating Presidency be found in the external action chapter of the Lisbon Treaty. In this respect, Antonio Missiroli concludes that the Lisbon Treaty "assigns virtually no role in the domain of external action" to the Presidency (2010, p. 430).

This paper, however, argues that the rotating Presidency still matters in the EU's external relations, inter alia in the environmental area. To make this claim, it examines the role of the Belgian Presidency of the second half of 2010 in two major international environmental conferences, the 10th Conference of the Parties (COP10) to the Convention on Biological Diversity (CBD) in Nagoya (18-29 October 2010), and the 16th Conference of the Parties (COP16) to the United Nations Framework Convention on Climate Change (UNFCCC) in Cancún (29 November-10 December 2010). Guiding the EU through these international biodiversity and climate change conferences was one of the main challenges faced by the Belgian Presidency (see Delreux and Criekemans, 2012).

The empirical data in the paper is primarily based on interviews with officials who were closely involved in the EU decision-making processes with regard to the biodiversity and climate change conferences, especially from the Belgian Presidency. Furthermore, some semi-confidential documents used in these processes were analysed and the reconstruction of the negotiation processes in Nagoya and Cancún is largely based on the Earth Negotiation Bulletin reports (Earth Negotiation Bulletin 2010a; 2010b).

The paper is structured as follows. It identifies the context within which the Belgian Presidency had to assure the representation of the EU in the environmental domain. It explains why this context was characterised by difficult discussions and interinstitutional tensions in the EU, which ultimately led to a continuation of the existing practices and thus preserved a role for the rotating Presidency. Subsequently, the paper identifies the main negotiation dilemma with which a Presidency is confronted when it represents the EU in international environmental negotiations: how to reconcile the external pressure from the international negotiations to make compromises and the internal pressure from the Member States to defend their interests? The paper then empirically describes the way the EU was represented in Nagoya and Cancún. It shows that the Presidency is not the only EU negotiator, but that the EU's representation maintains being organised under its umbrella. The paper then answers the question how the Belgian Presidency dealt with the two-level-game dilemma in Cancún and in Nagoya, before finally presenting some conclusions.

Setting the scene: The preservation of the status quo as a result of an interinstitutional deadlock

The question of the EU representation in Nagoya and Cancún was part of a more general debate in the EU on its representation in international environmental negotiations, which was influenced by four factors: (1) the aftermath of the climate change conference in Copenhagen in December 2009; (2) the lack of clarity of the Lisbon Treaty on certain aspects of external representation and the resulting battle between the Council and the Commission; (3) the EU's failure in the beginning of 2010 to reach an agreement on the negotiation arrangement for negotiations on a new mercury treaty; (4) and tensions between generalist decision-makers in the external relations departments and the specialised negotiators in the environmental departments. These four context factors made that the interinstitutional relations in the EU on the question of the external representation in international environmental negotiations were too tense to be able to change the status quo.

The aftermath of Copenhagen

The climate conference of Copenhagen (COP15) of December 2009 resulted in clear disillusion for the EU, which left Copenhagen with the feeling of being "completely sidelined" (Missiroli, 2010, p. 428), both substantively and procedurally. Substantively, the EU had to accept a deal that was far below its ambitions and expectations. As the EU is traditionally one of the most demanding parties in climate change negotiations, asking for strong – and legally binding – emission reduction targets and for a solid multilateral institutional framework (see Schmidt, 2008; Parker, and Karlsson, 2010), it could not be pleased with the Copenhagen Accord.

Procedurally, the EU was completely left out of the final talks during the last Friday afternoon of the COP, when the US and the major emerging economies drafted the Copenhagen Accord. The EU was indeed "marginalized" at those decisive moments of the COP (Curtin, 2010, p. 1). This is often related to the multiplicity of European leaders who wanted to play a role in these negotiations (Emerson et al., 2011). Indeed, neither the President of the European Commission, José Manuel Barroso, nor the – at that time still rotating – Swedish President of the European Council, Fredrik Reinfeldt, were able to play their role as sole European spokespersons. Hence, the image that left from the Copenhagen COP was one of too many European politicians hampering each other and preventing the EU from speaking in a coherent way. It is in this situation of "post-Copenhagen blues" (Spencer et al., 2010, p. 3) that the EU faced new international environmental negotiations on biodiversity and climate change in the second half of 2010, and that the question on the EU representation popped up again.

The Lisbon Treaty, grey zones and inter-institutional battles

As mentioned, the Treaty of Lisbon introduces a couple of institutional innovations, aiming to streamline the EU's external action. However, many of the provisions on the EU's external relations representation remain rather vague. For example, Article 218(3) TFEU mentions a "Union negotiator" or the "Union's negotiating team" without detailing the exact composition of such a negotiation arrangement. Particularly in areas of shared competences such as environmental policy, the Treaty of Lisbon – just like its predecessors – does not tackle the question of EU representation. European Treaties (currently the Lisbon Treaty) only deal with the decision-making and the representation of the EU as far as matters of EU competences are concerned. However, the entirety of the EU representation understood as "the representation of the EU and its Member States", in cases of shared competences and mixed agreements leaves room for political interpretation. These are the grey zones of the Treaty of Lisbon.

They have led to interinstitutional battles between the Commission and the Council in which these institutions attempted to specify the practical implications of the new legal framework. The main reason is that European institutions, after the entry into force of a new treaty, aim to maximise their powers by claiming those areas that leave room for political interpretation. Against that background, the Commission considered the underlying idea that the Lisbon Treaty should increase the coherence of the EU's external relations as an argument to claim a larger role for itself, even when shared competences are at stake. In addition, it argued that giving more representation power to the Commission was the only way to establish what the EU was said to have missed in

Copenhagen: a more coherent voice at the international level. In the first months of 2010, the Commission not only recommended full negotiation mandates to the Council for international environmental negotiations, but also proposed practical negotiation arrangements that left practically no room for the rotating Presidency. Moreover, the Commission is said to have done so in a very dogmatic and assertive way, which generated a reaction among the Member States going in the opposite direction (Corthaut and Van Eeckhoutte 2012). The Commission's request backfired, Member States reacting in an equally dogmatic way, and wanting to avoid any area of that grey zone being occupied by the Commission. This all led to a complete standstill in the beginning of 2010 under the Spanish Presidency. The Belgian Presidency during the second half of the year had to overcome this battle in order to achieve a successful Presidency bringing the Nagoya and Cancún conferences to a good end.

The mercury experience

The toughest interinstitutional battle in the field of the external representation of the EU in international environmental affairs was certainly the debate on a negotiation mandate for the Commission for the negotiations of a new legally binding instrument on mercury under the auspices of UNEP (United Nations Environmental Programme). Not so much the fact that the Commission made recommendations for a mandate led to highly tense institutional relations, but rather the scope of the proposed mandate. The Commission recommended the Council to grant it a mandate so that the Commission would be the sole EU negotiator on all issues, as it was an international negotiation session touching upon exclusive EU competences (European Commission, SEC (2009) 983 final; followed by other "restricted", i.e. not public, Commission documents in which the Commission's request to be the sole negotiator for all issues was made even much stronger). The coherence argument substantiated the Commission's claim.

The Member States, which were definitely opposed to the competence claim by the Commission, prepared a counterproposal in which they made use of an innovation – and grey zone – of the Lisbon Treaty, namely the possibility to appoint a "Union's negotiating team" (Article 218(3) TFEU, see above). "Restricted" Council documents show that the Council, building on this grey zone, proposed that the Commission and the rotating Presidency would jointly form such a "negotiating team". A consequence of this option was that the Presidency would also be able to negotiate issues falling under EU competences. The Commission interpreted this as a loss of the powers it had won many years ago (namely to be the sole negotiator for the issues falling under EU competences). This interinstitutional battle culminated in the Commission withdrawing its recommendation and leaving the EU without any negotiating mandate for the first Intergovernmental Negotiating Committee (INC) on the new mercury treaty in June 2010. This led to embarrassing situations at the international level in the INC, where the internal division in the EU was extremely clear for its external partners and where coherence seemed to be further away than ever.

Although climate change and biodiversity negotiations are not conducted on the basis of negotiation mandates for the Commission, but on the basis of Council Conclusions (van Schaik, 2010) and without formal authorisation of the Commission, the mercury dossier made the context in which the Belgian Presidency had to guide the EU through the Nagoya and Cancún conferences extremely nervous.

Tensions between foreign affairs generalists and environmental negotiators

The final context-determining elements are the tensions between, on the one hand, generalist decision-makers in the field of external relations and, on the other, the specialised negotiators from the environmental domain. Interview data demonstrates that both in the Commission and in the Belgian Presidency, this tension was clearly present. The generalists (i.e. the entourage of the President and the Secretary-General in the Commission, and the Foreign Affairs Ministry in Belgium) strictly followed a "pro-European", even orthodox path, basically saying that the external representation of the EU should be the Commission's prerogative and that a general cross-sectorial arrangement should be put in place to assure the external representation of the EU on the international scene. Both Commission President Barroso and Belgian Foreign Affairs Minister Steven Vanackere have repeatedly argued for such an arrangement in public interventions (e.g. Barroso in speeches before the European Parliament, or Vanackere in press interviews). With regard to the external role of the rotating Presidency, the Belgian Permanent Representative at the EU stated: "Our ambition is to make sure that the working Presidency no longer has anything to do with external relations by the end of the term" (EUobserver, 20/05/2010).

By contrast, the officials participating in the Council's Working Party on International Environmental Issues (WPIEI), which are the experts conducting the international negotiations on the floor, emphasised that the international reality of international environmental negotiations did not fit within the aspirations of their superiors and that the EU needed pragmatic and flexible negotiation arrangements in order to negotiate effectively. In practice, this means that those environmental negotiators preferred a Presidency-led negotiation arrangement, in which the other Member States and the Commission can be informally involved. Moreover, they argued that a set of general cross-sectorial rules for the EU's external representation was not going to work and that the environmental area was better suited with specific arrangements.

These diverging opinions generated tensions in the Presidency and in the Commission between the world of the negotiators and that of the generalist decision-makers and politicians. The former accused the latter of not understanding how international environmental negotiations work in practice, whereas the latter criticised the former about not being able to give up the status quo and their own specific tasks and jobs. This fourth element originated at the beginning of the Spanish Presidency, but continued to exist during the Belgian Presidency. Interviewees confirm that the fact that, in the run-up to the Belgian Presidency, Belgian politicians and Foreign Affairs officials clearly communicated in favour of the Commission approach which created distrust among the environmental experts of the other Member States, who even openly asked what would happen in the international negotiations on the floor when the Belgian Presidency would leave the negotiations to the Commission.

Negotiating on behalf of the EU: Finding a balance between external pressure and internal instructions

When representing the EU internationally, an EU negotiator – here the rotating Presidency – is faced with the challenges that emerge from representing the EU internationally. Indeed, when taking up a representation role, the rotating Presidency must find a balance between two dynamics that may reveal contradictory expectations.

On the one hand, the external representation of the EU in international (environmental) negotiations has an external component, namely being the spokesperson for the EU at the international level. On the other hand, representation also has an internal dimension, as it implies that the EU negotiator acts on behalf of the Member States. Indeed, in biodiversity and climate change negotiations, Member States delegate negotiation authority to a common representative, the Presidency. This delegation is a political choice, since the Treaty does not explicitly foresee a role for the rotating Presidency in representing the EU externally when shared competences are at stake (see above).

The Member State that occupies the rotating Presidency seat of the Council is expected to act loyally and neutrally vis-à-vis the other Member States and thus not to use its "power" as Presidency to realise its own interests. Research on the rotating Presidency indeed shows that Member States tend to put aside their national preferences during the course of their Presidency (e.g. Schout and Vanhoonacker, 2006). The fact that the Presidency is usually characterised as a rather impartial actor – and even an "honest broker" – in the institutional set-up of the EU relates to the fact that its political behaviour is subject to unspoken and informal norms that guide policy-making in the Council (Niemann and Mak, 2010).

Since the Presidency – and with it the task to negotiate on behalf of the other Member States at the international environmental scene – rotates six-monthly, it is likely that the Presidency's behaviour will be influenced by a feeling of reciprocity (Tallberg, 2003): the Belgian Presidency was likely to be aware that one year later another Member State (in casu Poland) would have the same responsibility to conduct the climate change negotiations of Durban and that the next biodiversity conference in 2012 in Hyderabad would be negotiated by the Cypriot Presidency. This awareness reduces the chance that Member States "(mis)use" the Presidency responsibility for their own interests and make that they are supposed to be a rather truthful representative vis-à-vis the Member States. However, this does not mean that the Presidency is always able to do exactly what the other Member States want because the Presidency is also confronted with expectations originating from the international negotiations.

This leads to a situation in which the Presidency is involved in two simultaneous negotiations within the framework of a two-level-game: external negotiations with the international partners and internal negotiations with the EU Member States. The fact that the Presidency finds itself at the crossing of two negotiations generates different – often contradictory – expectations about its behaviour (Delreux, 2011). On the one hand, being involved in the negotiation dynamics at the international level, the Presidency experiences the pressure coming from negotiation partners to agree – and thus to compromise – on an outcome of the COPs on which the EU has to make some concessions on its initial position. On the other hand, the Presidency represents the Member States and their common position. What matters here is that the Presidency ultimately has to get the approval of the Member States on the deal(s) reached at the

international level. Indeed, above all, the Presidency aims to avoid being called back by its Member States, which would imply a loss of face vis-à-vis its external negotiation partners and place blame on the balance of the whole Presidency.

Consequently, the Presidency faces a Janus-like role, as it connects two political processes at different levels, which generate different expectations (Putnam, 1988; Damro et al., 2008). The key question is then how the Presidency deals with such a situation: how far is the Presidency able to engage in the international negotiation process, while still reasonably expecting that Member States will not reject its international commitments afterwards? The delicate trade-off that it constantly has to make is to satisfy the international negotiation partners by making commitments in order to reach an international agreement, while ensuring that the Member States will not blow the whistle on it afterwards.

Practical negotiation arrangements in Nagoya and Cancún

Before answering the two-level-game question empirically in the next section, the current section first looks at the practical negotiation arrangements used in Nagoya and Cancún. As argued earlier in this paper, the context in the EU on the issue of its external representation in international environmental negotiations at the beginning of the Belgian Presidency in July 2010 was rather tense. Consequently, it quickly became clear that changing the status quo in one or another direction (such as giving a larger role to the Commission, making use of the Union's negotiating team, etc.) was politically not feasible if the EU wanted to avoid a new mercury scenario where its international position and effectiveness was largely put at risk. Therefore, the approach of the Belgian Presidency (at least at the expert level), which had to bring two major international environmental conferences to a good end, was one of a careful continuation of existing practices. Indeed, the highly sensitive context paved the way for an EU negotiation arrangement in Nagoya and Cancún driven and guided by the Presidency. This means that the four context factors, outlined earlier in the paper, meant that even under the Belgian Presidency the existing external role for the Presidency was maintained, although one of the driving principles of the Belgian Presidency was to realise both "the letter and the spirit of the [Lisbon] Treaty", as Belgian Prime Minister Yves Leterme announced in the European Parliament (Belgian Presidency, 2010, p. 6). As the "letter" does not contain anything on the role of the rotating Presidency and the "spirit" calls for more coherence in the external representation, it is clear that this approach of the Belgian Presidency could not be realised because the question was politically too sensitive to be able to change the status quo.

The EU as negotiating party at the biodiversity conference in Nagoya

Besides taking decisions on about 40 technical issues (e.g. on marine environment, biofuels or the link between biodiversity and climate change), the main aim – and achievement – of the 10th biodiversity COP in Nagoya was to reach a package deal consisting of three issues (see Earth Negotiation Bulletin 2010a for an overview of the negotiation process and the outcomes of the Nagoya conference). First, after years of negotiations, COP10 resulted in a legally binding agreement on the Protocol on Access and Benefit Sharing ('ABS Protocol' or 'Nagoya Protocol'). This Protocol is about the

equitable access to and distribution of the benefits of the use of genetic resources, setting up a mechanism through which countries that profit from genetic materials (e.g. by making products of it) have to share those profits with the countries where those genetic resources were exploited (see Buck and Hamilton, 2011). Second, a new strategic plan to stop the loss of biodiversity in the ten next years has been adopted. Third, a plan on resource mobilisation, which was closely connected to the strategic plan, has been agreed upon.

Like most international environmental negotiations, the biodiversity COP first met at the level of experts and officials, who were then joined by their ministers for the final days of the second week of the conference. Most day-to-day negotiations take place in so-called "contact groups" at the level of the officials and in "informals" at the level of the ministers. The plenary meetings, by contrast, are usually reserved for making statements and for adopting the final deals at the end of the conference. However, these plenary meetings have the largest visibility, which explains why the practical arrangements settling the EU representation for these sessions is a sensitive issue for the Member States, as will be discussed further. Table 1 gives an overview on who represented the EU during CBD's COP10 in Nagoya.

Table 1: EU representation at the biodiversity COP in Nagoya

	Plenary	**contact groups/informals**
official's level	Presidency	• ABS: Commission • other (40+) agenda items: most by the Presidency, some by the Commission
ministerial level	Presidency + Commission	• ABS: Commission, supported by Presidency • strategic plan and resource mobilisation: Presidency, supported by Commission

Generally speaking, the Belgian Presidency represented the EU during the Nagoya conference. There was, however, one exception. In 2009, when it had become clear that the ABS negotiations would lead to a legally binding Protocol, the Commission had been granted a negotiation mandate by the Council to negotiate this Protocol on behalf of the EU. Indeed, according to the general interpretation of Article 218 TFEU, negotiation mandates are only granted to the Commission if the outcome of the international negotiations is meant to be legally binding. The mandate covered the 8th and the 9th meetings of the 'Ad Hoc Working Group on ABS', which took place in November 2009 and March 2010. It did not include some issues that fell beyond EU competences, such as traditional knowledge and capacity building. Consequently, these issues were negotiated by the Presidency. However, since ABS Ad Hoc Working Groups 8 and 9 – as well as '9 resumed' (in July 2010) – failed to reach an agreement in 2010, the ABS issue was moved to the COP. As the negotiation mandate only covered the ABS Ad Hoc Working Groups, the Council has extended the existing mandate for the Commission to the COP.

Hence, at the contact group and informals level, where the negotiations are issue-specific, ABS was negotiated by the Commission. The majority of the other issues, including the strategic plan and resource mobilisation, were negotiated by the Presidency. The Belgian Presidency appointed for each of the more than 40 issues a Belgian expert as a "lead" and another one as a "co-lead". Only on a number of issues where the EU had competences and the Commission had expertise were Commission officials appointed as lead or co-lead (e.g. on biofuels and agricultural biodiversity).

When the ministers arrived in Nagoya, the large majority of technical issues were already settled. The final negotiation days could thus focus on the three elements of the package: ABS, the strategic plan and resource mobilisation. On these three issues, informal contact groups were established. The contact group on ABS was deadlocked on the final Thursday evening, which inspired the Japanese COP Presidency to present a compromise proposal on Friday morning. This text was then discussed at ministerial level, with only European Environment Commissioner Janez Potočnik and Flemish Environment Minister Joke Schauvliege (who held the Belgian Presidency) representing the EU. Simultaneously, the strategic plan and resource mobilisation were discussed at the level of the officials in open negotiation sessions and with the Presidency speaking for the EU. Once the ABS group had reached an agreement, the Belgian Presidency engaged in an informal deal-making in the corridors with the G77 (mainly Brazil), coupling the strategic plan to the resource mobilisation, which is in fact a "commitments for money" deal. After having obtained the support of the Member States for this deal, it was then settled in a joint working group on the strategic plan and resource mobilisation, and afterwards adopted during the closing plenary.

The discussion on who negotiated on behalf of the EU is only half of the story. Additionally, the question on the practical arrangements of that representation has to be tackled in order to fully understand the whole picture. Since the beginning of 2010, it was the practice in biodiversity negotiations that the EU negotiator spoke from behind the EU flag, irrespective whether he/she came from the Commission or the Presidency. In the run-up to the Nagoya conference, the Belgian Presidency wanted to continue this system at COP10 as well. However, during the first EU coordination meeting sur place (i.e. the Sunday before the start of the Nagoya meeting), a group of Member States, led by the UK, opposed this system, arguing that they wanted the Belgian Presidency to speak from behind the Belgian nameplate, and not from behind the EU one. This development seems to be linked with the climate change negotiations in Tianjin (a preparatory meeting for the Cancún COP two weeks before the Nagoya conference), where the nameplate question led to a clash in the EU (discussed below). This generated a spill-over from the climate change to the biodiversity negotiations. Moreover, all these events occurred within the general – and already tense – context of the EU's external representation. Given the high time pressure (the EU had to speak at the international level the next day), the Presidency proposed an unseen and unprecedented ad hoc arrangement, which met the UK instructions. The arrangement consisted of putting the Belgian and the EU nameplates together and all European negotiators spoke from behind both nameplates, but through a single (European) microphone. Using this arrangement, which was described as "unexplainable and hallucinatory, but a solution" by one interviewee from the Belgian Presidency, the EU was represented in plenary by the Presidency before the ministers arrived, and by the Presidency and the Commission jointly at ministerial level.

In order to avoid additional spill-over (or even "contamination", as another interviewee phrased it) from the biodiversity to climate change negotiations, the Belgian Presidency team in Nagoya tried to hide this "double nameplate, single microphone" arrangement as much as possible for the people in Brussels. This again points at the tensions between the negotiators on the field and the generalists in Brussels. In this way, the Belgian biodiversity negotiators aimed to avoid that their ad hoc practical arrangements affected the ongoing debate in Coreper on the practical arrangements that would be used in the climate change negotiations in Cancún.

The EU as negotiating party at the climate conference in Cancún

The Cancún COP on climate change succeeded in reaching its (modest) ambitions to agree upon a well-balanced set of COP decisions (see Earth Negotiation Bulletin 2010b for an overview of the negotiation process and outcomes of the Cancún conference). Those decisions basically import many of the elements of the 2009 Copenhagen Accord into the UN(FCCC) framework, such as the "two degree target" (i.e. the target to keep global warming below two degrees compared to pre-industrial levels) or the financial architecture (e.g. with the establishment of the Green Climate Fund) (Oberthür, 2011). In this way, COP16 saved the multilateral and UN-led negotiation process on climate change. However, some of the most sensitive issues, such as the legal form(s) of the future climate change agreement(s) and a possible second commitment period of the Kyoto Protocol, were left for COP17, which took place a year later in Durban.

Just like the negotiations in the biodiversity COP, the climate change negotiations were also organised in various, often simultaneous, contact groups, each dealing with one particular (set of) issue(s). In addition, plenary settings were also convened, serving as both the Conference of the Parties of UNFCCC and the Meeting of the Parties of the Kyoto Protocol. Another similarity with the Nagoya conference is that negotiations in the Cancún conference were conducted at the level of officials and at ministerial level (during the second week of the COP). Table 2 shows the EU representation during UNFCCC's COP16 in Cancún.

Table 2: EU representation at the biodiversity COP in Cancún

	Plenary	**contact groups/informals**
official's level	Presidency	lead negotiators : • AWG-LCA: from UK, Germany, France and Poland • AWG-KP: from the Commission
ministerial level	Presidency + Commission, *de facto* Commission	Presidency + Commission + in some instances lead negotiators

A specific characteristic of the EU representation in climate change negotiations is that the EU uses since 2004 a system of "lead negotiators" and "issue leaders" (Delreux and Van den Brande, 2013). It is an informal system that takes place under the formal authority of the Presidency, whereby the negotiation task is informally divided among a couple of negotiators, each negotiating on behalf of the EU for a longer period than the

six-monthly rotating Presidency and for a particular set of issues. This allows the Presidency to share the burden of the negotiation task, since climate change negotiations are often too complex and too dense to be appropriately handled by a single Presidency. Moreover, in this way, the available expertise, know-how and experiences of many actors are pooled and made use of optimally. Finally, this system guarantees continuity, since neither the preparation of EU positions nor the representation of the EU changes every six months when a new Member State holds the Presidency.

In Cancún, as in the previous years, the climate change negotiations followed a double track. The first track was negotiated with all UNFCCC parties in the institutional framework of the AWG-LCA (Ad Hoc Working Group on Long-term Cooperative Action under the Convention), whereas the second track implied negotiations only among those parties that ratified the Kyoto Protocol within the institutional setting of the AWG-KP (Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol). The lead country system of the EU was adapted to those two-track negotiations, as the EU used lead negotiators for AWG-LCA and lead negotiators for AWG-KP. In all contact groups of the AWG-KP, the EU was represented by a lead negotiator coming from the Commission. In the contact groups under AWG-LCA, by contrast, there were four EU lead negotiators, coming from the UK, Germany, France and Poland. When negotiating in the contact groups, the lead negotiators are usually accompanied by a group of experts from the Member States and the Commission, as well as by an official from the Presidency, who supports (and controls) the lead negotiator on the spot.

From the moment that ministers arrived in Cancún and attended the negotiations, the EU statements were made jointly by the Presidency and Commission. At a couple of meetings before the Cancún conference, e.g. at the informal Environment Council of Ghent (July 2010) or in a joint meeting with the European Parliament, Belgium's Minister Schauvliege and European Climate Action Commissioner Connie Hedegaard had made clear they would speak with "one voice" (European Parliament, 2010). The speaking time allocated to the EU was properly divided in two separate time slots, one for the Presidency's Minister and the other for European Commissioner. Interviewees indicate, however, that during the final night of the negotiations, when the outcome of the COP was discussed in plenary before the decisions were adopted, the minister from the Presidency had de facto left the final negotiation work to the Commissioner. The same dynamic can be observed as far as the informal meetings at ministerial level were concerned. Moreover, even at ministerial level, the EU has made use of the negotiation skills, experience and networks of its lead negotiators, who continued negotiating even in ministerial settings.

Just like in the EU decision-making process with regard to biodiversity negotiations, and to climate change negotiations, the question on the practical arrangements for the EU representation arose. Mirroring the biodiversity case, the nameplate question appeared to be very sensitive. In recent years, European climate negotiators spoke from behind the nameplate of the rotating Presidency, the reasoning being that the lead negotiators acted under the Presidency's authority and umbrella. However, during the preparatory climate change meeting in Tianjin (4-9 October 2010), the Belgian Presidency proposed to speak from behind the EU nameplate. This not only caused tensions (some interviewees even call it "chaos") in the EU coordination meeting sur place in Tianjin, but had two other consequences. Firstly, it spilled over into the biodiversity arena, since

some Member State representatives in Nagoya received stricter instructions on the nameplate question, which ultimately led to the "double nameplate, single microphone" arrangement in Nagoya (discussed previously). Secondly, the practical arrangements for the climate negotiations were placed on the agenda of Coreper, aiming to determine a practical arrangement for the Cancún COP. A few days before the start of COP16, on 19 November 2010, Coreper agreed upon such practical arrangements. They were very limited, basically stipulating that the Commission and the Presidency would take the floor from behind the EU nameplate, that the existing system of lead negotiators would continue to be the practice throughout these negotiations, that the EU coordination meetings would be chaired by the Presidency (indeed, the question on the chairing of coordination meetings had now been added to the "grey zone" and the range of issues dominated by the interinstitutional battle), and that these practical arrangements did not establish a precedent. Hence, these arrangements for the climate change negotiations were confirmed on paper (by Coreper), whereas those for the biodiversity negotiations were agreed upon on the spot without any backing from the Brussels-based circuit or the capitals. Substantively, the practical arrangements for Cancún changed the existing practice, since EU negotiators (the Presidency, the Commission and the lead negotiators) spoke from behind a single EU nameplate at COP16.

The two-level game played by the Belgian presidency in Nagoya and Cancún

As explained earlier in this paper, the actor who negotiates on behalf of the EU in international environmental negotiations faces a two-level-game dilemma since it has to reconcile the external pressure to reach an agreement in the COP and the internal pressure not to deviate from the EU position established in the Council. During the biodiversity and climate negotiations in the second half of 2010, the Belgian Presidency was confronted with such a situation.

In this respect, the most delicate issue that the Belgian Presidency had to deal with during the biodiversity conference in Nagoya was definitely the resource mobilisation dossier. Basically, resource mobilisation is about financial support from developed to developing countries to help the latter with realise the objectives of the strategic plan that aims to stop the loss of biodiversity. In the economic, financial and budgetary circumstances at the end of 2010, most Member States had a red line not to make any financial commitments at COP10. However, since resource mobilisation was closely connected to the strategic plan, and since adopting a strong strategic plan was the top priority for the EU in Nagoya (Council of the EU, 2010a), the Presidency was confronted with a two-level-game dilemma: how to reach an attractive deal on the strategic plan without giving in on the red lines of the Member States regarding the financial commitments (internal pressure), while the external partners – mostly developing countries – could only accept a strategic plan if money was put on the table (external pressure)?

In the informal package deal on the strategic plan and resource mobilisation that the Belgian Presidency had reached with Brazil at the final day of the conference (discussed previously), the Presidency received a satisfactory strategic plan, but in exchange it had to make concessions on resource mobilisation, resulting in a commitment to "adopt targets at its eleventh meeting" (i.e. COP 11 in 2012) (CBD COP 10 Decision X/3, point 8.i). Before this corridor deal could be made public to the major players in the COP, the

Presidency first had to convince the Member States. Therefore, it convened a coordination meeting, where it had to convince the Environment ministers of the Member States that this deal was the best possible one given the international negotiation dynamics.

The Belgian Presidency succeeded in gaining the support of the coordination meeting by combining three strategies. First, it effectively transferred the pressure from the international negotiations, making clear that this trade-off (developing countries' commitments in the strategic plan for the sentence "adopt targets at its eleventh meeting" by the EU) was the only feasible way to end the two-week negotiation session in Nagoya successfully. Second, in the EU coordination meeting, the Presidency stressed the importance of all other European achievements in the COP (e.g. a strong strategic plan, the adoption of the ABS Protocol, technical decisions in line with the European position). This way, the Presidency aimed to increase the weight of the benefit side of the cost-benefit analysis that all Member States had to make at such a moment (Delreux and Kerremans, 2010). Third, the Presidency has persuaded the Member States that the wording of the EU concession ("adopt targets at its eleventh meeting") leaves room for interpretation, since the deal does not specify what kind of targets the EU would have to accept at COP11. In other words, this wording allows for adopting targets other than Official Development Assistance (ODA) targets. In that regard, by leaving open the interpretation of that sentence, the Presidency tried to sell what was presented as a concession externally as being not necessarily a concession internally. Moreover, by emphasising this open interpretation, the Presidency offered to the Environment ministers the arguments they needed to sell this outcome on resource mobilisation in their own governments, and specifically to their Finance Ministers. In this way, the Presidency helped the representatives of the Member States in Nagoya not to be called back when they returned to their capital.

In the climate change negotiations at COP16 in Cancún, the EU negotiators – under the guidance of the Belgian Presidency – have not been confronted with a difficult situation where externally generated expectations contradicted with their internally determined room for manoeuvre. In other words, the Belgian Presidency was not faced with difficulties to sell external commitments to the Member States in Cancún. The main reason for this is related to the developments of the international negotiations in the COP and to the way the Mexican COP Presidency handled those negotiations. COP16 passed the most difficult and politicised issues to future COPs (Durban 2011, Doha 2012). In that respect, the approach of the Mexican COP Presidency facilitated the task of the Belgian EU Presidency, since the former avoided that the latter had to persuade the Member States to accept certain (painful) concessions.

Although the international negotiation context was beneficial for the Belgian Presidency to deal with its two-level-game tension, the Presidency had also actively contributed to prevent it from being confronted with contradictory expectations from the international level and from the EU level. First of all, the EU arrived in Cancún with moderate ambitions, namely to achieve a well-balanced set of COP decisions (and not an all-encompassing climate change treaty, like in the run-up to COP15 in Copenhagen in 2009) (Council of the EU, 2010b). From the beginning of its Presidency, the Belgian strategy had been to temper the ambitions among the Member States, this way also assuring that the Presidency was not blamed by the Member States for not being able to realise the EU objectives. Second, the European approach, driven by the Presidency, was

to actively contribute to the strategy of the Mexican COP Presidency. Indeed, the Mexican strategy was to collect as much input as possible during the COP. According to the interviewees, the Mexican COP Presidency has listened to the negotiation parties for most of the two weeks and only tabled a proposal at the end of the COP. That Mexican proposal was then politically "to take or to leave". The fact that it was ultimately taken by the COP is most probably due to the fact that all parties could find their points in that proposal, and – even more important – that the Mexican proposal crossed no red lines of the major players. This was, of course, facilitated by passing the most politically sensitive issues to the next COP. The EU negotiators, under the guidance of the Belgian Presidency, actively participated in this "input gathering" strategy of the Mexican COP Presidency, decreasing the likelihood of being blamed – or called back – by the Member States.

Conclusion

This paper has shown that there is still a role for the rotating Presidency in the external representation of the EU under the rules of the Lisbon Treaty. In other words, the status quo of the EU representation in international environmental negotiations has largely been maintained. The empirical analysis revealed that this was certainly the case in 2010, but the question remains as to whether the rotating Presidency will continue to play a major role in international environmental conferences in the future or whether the second half of 2010 was rather a transitional period with the EU not (yet) having its house in order.

Whereas there are no indications that the role of the rotating Presidency is diminishing in biodiversity negotiations, the picture may be different in climate change negotiations. Indeed, the Climate Action Commissioner Hedegaard seems to have played a bigger role at the international scene at the expense of the Polish Environment Minister of the rotating Presidency at the 2011 Durban climate conference, suggesting that the balance may tip to the advantage of the Commission in the near future at the cost of the Presidency (and thus the Council). Also Sijbren de Jong and Simon Schunz find that the Commission took a stronger stance in representing the EU in Durban, but they explain this by referring to the personality of the Climate Action Commissioner, "the charismatic former Danish Minister Connie Hedegaard" (de Jong and Schunz, 2012). Stressing her key efforts in bridge-building between developed and developing economies in the endgame of the Durban negotiations, Commissioner Hedegaard was even called "the hero of the Durban meeting" (The Guardian, 11/12/2011). This contributed to the diplomatic success of the EU in Durban.

However, this does not mean that climate negotiations are now exclusively conducted by the Commission on the EU side. Two reasons now indicate that the rotating Presidency still matters in international climate negotiations and that the main argument of this article still holds true. First, if the growing role of the Commission is indeed confirmed, it is mainly the case at ministerial level in the final days of the conference, when the European Climate Action Commissioner enters the scene. Her experience in climate change politics is often stronger than that of the minister from the rotating Presidency. However, at the officials' level, in contact groups and working groups, the informal division of labour between lead negotiators, who function under the Presidency's umbrella, is still used (although the Commission also takes up a lead negotiator position)

and the Presidency still occupies a central position in the EU. One should not underestimate the importance of these contact and working groups, as a lot of technical and preparatory work is already done there. Second, there are today no indications that, in the near future, climate change negotiations will be completely left to the Commission, with the Commission for instance negotiating on the basis of a mandate by the Council, as occurs in international trade negotiations. As long as this legal path is not followed, there will remain some room for the rotating Presidency.

Returning to the main argument of this paper, the main reason why the status quo was not changed in 2010 – even with new rules and with a player in the driving seat wanting to implement those new rules – was the fact that the EU was internally deadlocked on the question. There was no room to move existing practices into the direction of the intentions behind the Lisbon Treaty because of the highly tense interinstitutional relations in the EU, caused by the aftermath of Copenhagen, the grey zones initiated by the Lisbon Treaty, the experiences with the mercury mandate and the divisions on those questions between external relations generalists and environmental negotiators. As a result, the Belgian Presidency led the EU representation at the biodiversity COP in Nagoya and at the climate COP in Cancún. However, certainly in the climate negotiations, the existing practice to informally leave most of the negotiation work to other EU actors continued. Indeed, also as far as the informal dynamics were concerned, the status quo was maintained. This probably ensured that the external damage of the internal struggling was relatively limited.

The only area where 2010 brought some changes in the external representation of the EU in international environmental negotiations was in the practical arrangements used to organise the EU representation on the floor. In particular, the question on the EU nameplate was extremely sensitive, leading to tense discussions. In that context, it seems that the EU will have to leave these internal discussions, either by pragmatically determining flexible arrangements that are considered appropriate and effective on the floor, or by a Court case clarifying the grey zones, if it wants to concentrate again on the substance and on its impact on international environmental negotiations.

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Insufficient climate policy integration in EU energy policy: the importance of the long-term perspective

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Abstract

This article assesses and explains the level of climate policy integration (CPI) in the EU's energy sector, and challenges the widespread assumption that a high level of CPI has been achieved in this sector. We introduce a conceptualisation of CPI and outline an analytical framework to explain levels of CPI, drawing on Environmental Policy Integration (EPI) literature and on theories of European integration. We thus add conceptual value by bringing strands of EPI literature together and situating them in broader theories of European integration. We analyse CPI in two cases of energy policy: the EU's renewable energy (RE) policy and EU policies on gas pipelines. We argue that even in the relatively climate-friendly RE case, the level of CPI remains insufficient to reach long-term climate policy objectives. CPI has been virtually absent in the EU's gas import pipeline policy. The lack of CPI may remain hidden without taking a long-term perspective. The explanatory framework helps us in understanding the insufficient levels of CPI and the differences between the cases. We argue that serious consideration of long-term climate objectives in the policy process is fundamental for the occurrence of CPI.

Keywords

Climate policy integration; environmental policy integration; EU renewable energy policy; gas import pipeline policy.

There is growing discussion at national, international and European levels on climate policy integration (CPI), based on the expansive body of literature on environmental policy integration (EPI) (Kulovesi, Morgera, & Muñoz, 2010; Mickwitz, et al., 2009). Yet, only a limited amount of such research has focused on CPI at the EU-level (see, for example, Dupont, 2011; Dupont & Primova, 2011; Rietig, 2012).

The vast body of EPI literature, which has grown since the Brundtland commission highlighted the importance of sustainable development in 1987, understands and examines EPI from different perspectives – as an overarching principle, as a policy process, as a policy outcome. Few examples of truly comprehensive explanatory frameworks have thus evolved (Jordan & Lenschow, 2010; Persson, 2004). Governance theories (von Homeyer, 2006), learning theories (Nilsson & Persson, 2003) and theories of bureaucratic politics (Jordan & Lenschow, 2010) have been deployed to explain parts of the EPI story.

With regard to CPI at the EU-level it may be assumed that the 2009 climate and energy package shows evidence of CPI into the EU's energy sector (but see Adelle, Pallemaerts, & Chiavari, 2009). However, such assumptions are often focused on a limited number of cases of energy policies and are rarely based on explicit criteria and a clear standard for CPI.

In this paper, we develop a systematic framework for assessing and explaining the level of CPI, and then apply it empirically to the EU's energy policy. We proceed in four steps. The next section establishes a benchmark standard of CPI that makes use of 'strong' interpretations for measuring CPI in both the policy-making process and its output (i.e. the resulting policies). Drawing on general theories of European integration, this paper will then introduce three key factors that can help explain the level of CPI found in both

the policy process and output: (1) the nature of the functional overlap with climate policy objectives; (2) the level of political commitment to climate policy and to CPI; (3) and the institutional and policy context. In addition, the extent of CPI in the policy process may contribute to explaining CPI in the policy output, as a fourth factor. This general framework is applied to two cases of EU energy policy: renewable energy (RE) and gas import pipelines. The empirical analysis in this paper reveals that even the relatively successful case of RE displays insufficient levels of CPI. The paper then describes how the explanatory factors help us understand these results. Our conclusions point to the usefulness of the conceptual framework; to the need for a long-term (2050) perspective in climate policy (and its assessment); and indicate that serious consideration of climate policy objectives in the policy process is crucial to enhanced levels of CPI.

Conceptualising climate change policy integration

In conceptualising CPI, we draw on literature on policy coherence, coordination, integration, and also EPI. Promoting policy coherence implies ensuring various policy outputs are harmonious, without assigning priority to any particular policy objective or explaining how to balance policy aims. Achieving policy coordination implies using communication and coordination mechanisms to improve efficiency in the policy process (although B. Guy Peters (1998) ascertains that coordination can also achieve efficient policy outputs) (Metcalfe, 1994). Policy integration goes further to take a holistic view of the policy process and the policy output (Briassoulis, 2005; Underdal, 1980).

EPI supports a normative dimension in favour of the environment. Placing an adjective before the term "policy integration" implies assigning priority to one sector's objectives over another (Briassoulis, 2005, p. 23). Some scholars have advocated that environmental objectives should receive "principled priority" in other policy sectors (Lafferty and Hovden, 2003, p. 9). Others have emphasised the importance of taking environmental considerations "into account" in the formulation of policy (Jordan & Lenschow, 2008a; Persson, 2004). We follow William Lafferty and Eivind Hovden's understanding and apply a "strong" standard of CPI in the policy process and output, taking as a benchmark the consensual scientific requirement to limit global temperature rise to 2°C above pre-industrial levels by 2050 (IPCC, 2007). This provides a methodological benchmark against which the real extent of CPI can be measured. Other conceptualisations of CPI have not identified a similar clear benchmark and/or have often been more concerned with promoting CPI than measuring its status quo (Ahmed, 2009; Mickwitz et al., 2009; Urwin & Jordan, 2008).

CPI is defined here as promoting climate policy objectives in the policy process and the output in non-environmental policy sectors to achieve the long-term policy objective of ensuring global temperature rise does not exceed 2°C. Taking the principled priority of climate policy objectives as a standard of policy evaluation (i.e. 'strong' CPI) holds important (methodological) advantages for the study of CPI. This standard, once clearly and transparently established, can facilitate comparison with other research results and enable criticism. It is comprehensive in two dimensions: (1) it covers both the policy process and output and (2) it can reveal the full spectrum from high to low levels of CPI (thus capturing both how full and how empty the proverbial glass is; see also Dupont & Primova, 2011).

With regard to the policy output, full CPI will be achieved if policies are 100 per cent in line with established (scientifically grounded) climate policy objectives. Measuring CPI in the policy output therefore involves investigating how much of the gap between the status quo (business as usual, BAU) and the ideal of CPI is closed by the policy decision in focus. We can then make a qualitative assessment on the level of CPI, applying a five-fold scale ranging from no/very low CPI (BAU) through low, medium and high, to very high/complete (see Table 1 with indicative percentage ranges).

Table 1: Scale to measure CPI in the policy process and in the policy output

Policy process & output	No / very low	Low	Medium	High	Very high / complete
	0-20%	21-40%	41-60%	61-80%	81-100%

The level of CPI in the policy process is expected to affect the level of CPI in the policy output (Briassoulis, 2005). Therefore, CPI in the policy process is both a dependent variable and an independent variable. We assess the level of CPI in the policy process as part of the overall assessment of CPI and this level contributes to explaining the level of CPI in the policy output. We propose two preliminary indicators to measure the level of CPI in the policy process: (1) the recognition of the functional overlap between climate policy and the sector policy objectives in the policy discussions, and (2) (the presence and use of procedures to ensure) participation of climate policy advocates within the EU institutions (such as DG Environment, DG Climate Action, the European Parliament's environment committee) and external climate policy stakeholders (such as environmental NGOs) in the policymaking process (Dupont & Primova, 2011; Jacob, Volkery, & Lenschow, 2008).[1]

Explanatory framework

EPI literature has put forward several factors to different levels of EPI, but these have rarely been linked to general theories of European integration or put into a unified conceptual framework. Different analyses have employed different conceptual frameworks with partial explanatory power. Research focusing on the policy process has employed an institutional perspective (Jordan & Lenschow, 2008), or a "policy learning" perspective (Nilsson, et al., 2007; Nilsson & Persson, 2003), while policy evaluation studies have attempted to assess EPI in the policy output based on lists of indicators (European Environment Agency, EEA, 2005). We develop a more holistic conceptual framework to help us understand the level and variance of CPI in and across policy fields. Our four core factors, discussed separately below, and derived from EPI literature and general theories of European integration, provide a differentiated but manageable framework for the systematic exploration and explanation of CPI (see also Dupont & Primova, 2011).

[1] Our assessment of CPI in the policy process is necessarily preliminary within the constraints of this article. This assessment may be further refined to include additional indicators (such as, the extent to which expert climate knowledge is referred to/sought by policymakers).

First, the nature of the functional overlap between the sectors is an explanatory factor for CPI in both the policy process and output, and relates to neofunctionalist theory emphasising functional 'spillover' as a driver of European integration (Haas, 1961; Niemann & Schmitter, 2009). A certain functional overlap between climate policy and the other policy sector shapes any demand for CPI. The way in which, and the extent to which, the objectives of the policy area concerned affect the objectives of climate policy lie at the heart of the analysis of CPI. Additionally, the type of this functional overlap helps us understand the level of CPI in the policy output and process. Thus, we may account for two different properties of functional overlap. First, whether functional overlap is more direct (policy overlaps are obvious and clear) or indirect (policy overlaps may be more obscure or hidden by other objectives) may have repercussions for the strength of the resulting political demand for CPI: the more direct the policy overlap, the more likely that demand for CPI will arise. Second, whether the functional overlap is more synergistic or conflictive may affect the ease of advancing CPI. The more synergistic the policy objectives, the more likely CPI will be advanced in the policy process and output. As presented in the Table 2, when functional overlap is both synergistic and direct, most favourable conditions exist for CPI; when functional overlap is both conflictual and indirect, it is least likely that significant CPI will materialise.

Table 2: The nature of functional overlap and its potential effect on CPI

	Direct	Indirect
Synergistic	++	+-
Conflictual	-+	--

Second, political commitment is a core factor for explaining levels of CPI in both the policy process and output. It fits with a liberal intergovernmentalist perspective of EU integration that focuses on grand political decisions by EU member states, on intergovernmental politics and on member state preferences (Moravcsik, 1998; Moravcsik & Schimmelfennig, 2009). Consequently, we assess the level of political commitment on the basis of the conclusions of the Councils of Ministers and of the European Council of heads of state or government. Two aspects of political commitment are relevant here, namely (1) political commitment to climate policy objectives generally and (2) the political commitment to climate policy integration into the policy sector under investigation. Political commitment in both instances can be qualitatively measured on a scale from low (no/few statements of commitment in Council conclusions) to medium (some statements of commitment) to high (strong statements of commitment, possibly backed up by concrete targets and/or by assigning priority to climate objectives).

Third, a neo-institutionalist perspective leads us consider the institutional and policy context for CPI (Hall & Taylor, 1996; Pierson, 1998; Pollack, 2009). Past policy experiences and path dependency created by previous policies and institutional decisions may affect CPI in the policy process and output (Jordan & Lenschow, 2010; Pierson, 1998). Actors may learn from past failures or successes and previous decisions may create or undermine a dynamic that facilitates change. Decision-making procedures play a role, as, for example, decision-making by qualified majority may be assumed to

facilitate policy change towards CPI.[2] Some external political factors, which can lead to windows of opportunity for policy development (be they favourable or unfavourable for climate protection), may also be subsumed under this explanatory factor (Kingdon, 2003). Windows of opportunity can open due to external shocks (such as energy crises) or specific events in the external political environment (such as climate negotiations) (Nohrstedt, 2005; Wettestad, 2005).

Finally, we expect the process dimension to affect the level of CPI found in the policy output. This factor has roots in both new institutionalist and neofunctionalist theory, which emphasise the role of various actors in the decision-making process (Haas, 1961; Niemann & Schmitter, 2009; Rosamond, 2005). Neofunctionalism, institutionalism (Hall & Taylor, 1996), and EPI literature, emphasise the importance of day-to-day procedures in the EU, including transparency and participation procedures. High levels of CPI in the policy process, evidenced through, e.g. the acknowledgement and prominence of the functional overlap in the discourse and procedures allowing high climate stakeholder involvement, are likely to promote higher levels of CPI in the policy output.

Climate policy integration into the EU's energy policy

The energy sector is crucial to combating climate change. It accounts for almost 80 per cent of the EU's greenhouse gas (GHG) emissions. In line with the findings of the Intergovernmental Panel on Climate Change (IPCC, 2007), the EU aims to reduce GHG emissions by 80-95 per cent in the EU by 2050 (compared to 1990 levels). This long-term objective implies an almost complete decarbonisation of the energy sector (ECF, 2010; European Commission, 2011b, p. 5). Several studies indicate that decarbonising the EU's energy sector by 2050 is both possible and cost-effective (EREC & Greenpeace, 2010; ECF, 2010; WWF, 2011).

Competence on energy policy has slowly been shifting to the European level (Jordan, et al., 2010). Although a specific energy policy competence was only established with the Lisbon Treaty in 2009,[3] the Commission has long been active in promoting further EU-level energy policy development. Even after the Lisbon Treaty (Treaty on the Functioning of the European Union, TFEU), however, important energy policy competences remain at the member-state level, including with regard to determining the conditions for exploiting energy resources, the choice between different energy sources and the general structure of energy supply (Article 194 (2) TFEU). The next two sections explore the level of CPI in two cases of EU energy policy, namely RE and policies to promote gas import pipelines.

[2] Other procedural aspects (such as procedural participation rights and transparency requirements) usually emphasised by neo-institutionalism are incorporated into the process dimension factor.

[3] Art. 194 (1) of the TFEU specifically lists four areas of EU energy policy: (1) the functioning of the energy market; (2) the promotion of the security of energy supply to the EU; (3) the promotion of energy efficiency and energy saving and the development of renewable forms of energy; (4) and the promotion of the interconnection of networks.

CPI in the EU's renewable energy policy

RE policy in the EU has developed somewhat alongside, but also independently of, climate policy (European Commission, 1997; Howes, 2010). Reducing GHG emissions is a major rationale to promote RE in the EU, but it has also been promoted for energy security reasons (Howes, 2010). The latest EU RE legislation is the 2009 RE directive (2009/28/EC), which outlines the policy framework for increasing the share of RE (hydropower, biomass, solar, wind, ocean energy, geothermal) in the EU to 20 per cent by 2020. Importantly, this 20 per cent target is binding under EU law.

To decarbonise the energy sector, a very high level of CPI would see a very high share of RE in the overall energy consumption in the EU by 2050 (EREC & Greenpeace, 2010; ECF, 2010; Heaps, et al., 2009). Depending on assumptions regarding carbon capture and storage (CCS) technologies and nuclear energy, most scenarios for decarbonisation by 2050 imply a RE share of 55-100 per cent (EREC & Greenpeace, 2010; Heaps, et al., 2009; WWF, 2011; ECF, 2010; European Commission, 2011d). CCS technologies, however, continue to be commercially unviable (Reichardt et al., 2012), and nuclear energy is facing strong public opposition in many member states. We therefore argue that a very high level of CPI implies a share of about 80-100 per cent of RE in the energy mix for 2050, as reflected in several studies on decarbonisation (ECF, 2010; EREC & Greenpeace, 2010; Heaps, et al., 2009; WWF, 2011). Such a range is close to the high RE scenario of the Commission's own Energy Roadmap to 2050 that projects a share of 75 per cent RE in final energy consumption by 2050 (European Commission, 2011a, p. 4) – a level criticised by several stakeholders as insufficient (see EREF Press Declaration, 2011; EREC, 2011b).[4]

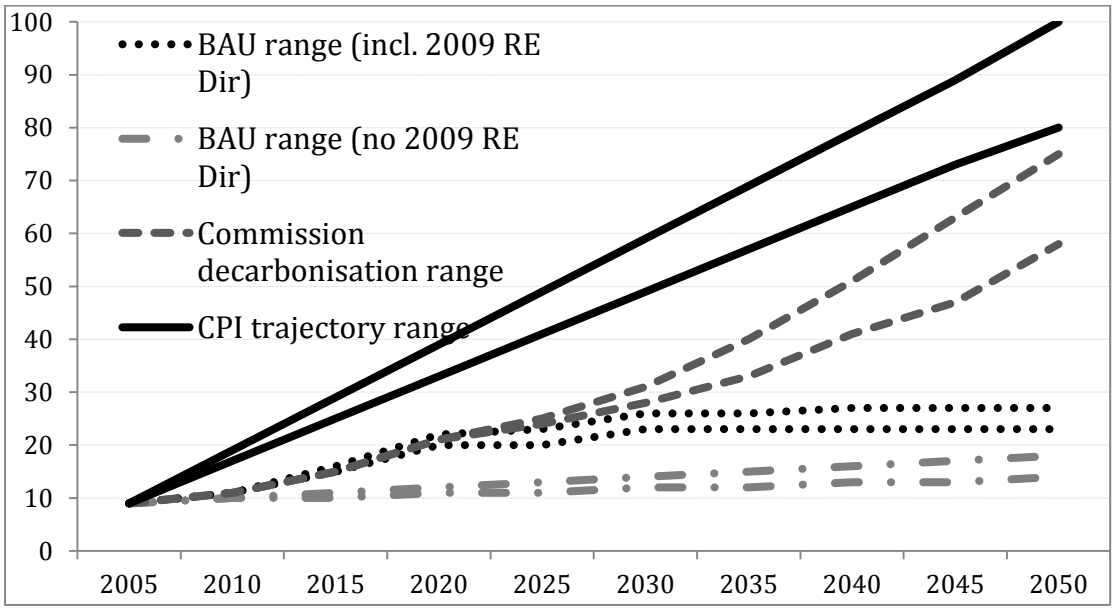
A share of RE of 80-100 per cent by 2050 implies an increase in the share of RE by about 8-10 percentage points every five years, on average, from 2005. In 2005, the share of RE stood at 8.6 per cent (EEA, 2008, p. 44). It may be argued that a linear trajectory is unrealistic because it does not take account of high upfront costs for increasing the share of RE. Accordingly, the RE industry calls for slightly less early action than a linear trajectory would imply, namely a minimum 45 per cent share for RE by 2030 towards an almost 100 per cent RE system by 2050 (EREC, 2011a; EREC & Greenpeace, 2010). It can also be argued that maximum early action is required since energy infrastructure built today will still be in place in 2050 (which might imply even greater increases in the RE share earlier on) (European Commission, 2010, p. 5). We thus assume that full CPI integration should result in an increase of (close to) 8-10 percentage points every five years from 2005.

Available evidence suggests that without policy intervention, very significant increases in the share of RE in the EU would be unlikely (Howes, 2010, p. 124). Between 2000 and 2005, RE share increased by 1 percentage point (European Commission, 2011c), and the BAU scenarios of the European Commission have consistently arrived at future increases of not more than 1-2 percentage points per decade (European Commission, 2006, p. 7; 2011c, attachment 1).[5] The gap to be closed for a high degree of CPI is thus between a

[4] The Energy Roadmap provides no scenario combining high levels of energy efficiency with high levels of RE, which together could pave the way to full decarbonisation (EREC & Greenpeace, 2010, p. 12).
[5] Commission reference scenarios in 2011 (i.e. after directive 2009/28) showed an average of 21 per cent share of RE in 2020; 24 per cent in 2030; 25 per cent in 2040; and 25 per cent in 2050 (see European Commission, 2011c, attachment 1), whereas scenarios before directive 2009/28 suggested between 10.4 and 12.6 per cent RE share in 2020.

baseline of an increase in the RE share of up to one percentage point every five years and a required increase of 8-10 percentage points every five years (see Figure 1).

Figure 1: Scenarios for development of RE share in total energy consumption in the EU to 2050



RE share in %. Source: ECF, 2010; European Commission 2011c; EREC & Greenpeace, 2010; Heaps, et al., 2009; WWF, 2011; own calculations.

From a long-term perspective to 2050, we thus conclude that the current target of a RE share of 20 per cent by 2020 reflects a (high-end) medium level of CPI in the policy output. A very high level of CPI would lead to a RE share of 30-40 per cent in 2020. Without directive 2009/28, we may assume the share of RE would have increased to 10-12 per cent by 2020. Current EU RE policies close about half the gap between BAU and what would be required for effective climate protection (taking the lower end of the 30-40 per cent range as a point of reference).[6] This suggests a medium level of CPI. Taking into account that some time is needed for new RE policies to have effect and the change of course towards decarbonisation implicit in the 2020 target, we may specify that this is on the high range of a medium level of CPI. From a long-term climate policy perspective, the 20 per cent target for 2020 cannot be considered ambitious enough (see also Adelle, Pallemaerts, & Chiavari, 2009).

In the policy process, the extent of CPI is high. Such a level is due to the prominent consideration of climate policy objectives in the policy process and the active involvement of internal and external climate stakeholders based on established procedures. The co-benefits of achieving RE and climate objectives were clearly recognised from the beginning of the policy discussions, with the Commission opening its proposal with the statement that RE "contributes to climate change mitigation" (European Commission, 2008, p. 2).

[6] Even with strong assumptions about the use of CCS and nuclear energy and thus lower shares of RE in 2050 of 55-65 per cent, a linear trajectory should lead to about 25 per cent RE share in 2020.

As directive 2009/28 was negotiated under the ordinary legislative procedure, normal consultation and participation procedures were in place. Inter-service consultation in the Commission and inter-committee consultation in the Parliament allowed opportunities for climate voices to be raised. In the Parliament, the industry, research and energy committee drafted the first reading opinion on the Commission proposal, with Green MEP Claude Turmes as rapporteur and the environment committee as co-drafter.

External climate stakeholders, such as Greenpeace, the European Renewable Energy Council (EREC) and the European Wind Energy Association (EWEA), were active in attempting to influence the policy output. These climate stakeholders generally praised the final output (Greenpeace, 2008; ENDS Europe, 2008). Stakeholders' satisfaction, with the output and with their involvement in the process, is an indication of the high levels of CPI in the policy process. This high level acts as an explanatory factor for the level of CPI in the policy output (discussed in the next section).

CPI in EU policy on gas import pipelines

Importing gas into the EU is an issue of concern to the EU as a whole. After the 2006 and 2009 Russia-Ukraine gas crises affecting supplies to (mainly Eastern) Europe, awareness of gas supply security issues grew. One of the EU's energy security strategies is to diversify its sources of natural gas (e.g. from the Caspian Sea region). Such ambitions require infrastructure, whether pipelines or LNG terminals. Natural gas has been hailed as the cleanest fossil fuel, yet it is a major source of GHG emissions. Promoting further gas pipelines carries the risk of "carbon lock-in" to fossil fuel infrastructure, which has an expected lifetime of about 50 years (or more).

Among EU-level policies supporting gas import infrastructure are the European Energy Programme for Recovery (EEPR, Regulation 663/2009), and the trans-European energy network guidelines (TEN-E, Decision No 1364/2006/EC). The EEPR, agreed in 2009, assigns four billion euro to electricity and gas projects in the EU. A 2012 report of progress describes the importance of this policy for pipeline projects, naming several pipelines (including the Nabucco pipeline from Turkey to Austria). The report states "any sign of a weakening EU support to these projects would send the wrong signal to the gas producers" (European Commission, 2012, p. 5).

The 2006 TEN-E guidelines outline the criteria for supporting certain projects. Projects supported by the EU include the Nord Stream pipeline connecting Russia to Germany through the Baltic Sea (operational in 2012 with a capacity of 55 billion cubic metres, bcm) and the Nabucco pipeline (now called "Nabucco West") in the so-called "Southern gas corridor", which aims source gas from the Caspian Sea region (capacity between 10 and 23bcm, negotiations for gas ongoing) (Decision No 1364/2006/EC, Annex I). These projects were given the label 'project of European interest', assigning priority for financial and political backing from the EU (Article 8). As of 2012, the 2006 TEN-E guidelines were under review.

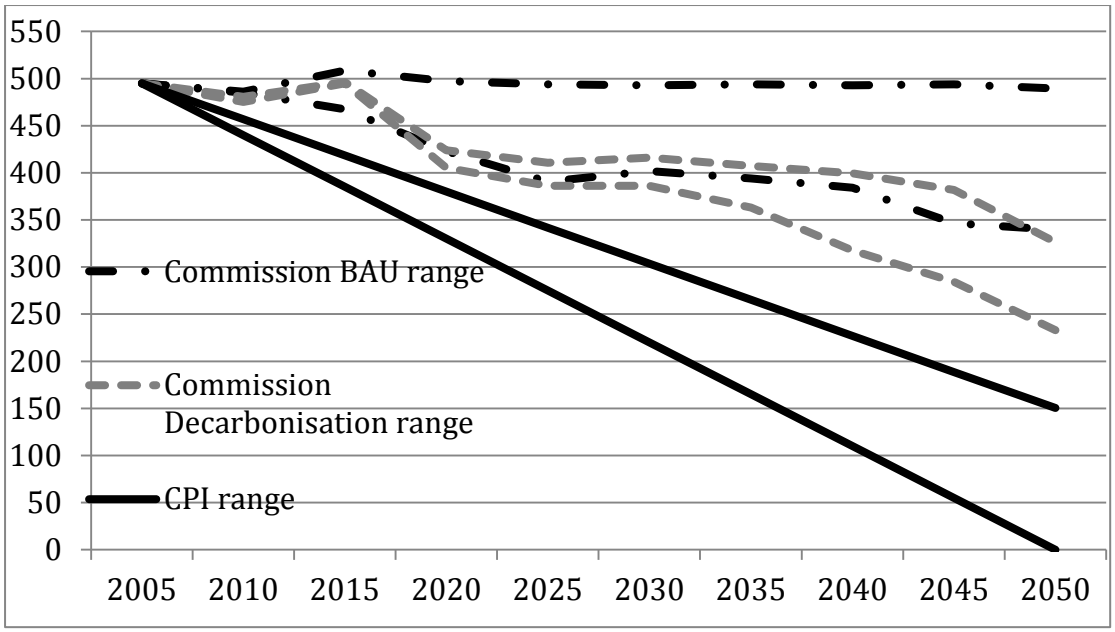
To assess the level of CPI into EU gas import pipeline policies, we need to know: (1) what are the expectations for gas consumption in the EU under decarbonisation scenarios, and (2) how much gas import infrastructure will exist in 2050. It will then be possible to assess whether new gas pipelines are needed.

First, there are varying scenarios on EU natural gas consumption in 2050. Natural gas consumption in the EU amounted to 448bcm in 2011 (BP, 2012, p. 23). Some scenarios suggest that gas will continue to be required as a "back-up fuel" for intermittent RE electricity generation, and that it will be a key "transition fuel" in the short-term. The Commission suggests gas consumption will rise to 2015 (to about 496bcm) before beginning to drop in 2020 (to 405-424bcm) (European Commission, 2011a, p. 11; 2011c). Other scenarios suggest as little as 52bcm will be required in 2050 (primarily for industrial processes) (Heaps et al., 2009). EREC considers a 100 per cent share of RE for 2050 feasible and argues that there is little need for gas (EREC & Greenpeace, 2010). Eurogas suggests that 462bcm of natural gas will still be required in 2050, and pushes for its continued use with CCS as a "low-carbon energy source" (Eurogas, 2011). The Commission's energy roadmap to 2050 estimates gas consumption in 2050 as 233bcm-320bcm,[7] with a minimum of 202bcm used for gas-fired power generation (requiring CCS technology) (European Commission, 2011c, pp. 68-77).

In line with various decarbonisation scenarios, and taking account of the uncertainties surrounding CCS, (Reichardt et al., 2012), a CPI perspective requires greatly reduced levels of gas consumption in the EU. With the high levels of RE in 2050 (discussed previously), very low levels of natural gas will be required to meet energy needs. Therefore, we assume that gas consumption in a decarbonised EU in 2050 may range from 0-150bcm, with the upper limit being dependent on the deployment of CCS technology. Some gas consumption in 2050 may be required for industrial processes. With domestic gas production projected to decrease to 20-30bcm by 2050 (without taking account of the EU's shale gas potential; European Commission, 2011c), this range implies gas imports of maximum 130bcm. Figure 2 outlines the various trajectories to 2050, comparing the high CPI trajectory range with the decarbonisation scenarios of the European Commission and BAU expectations.

[7] Conversion from Mtoe to bcm at a rate of 1:1.11 (BP conversion factors), own calculation.

Figure 2: Trajectories of gas consumption in the EU towards 2050 (in bcm)



Source: European Commission 2011c; own calculations.

Second, the capacity of EU gas import infrastructure will help us understand if more gas pipelines are required. Table 3 outlines the gas import infrastructure capacity in the EU. The EU imported approximately 311bcm of natural gas by pipeline in 2011, when its pipeline capacity stood at 440bcm (BP, 2012; Energy Market Observatory data). With the Nord Stream pipeline (fully operational in October 2012, capacity: 55bcm), existing pipeline capacity already exceeds 2011 demand for import by just less than 130bcm (BP, 2012; Energy Market Observatory data). Adding the growing LNG import capacity, total gas import capacity reached nearly 627bcm for 2011, when actual imports amounted to about 390bcm (see Table 3; BP, 2012; Energy Market Observatory data; Gas LNG Europe, 2011). Adding LNG import infrastructure under construction as of 2012 (but excluding proposed projects), LNG import capacity in the EU will increase by over a third to about 274bcm by 2020 (own calculations, Gas LNG Europe, 2011). Total gas import infrastructure capacity is thus already moving towards 825bcm by 2020, much of which will still be in operation in 2050 (European Commission, 2010, p. 5). Adding another set of gas pipelines through the Southern gas corridor, which could provide anything from 10 to 63bcm of capacity, depending on the final pipeline decision, adds capacity that is not even required under BAU scenarios (Figure 2).

With capacity in 2020 set to reach 825bcm (Table 3) and with no plans to reduce gas import capacity post-2020, we can assume that much of this capacity will remain in place to 2050. Pipelines have an expected lifetime of 50 years, which can be extended as they are upgraded. LNG terminals have similar lifetimes (about 40 years), but are constantly being expanded and upgraded, lengthening their operational lifetime. A 2009 report highlighted that gas infrastructure in the EU is "young" and expected to remain operational for many decades (European Parliament, 2009). We can thus assume that most existing gas import infrastructure capacity will remain to 2050 - between 600 and 800bcm. While this range of infrastructure capacity does not take account of planned additions, it is several orders of magnitude greater than the requirements under high CPI

decarbonisation scenarios (see Table 3). The promotion of unnecessary gas import infrastructure bears the concrete risk of diverting the EU away from a decarbonisation path, towards one of "carbon lock-in", where the infrastructure in place promotes the continued use of fossil fuels. Policies to promote such infrastructure are contrary to the objective of decarbonising the energy system by 2050.

Table 3: Current and future EU gas import capacity

	2011	2020	2050
Total import capacity (LNG plus pipeline)	626.5bcm	825.4bcm	Circa 600-800bcm
Actual imports in 2011	390.3bcm		
Ideal CPI gas consumption	440-457bcm	330-380bcm	0-150bcm
Actual consumption in 2011	447.9bcm		

Note: The table takes account of projects under construction as of 2011, but excludes proposed projects such as the Southern gas corridor. Source: Own calculations on the basis of Gas LNG Europe, 2011; Energy Market Observatory data; BP, 2012.

CPI is thus non-existent in the policy output of EU gas pipeline policies. Full CPI in gas infrastructure planning would mean abandoning support for new import infrastructure. Instead, climate-friendly policies would promote a phase-down of natural gas consumption to 2050 (with limited flexibility to keep an amount of gas in the energy mix as a back-up fuel, and for industry) (Heaps, et al., 2009).

CPI in the policy processes in TEN-E and EEPR has been similarly weak. There has been no explicit recognition of the functional overlap between natural gas import pipelines and long-term climate objectives. The potential short-term synergies with climate policy objectives have hidden the long-term conflicts. Arguments favour gas as the "transition fuel" in the short-term (Eurogas, 2011). Energy security concerns are the prime motivation for promoting gas import pipelines,[8] which seems to block climate concerns from seriously entering the discussions. In addition, the negotiations for supplies of gas take place among the gas companies and at member state level, meaning EU-level policy discussions are not the focus. Climate and decarbonisation arguments have, thus, not garnered attention in relevant EU policy discussions.

Second, climate stakeholder involvement in the elaboration of the TEN-E guidelines and the EEPR at EU-level was weak. As policies driven primarily by energy security concerns (with DG Transport and Energy in the lead, and no special relationship with DG Environment), no opinion came from the Parliament's environment committee; neither did a discussion occur in the Environment Council. Internal climate advocate voices were not raised. External climate stakeholders were also not much engaged in these discussions, although they in theory had opportunities to influence the policy through consultation procedures, and the usual lobbying activities.

Detailed consultations on policy revisions of the 2006 TEN-E guidelines took place in the Gas Coordination Group, which consists of representatives of member states, the gas

[8] High-level political actors in the EU (such as President Barroso, who negotiated a visa-facilitation agreement for Azeris in exchange for promises of gas supplies; see Euractiv, 14 January 2011) have actively promoted the energy security credentials of such projects, with no regard to 2050 climate objectives.

industry and customers (European Commission, 2011e, p. 4). The discussions focused on energy security issues and industry opinions. Contributions to the public consultations came predominantly from industry, manufacturing, infrastructure development bodies, government agencies, and financial institutions and the insurance sector (European Commission, 2011e, p. 4). Although public consultation procedures exist, external climate stakeholders have played a limited role. It is unclear whether this is because they lack the interest or capability to become involved, or that such stakeholders are deliberately neglected by policymakers. CPI in the policy process on EU-level policies in support of gas pipeline infrastructure is thus low.

Explaining CPI

Functional overlap. There is a direct and synergistic functional overlap between the objectives of RE policy and of climate policy. Increasing the use of RE implies reducing GHG emissions. The two policy sectors overlap synergistically and co-benefits are large. In accordance with Table 2, since RE and climate policies are directly and synergistically linked, most favourable conditions exist for higher levels of CPI.

Promoting the construction of gas import pipelines overlaps with climate policy objectives more indirectly and conflictually. The continued use of natural gas in the long-term threatens the achievement of 2050 climate policy objectives. Policies to expand the gas import pipelines lock in fossil fuel infrastructure, increasing the pressure to use it. Such a carbon lock-in, although it does not automatically lead to increases in gas imports, hinders the achievement of the EU's decarbonisation goals. In addition, the indirect nature of the functional overlap impedes long-term climate objectives entering the policy discourse, with the short-term benefits of switching from coal to gas masking the long-term conflict. This indirect and conflictual functional overlap constitutes unfavourable conditions for the promotion of CPI (see Table 2).

Political commitment

Political commitment to combating climate change can generally be found in the conclusions of the European Council and scores on the lower end of 'high'. The EU has regularly voiced its commitment to combating climate change, especially since 2005 (Oberthür & Dupont, 2011). In March 2007, the European Council showed commitment when it endorsed the 20 per cent targets to 2020 (European Council conclusions, March 2007). While the economic and financial crises from 2008 onwards shifted attention away from the climate crisis, the EU nevertheless unilaterally agreed to reduce GHG emissions by 20 per cent by 2020. Although this action can be hailed as ambitious, especially when compared to other regions of the world, it is nevertheless insufficient. The IPCC calls for a 25 to 40 per cent GHG emission reduction in the developed world by 2020 (IPCC, 2007), and the EU had already achieved emission reductions of approximately 17.5 per cent by 2011 (EEA, 2012). Thus, the EU can receive a rather 'high' score for political commitment generally (but on the lower end of 'high'), and this is overarching the two cases.

As regards political commitment to the integration of climate policy objectives into RE policy, the EU displays a more 'medium' level. The European Council supported a binding

20 per cent target for the share of RE sources in the EU by 2020 in early 2007. At the same time, it called for "an integrated approach to climate and energy policy" (European Council conclusions, March 2007, p. 11). However, this does not necessarily imply an ideal level of political commitment to CPI, as the target is not ambitious enough from a 2050 perspective (discussed previously). Rather, the European Council clearly stated that "integration should be achieved in mutually supportive ways" (European Council conclusions, March 2007, p. 11.), implying equal weight to the three objectives of increasing the security of supply; ensuring the competitiveness of energy prices; and promoting environmental sustainability. Therefore, there is an evident political commitment to CPI in RE policy, but balanced against other objectives, with no priority to climate objectives.

However, the political commitment to CPI into EU gas pipeline policy is very low or non-existent. After the 2009 gas crisis, securing supplies of gas was clearly the political priority. In the discussions on the TEN-E guidelines and on the EEPR, security of supply considerations dominated. There is no evidence that long-term climate objectives have been considered in the discussions on the future gas pipeline infrastructure. Political commitment has rather flowed towards the promotion of further pipeline infrastructure.

Institutional and policy context

The challenges of climate change and energy security have provided the Commission with opportunities to push for EU-level energy policy development. The Commission proposed directive 2009/28 under the environmental chapter of the EU treaty, allowing the proposal to go through the ordinary legislative procedure. Thus, legally qualified majority voting was the decision-making procedure in the Council, which enables outvoting individual opponents (even though this was not applied in this case). Moreover, the failure of the EU to reach its 2010 non-binding RE targets pushed agreement on a more robust policy framework. The international climate negotiation schedule (and EU leadership ambitions therein) also facilitated RE policy development in the EU. The adoption of directive 2009/28 came in time for the 2009 Copenhagen climate conference (Wurzel & Connelly, 2011). These institutional and policy developments contributed to an enabling framework for RE policy that was favourable to the promotion of CPI.

In the gas pipeline case, past policy developments and context seem to favour priority for energy security objectives. Policy developments have emphasised the importance of supply diversification and security, to the detriment of climate objectives. The EU has pledged, and provided, financial and political support to new gas pipelines, concretising the security emphasis. Institutionally, both the EEPR and TEN-E guidelines were agreed under the ordinary legislative procedure, meaning voting in Council was qualified majority (although this did not favour CPI in the current case, given the dominance of energy security considerations). The wider geopolitical context also played a role, including US support for the EU's aims to diversify its gas supplies away from Russia through pipelines connecting to the Caspian Sea region. In contrast to the RE case, the institutional and policy context surrounding the gas pipeline case is unfavourable to CPI.

Policy process dimension

As seen above, the recognition of the synergistic functional overlap between RE and climate policy during the policy process, and the involvement of internal and external climate policy stakeholders enabled by firm procedures resulted in high levels of CPI in the policy process in RE policy. Such high levels of CPI throughout the process exert a strong positive influence on the final policy decision, helping explain the medium level of CPI in the policy output.

In gas pipeline infrastructure, decisions have generally been taken without acknowledgement of the conflictual functional overlap between increasing gas import capacity and long-term climate objectives, and without involvement of climate voices. Procedures have not guaranteed climate stakeholder involvement, although they were in place under the ordinary legislative procedure. It is plausible that the short-term benefits of moving from coal to gas may have prevented climate stakeholders from taking a stand against gas. The low (to non-existent) level of CPI in the policy process helps explain the lack of CPI in the policy output.

Table 4: Summary of explanatory factors

Explanatory factor	Renewable energy	Gas pipelines
1. Functional overlap	Direct & synergistic	Indirect & conflictual
2. Political commitment	Overarching to combating climate change: High	
	To CPI: Medium	To CPI: Low
3. Context	Favourable to CPI	Unfavourable to CPI
4. CPI in policy process (to explain CPI in output)	High	Low/None

Table 4 summarises the analysis of the explanatory factors in both cases. Explanations for the (high end of) medium level of CPI found in the policy output, and for the high levels of CPI in the policy process, in RE can be found in: the medium level of political commitment to CPI; the direct and synergistic nature of the functional overlap; the relatively high level of CPI in the policy process (explaining the policy output only); and the relatively favourable policy and institutional context for CPI. In contrast, the lack of CPI in the process and output of the EU's gas pipelines policies correlates with: low political commitment to CPI; the largely indirect and conflictive nature of the functional overlap with climate policy; the low to non-existent level of CPI in the policy process (explaining the policy output only); and the rather unfavourable policy and institutional context for CPI.

Conclusion

This article undertook to assess and explain the level of CPI in the EU's energy policy through a newly developed framework linking EPI literature with theories of European integration. We initiated an investigation of the assumption that a high level of CPI has been achieved since the adoption of the integrated climate and energy package of legislative measures in 2009. Applying our framework to two empirical cases of energy policy – namely RE policy and gas import pipeline policies – we found insufficient levels

of CPI (despite the fact that environmental sustainability is one of the three main objectives of EU energy policy). Importantly, we based our analysis on long-term climate policy objectives and requirements to 2050, increasingly recognised as the appropriate, and required, perspective in climate policy.

Conceptually, we have tried to advance the debate on CPI by bringing together many strands of literature on EPI and situating them in general theories of European integration. Applying a 'strong' standard of CPI as a benchmark measurement, we could analyse the results of the case studies using four core factors derived from literature on EPI and from theories of European integration, namely: (1) the nature of the functional overlap with climate policy objectives (direct-indirect and synergistic-conflictual), (2) the level of political commitment to climate policy and to CPI, (3) the institutional and policy context, and (4) the level of CPI in the policy process (to explain CPI in the output). Such an exercise in collating the EPI literature to outline a single, manageable and encompassing framework, although in its early stages, has not before been carried out. It promises to systematise and enrich conceptually the debate on EPI/CPI and connect it to mainstream discussions on European integration.

Our case analysis reveals great explanatory variation between them, but also leads us to hypothesise about some inter-linkages among the different explanatory factors. It appears that the four (sets of) explanatory factors reinforced each other in the case of RE. Synergistic and direct functional overlap; political commitment to both climate policy in general and the promotion of CPI; the institutional and policy contexts; and high levels of CPI in the process all worked in favour of CPI. In contrast, these factors were all less favourable or unfavourable in gas pipeline policy. The nearly complete lack of discussion and consideration of climate policy objectives in the policy-making process in the gas pipeline case, however, is particularly noteworthy: as long as no such consideration takes place (and is 'crowded out' by a dominant energy security discourse), it seems futile to hope for political commitment to CPI, addressing functional overlap, involvement of climate advocates and stakeholders and, consequently, a search for enhanced synergy and greater levels of CPI. A first fundamental requirement for achieving enhanced levels of CPI would thus appear to be the serious consideration of long-term climate policy objectives in the policy process. In both cases, the imperfect levels of CPI can also be linked to the lack of long-term focus in the policy discussions, masking the potential for CPI. At the same time, the prospects of CPI in the policy process may be much related to the nature of the functional overlap, with indirect and/or conflictual overlap impeding integration.

The empirical analysis has demonstrated the usefulness of the framework, and further empirical studies, encompassing other policies and policy sectors, should enable us to further validate and refine the framework. For example, further studies may identify in more detail constellations of factors that favour (or not) CPI in energy policy and beyond. There is also much potential for deriving new insights on the interactions of theories of European integration in the reality of EU policymaking as more cases are examined. The framework presented in this article thus advances and opens a promising research agenda.

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The EU and Marine Environmental Policy: A Leader in Protecting the Marine Environment

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Abstract

The European Commission (2006) introduced a Green Paper on a future Maritime Policy for the Union (COM (2006) 275 final), identifying the need for EU policies on sustainable development (SD) and management of the oceans to preserve and protection the marine environment and ecosystems, and develop a thriving maritime economy. Those policies would have to take account the global nature of the oceans, the leadership role of the EU for its regional seas, and its role in wider international governance of the oceans. This paper examines the development of the EU's Integrated Maritime Policy, a vision for the seas and oceans, in which it seeks a leading role in environmental protection of the marine environment. It considers how developments in EU maritime policy over the last decade have strengthened protection of the marine environment, regionally and globally, through the introduction of standards which go beyond what is required by international conventions, resulting in those conventions being amended to meet those higher EU standards, and considers the example of the introduction of double hulls for oil tankers. The paper concludes that the EU can and does play a leadership role through its maritime policies, both internally and externally, and across the economic, social and environmental and temporal dimensions of SD.

Keywords

EU maritime policy, marine environment, marine pollution, sustainable development, international conventions

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In its Green Paper "Towards a Future Maritime Policy for the EU" (hereinafter Green Paper), the European Commission (EC, 2006) highlighted the special significance of the seas and oceans to Europe and its citizens. Two thirds of the EU's[1] borders are coastal, while its maritime spaces are larger than its land area (EC, 2006, p. 3). The EU has around 89,000 km of coastline bounded by 22 Member States (MS) and a large number of islands (see Figure 1) (EC Research Information Centre, 2009). However, if MS overseas territories are included (for example the Portuguese territories of Madeira and the Azores), the coastline of Europe is 136,106 km long (Eurostat, 2009, p. 4).The EU therefore has significant geographical coverage of the seas and oceans regionally and through the overseas territories of MS, offering it the potential to extend its internal policies beyond national jurisdiction (Suárez de Vivero, 2007, p. 413).

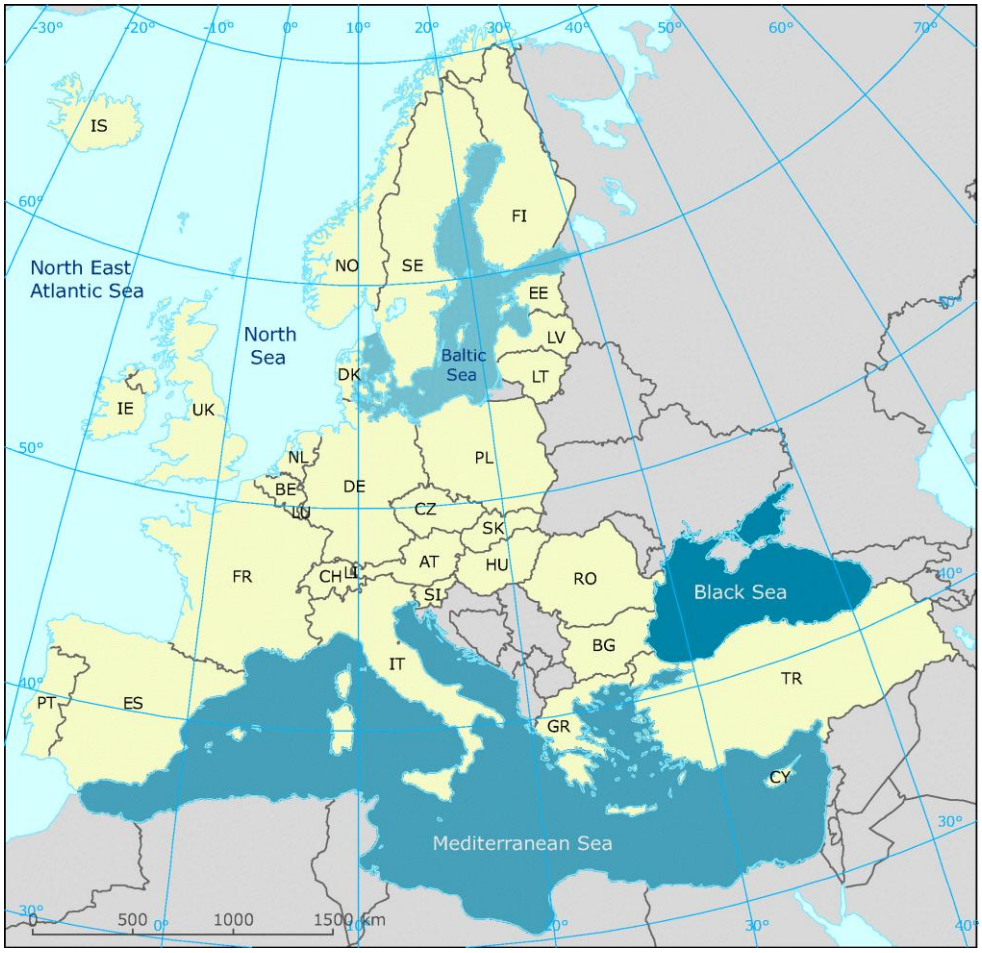
The EU's geographical make-up in relation to the "political entities coinciding around its coasts" is complex, with divisions under different bodies and treaties, and for different policy actions including fisheries management, ecological management and marine policy (Suárez de Vivero et al., 2009, pp. 629-670).

The EC set out the need for a "thriving maritime economy [which should be developed] in an environmentally sustainable manner" (2006, p. 5), moving away from a focus on policy measures linked to specific environmental problems, to become an actor carrying the "sustainable development (SD) flag" internationally (Lightfoot and Burchell, 2004, p. 337). The EU role was set out in a strategy document which noted that SD offered the EU a positive long-term vision for a prosperous and just society, and a cleaner, safer, healthier environment (EC, 2001, p. 2), discussed in the next section, and integrated an

[1] This article refers to the EU (European Union) throughout, that acronym being used even where European Community might be more accurate. The acronym EC refers to the European Commission.

environmental dimension into the EU's economic and social policy objectives to produce an EU concept of SD (Lightfoot and Burchell, 2004, p. 339).

Figure 1: EU's Regional Seas



Source: European Environment Agency - Data for Sea Regions.

A prosperous EU marine economy is generated by many diverse uses of the marine environment and its resources including: fisheries and aquaculture; renewable and non-renewable energy; coastal tourism and passenger cruises; and the transport sector (EC, 2006, pp. 6-9), with the EU's shipping and port industries generating around 20 billion EUR per annum (pp. 6-7), and marine tourism worth around 72 billion EUR in 2004 (p. 7). The EC Directorate-General for Maritime Affairs and Fisheries indicates that there are economic assets worth an estimated 500–1000 billion EUR within 500 metres of EU coasts, and around 3.5 trillion EUR (35 per cent) of total GDP of coastal states is generated within 50 kilometres of the coast (2009, p. 3). Its maritime regions are therefore highly significant to EU economic prosperity which may be one reason why it has sought to introduce more stringent standards that can reduce economic costs and generate positive incentives domestically, resulting in adoption of some of the world's strictest and most ambitious environmental regulations (Keleman and Vogel, 2010, pp. 431-432).

The EU's marine environment is also complex in terms of the political make-up of the various states, bodies and agencies which govern different aspects of its use, Henrik Ringbom noting that the EU has been described as a "hybrid conglomeration situated somewhere between a state and an intergovernmental organization" and this, he considers, is reflected in the EU's external relations (2008, p. 56). Such a hybrid of supranational and international forms of governance is the result of post-war European nations moving away from nationalism and towards a Europe of pooled resources and common principles (Manners, 2002, p. 240), with policy actions being diffused from the EU to third parties through either unintentional or intentional mechanisms (pp. 244-245). Within this context the maritime sector faces particular challenges in the development of any legal relationship between community legislation and international conventions (Ringbom, 2008, p. 56). However, in meeting those challenges, and by setting strong environmental regulations which influence and ultimately strengthen international conventions, the EU has the opportunity to gain greater legitimacy "as an international power [that is] more than the sum of its parts" (Lightfoot and Burchell, 2004, p. 338).

This paper examines the development of an EU integrated marine policy over the last decade, arising from the Green Paper. It considers how the EU has developed marine environmental legislation which goes beyond the requirements of existing international legislation, resulting in changes to that international legislation to roll-out the standards set by the EU at a more global level.

Development of an Integrated EU Approach to Marine Environmental Protection

José Manuel Barroso noted that for far too long the EU's maritime policies had been "developed in separate compartments" with no-one looking at the links between them or examining how they could be combined to reinforce each other (2005, p. 2). This statement came only a few years after the EU had developed a concept of SD, John Vogler and Hannes Stephan indicating the EU had already developed an "impressive array of internal legislation ... to cope with the effects of the success of economic integration in Europe", although those SD priorities continued to be tilted towards economic aspects, remaining "far from the centre of decision-making in the multi-lateral system" (2007, p. 393).

The lack of links identified by Barroso (2005) may be the result of that situation, the economic impacts of maritime policies being considered first, and environmental impacts only considered at a later date. The structure of the EU, with many Directorates-General responsible for different aspects of EU policy (Maritime Affairs and Fisheries, Environment, Mobility and Transport, and Energy etc.), and the responsibilities of the various institutions (Commission, Council, Parliament, etc.) also makes development of cross-cutting policies a far from simple process (see Carpenter, 2006, for example). Juan Luis Suárez de Vivero et al. also consider that achieving success in implementing its maritime policies required an EU maritime governance policy which harmonised the needs of political institutions with those of states and autonomous bodies, and for a maritime authority to execute policy that meets its economic, social and environmental objectives, concluding that a long-term systematic approach is required, taking account of both different scales of territorial division and interactions between political and other bodies managing those divisions (2009, p. 633). However, there is much debate on how

much power the EU has to influence maritime governance at a global level, Vogler and Stephan highlighting that although the EU and the EC have the power to set policy and introduce legislation to be implemented by all its MS, that power does not extend outside the EU, also noting that the EU has much lower status than its MS at the United Nations and its various agencies (2007, p. 390).

Sustainable Development and the EU

Barroso (2005) set out how the Green Paper was the first step towards an EU Integrated Maritime Policy (IMP), an EU vision for the seas and oceans which would realise the economic potential of Europe's marine environment, conserve biodiversity, and make use of the seas and oceans in a sustainable way. While acknowledging the environmental aspects of SD, this statement reinforces the suggestion that the EU's SD priorities are mainly tilted towards the economy (Vogler and Stephan, 2007, p. 393). However, the IMP may arguably be "among the most important ongoing policy processes in Europe" for the realisation of all facets of SD, by integrating scientific advice into policy making (Fritz, 2010, p. 1). This section will, therefore, examine the concept of SD, what it means, how it has changed over time, and its place in EU policy making.

The Brundtland Commission (1987) report on Our Common Future was widely acknowledged as the source of the definition of SD over many years, although Rodrigo Lozano notes that there were at least 70 different definitions of SD by 1991 (2008a, p. 1838). Biliana Cicin-Sain explains SD as being: economic development which improves the quality of life; environmentally appropriate development using natural resources in an environmentally sensitive manner; and equitable development where any benefits are distributed across society and generations (i.e. current actions should not harm future generations), and across international boundaries (1993, p. 16).

The definition of SD is rather vague according to John Robinson, meaning different things to different people and organisations, and reflecting political and philosophical positions rather than a scientific viewpoint (2004, pp. 373-374), while Becky Brown et al. (1987) identify the need to set sustainability in the context of the discipline being considered (1987, p. 713). Desta Mebratu also questions the concept of SD, noting that widening discourse since the 1970s had resulted in many different definitions and interpretations of the term (1998, p. 494), and concluding that the vagueness of the Brundtland Commission definition had resulted in a "diverse spectrum of definition and interpretation" and a "narrow framework of interpretation that does not capture the whole picture" (p. 518).

While there are a range of graphical representations of SD (Lozano, 2008a, pp. 1840-1843), they do not include the time dimension - that SD should not just considered the complex relationships between the economic, social and environmental aspects of sustainability, but should also take into account temporal (short-, long- and longer-term) aspects (Lozano, 2008a, pp. 1843-1844). He therefore proposes a new way of looking at sustainability which uses "holistic, continuous and interrelated phenomena amongst economic, environmental and social aspects" and recognises that every decision "has implications for all the aspects of today and in the future" (Lozano, 2008a, p. 1845).

While the debate on the concept of SD is ongoing, in relation to the EU's policy on SD, Vogler and Stephan identify that at its heart lies a vision which is quite different from

"that traditionally pursued by sovereign nation states" (2007, p. 390). This vision, which pursues multilateralism and sustainability through collective action, actively advances an EU model for regional integration. It is in line with the proposition of Lozano who emphasises the need for collaborative approaches to help build stronger and more sustainability-oriented organisations (2008b, p. 499) which are "composed of individuals and groups with interactions and mutual interdependencies amongst the individuals, groups and the organisation" (Lozano, 2008b, p. 508). It can be argued that the EU is an organisation, made up of individual MS, acting not as sovereign nations but within groups formed by representatives of those states. The organisation (EU) works with external stakeholders - other countries or international organisations such as the UN - to expand its sustainability visions and values and extend the remit of its regulations beyond its own borders.

The EC (2001) put forward a SD Strategy, adopted by the European Council that same year. The definition of SD contained in that document offers the EU "a long-term vision of a society that is more prosperous and more just, and which promises a cleaner, safer, healthier environment – a society which delivers a better quality of life for us, for our children, and for our grandchildren" (EC 2001, Section I, paragraph 6). The full definition considers the economic, social and environmental aspects and also the temporal aspect set out by Lozano (2008a, pp. 1843-1844) through the requirement that it delivers a better quality of life across the generations. That 2001 Strategy also noted that in order to achieve SD, a change was needed in the way policy is made at EU and MS level, taking into account the impacts of any policy development on other policy areas, and including estimates of economic, environmental and social impacts, both inside and outside the EU (Section II). Subsequently, the EC again placed SD at the heart of EU policy-making, noting that it is the overarching long term goal of the European Union (2005b, p. 4).

While a SD Strategy has been high on the EU agenda since the early 2000s, there was only limited attention paid to the marine environment, although individual MS were taking action to manage the multiple use of that environment for offshore wind energy, fishing, mineral extraction and other activities, taking both a spatial and temporal perspective (see Douvere and Ehler, 2009, pp. 77-78). The EU has, however, developed policy competencies in areas such as water quality, marine conservation, waste management, and conservation measures relating to fisheries (Vogler and Stephan, 2007, p. 394). There has also been expansion of international environmental policy and law towards the marine environment over several decades through measures such as the 1982 UN Convention on the Law of the Sea (UNCLOS), the 1992 "Agenda 21" (Chapter 17 dealing specifically with SD of the marine environment and its resources), and the 2002 World Summit on Sustainable Development (Douvere and Ehler, 2009, pp. 79-80), and the EU is signatory to more than 60 multilateral environmental agreements (Vogler and Stephan, 2007, p. 394)..

It can be argued, therefore, that the EU came fairly late to taking multilateral action, in line with the proposition of Vogler and Stephan (2007, p. 390), with the launch of the Green Paper in 2006 setting SD at the heart of the EU policy on the marine environment. It is that Green Paper which is considered in more detail below.

The Green Paper on Maritime Policy

In launching its Green Paper, the EC identified how fragmentation in policy making could lead to the adoption of contradictory measures with negative consequences for the marine environment and the various activities which take place within it (2006, p. 4). This description of fragmented management is also identified by Betty Queffelec et al. who identify Europe's maritime sector as being "arguably one of the greatest influences on coastal and marine biodiversity' but one that 'was managed in a fragmented manner" (2009, p. 871). However, they also note that it is an area which plays an essential role in the economy of Europe and, as such, they consider that an EU maritime policy, alongside the EU's policy on Integrated Coastal Zone Management (ICZM[2]), will be "critical, contemporary milestones towards the management of coastal and marine environments within the EU" (Queffelec et al., p. 876).

Considering the negative consequences mentioned above, one example of an activity which may have both positive and negative impacts is the development of offshore wind farms to generate energy. While providing employment during the manufacture, installation and maintenance of wind turbines, and potentially benefitting the economy by securing longer term energy generation, there is also the potential for negative impacts, for example a reduction in amenity value for tourists or residents living near offshore wind farms, impacting on the economy in the surrounding area and on quality of life of local residents; or for problems to arise from noise and vibration from turbines, impacts on bird populations, disturbance of marine mammals and fish stocks - while the electromagnetic fields around cables delivering electricity to shore may impact on a many species including migratory fish, mammals and crustaceans (Gill, 2005, pp. 607-608). This does not consider any benefits or dis-benefits or negative impacts of the production of the wind turbines away from the coastal regions where they are being used or end of life impacts when they are eventually removed and dismantled.

The development and implementation of a cohesive and comprehensive maritime strategy would, the Commission considered, allow the EU to both apply SD principles to the oceans and also lead to new ways of developing and implementing policies at both EU and national levels. In order to do so, the EC set out the necessity to "increase cooperation and to promote effective coordination and integration of ocean and sea-related policies at all levels" (2006, p. 5). The significance of the EU maritime policy also potentially extends outside its borders (if it were to be extended to include EU MS overseas territories), and so it can be viewed as "the beginning of a new era for the oceans within the paradigm of globalization" (Suárez de Vivero, 2007, p. 413).

The Green Paper and its associated background papers is a wide-ranging document covering: employment, training aspects of maritime and fishing industries; exclusive economic zones; underwater resources; maritime safety and security; and climate change, etc. The Green Paper formed the basis of a consultation (between June 2006 and June 2007) with stakeholders on how to strike a balance between all the varying elements of SD of the marine environment, and was broken down into a number of specific areas for consideration, each of which was described in detail followed by questions. In the conclusions from the consultation process, the EC (2007a) key findings included that stakeholders were in favour of an integrated approach and expected it to

[2] Recommendation of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe. Official Journal of the European Communities, OJ L 148/24 of 6 June 2002.

have a beneficial impact through integration of policies (EC, 2007a, p. 2), and agreement that benefits arise from the EU setting a good example. However, competitiveness was identified as an issue requiring a level playing field which might not exist if the EU regulated further than international bodies (EC, 2007a, pp. 4-5). The findings also confirmed an explicit link between competitiveness and sustainability (EC, 2007a, pp. 5-6), emphasising that the EU must seek to protect European competitiveness by trying to ensure consistency in actions taken by EU and international regimes through the pursuit of its maritime environmental objectives internationally (see Frank, 2007, p. 106). Promoting its policies for SD of the marine environment at a global level would emphasize the EU's commitment to taking a leadership role, and would meet the call by Non-Governmental Organisations that the EU should be a champion for SD (Lightfoot and Burchell, 2004, p. 337). While Veronica Frank concludes that the EU will "continue to pursue its maritime environmental objectives ... at the international level" (2007, p. 106), the issue of the EU's inferior status at the UN, together with a "disturbing mismatch between the aspirations and the demands of the EU and its relatively limited ability to deliver" (Vogler and Stephan, 2007, pp. 390-391), make it unclear how successful the European Community can be in pushing forward its objectives at an international level.

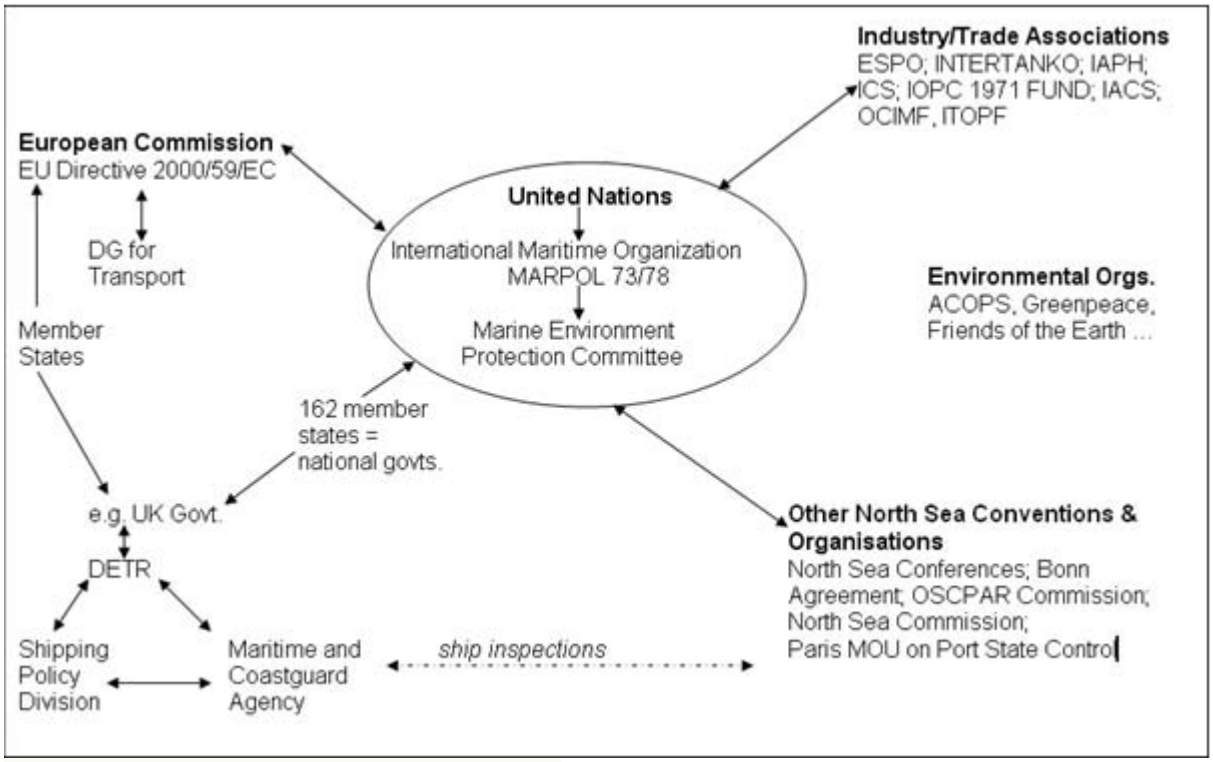
EU Integrated Maritime Policy (IMP)

Following the stakeholder consultations, the EC published its IMP, noting that it would "enhance Europe's capacity to face the challenges of globalisation and competitiveness, climate change, degradation of the marine environment, maritime safety and security, and energy security and sustainability" (2007b, p. 2). The IMP would change the way the Commission made policy and took decisions, and would develop and deliver a programme of work with a coherent policy framework across different sectors (EC, 2007b, p. 3).

A full summary of actions arising from the IMP was published in 2007 (EC, 2007c), with considerable numbers of interest groups and stakeholders having their own specific concerns and vested interests in respect of those actions. As an example of the complex inter-relationships between different interested parties, Angela Carpenter (2005) identified a range of bodies with either specific interest in, or responsibilities for, a single EU Directive (Directive 2000/59/EC[3]), and this is illustrated in Figure 2. That Directive is as an example of how EU legislation can go beyond what is required of an existing international convention (in this case the International Convention on the Prevention of Pollution from Ships 1973 and its Protocol of 1978 (MARPOL 73/78)[4] which requires all signatory states to provide facilities in ports into which ships can discharge a range of different types of waste.

[3] Directive 2000/59/EC of the European Parliament and Council of 27 November 2000 on port reception facilities for ship-generated wastes and cargo residues. Official Journal L332 of 28 December 2000, pp. 81-90. Official Journal of the European Communities.
[4] Further details available online from:
http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx

Figure 2: Some Participants in North Sea Pollution Prevention



Source: Amended from Carpenter (2005, p. 22).

In the area of maritime transport, Athanasios Pallis identifies 37 different Maritime Interest Groups, many of which actively lobby the EC daily and meet Members of the European Parliament on a monthly basis (2007, p. 7), and also lobby the European Parliament, the Council Secretariat, and other EU bodies (2007, p. 11). Interest groups may be directly involved in the policy-making process relating to maritime transport at the EU, participating in stakeholder consultation exercises, and are also often represented at other bodies including the International Maritime Organization (IMO), the UN body with responsibility for nearly 30 international conventions[5] covering all aspects of maritime safety, prevention of marine pollution, and liability and compensation particularly in relation to damage caused by pollution.

Subsequent to the publication of the IMP and Action Plan, the EC has gone on to publish a number of other associated documents. The EC sets out guidelines towards developing best practice in IMP and stakeholder consultation, recognising that "optimised policy-making [cannot be achieved] unless the integrated approach permeates every level of government, all players involved, research and policy advice, and stakeholder activities" (2008, p. 4). The EC noted that, if IMP is to succeed, it cannot be just a European policy, but rather it needs to "build up the international community's capacity to master both existing and future maritime challenges" (2009a, p. 4) in areas such as international governance based on the rule of law and by acting alongside key international partners such as China, Japan, Brazil, India and the US through the development of bilateral

[5] A full list of International Maritime Organization Conventions is available at: http://www.imo.org/About/Conventions/ListOfConventions/Documents/2011%20Convention%20titles.doc

agreements (2009a, p. 10). Most recently, the European Parliament and Council (2011) published a Regulation to establish a programme of support for further development of the IMP, with 40 million EUR of funding available until the end of December 2013. One outcome of that funding will, hopefully, be a much clearer picture of how successful the EU has been in meeting the aims of the IMP, and in particular the development of cross-sectoral tools.

Marine Environmental Protection through regional and international conventions

With the introduction of its Green Paper, the EU has moved away from its traditional approach to the marine environment, a reliance on international conventions and regimes rather than developing its own rules and standards (Frank, 2007, p. 105). In drawing this conclusion, Frank identified that protecting the marine environment "played a secondary role within EC law ... with no common policy and no comprehensive regulations on oceans and seas" (2007, p. 79). Measures taken to protect fisheries and maritime transport were not designed to protect the marine environment, while the focus of EU water policy had always been on fresh water and coastal regions, rather than the broader marine environment. This is, in part, the result of the fragmented and complex nature of responsibility for different policy actions discussed previously, resulting in a sectoral rather than holistic approach to marine environmental protection (Frank, 2007, pp. 81-82)

As well as this fragmented approach at the EU level, Frank (2007) also identifies that there has been opposition at MS level to the EU becoming involved in issues perceived to be related to national interest, other than in the area of fisheries, with MS using the principles of subsidiarity and proportionality as a way of limiting the potential for community wide action on marine environmental issues (pp. 82-83). In the case of subsidiarity, only where MS are unable to take the appropriate action to deal with a problem such as pollution can the EU become involved. In the case of proportionality, where existing international legislation (including regional agreements) are adequate and suitable to deal with a problem, then it should not be necessary for the EU to take action. However, if action is necessary, it should be as simple as possible and should allow decisions to be taken at national level, up to and including MS introducing more stringent standards than those set out in EU legislation.

It must also be noted that a regional approach, based on co-operation between states in a specific region, has been used to deal with environmental protection of the EU's regional seas since the 1960s, with examples of regional agreements outlined in Table 1. The EU is a signatory to a number of International Conventions and Agreements (discussed earlier in this paper) including the MARPOL 73/78 Convention. Together with its MS, the EU is represented at, and is an active participant in a wide range of international maritime organisations including the IMO, the UN Food and Agriculture Organization, the International Whaling Commission and HELCOM.

Table 1: Examples of Conventions for cooperation in protecting the EU's regional seas

Convention	Main elements, geographical coverage and signatories
BARCOM - Convention for the protection of the marine environment and coastal regions of the Mediterranean 1995 (previously 1976)	Aims to reduce pollution from ships, aircraft and land-based sources, to protect the environment of the Mediterranean and contribute towards its sustainable development. All EU states in the region are signatories, together with a number of North African countries.
Bonn Agreement - Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances, 1983 (previously 1969)	Enables contracting parties to assist each other in combat pollution from maritime disasters, from ships and from offshore installations. Requires regular aerial and satellite surveillance to detect pollution at sea. Covers the North Sea, all surrounding states being signatories, together with the European Community.
Helsinki Convention - Convention for the Protection of the Baltic Sea Area 1992 (previously 1974)	Seeks to improve the biological health and biodiversity of the marine ecosystem of the Baltic Sea and to protect it from all sources of pollution. All Baltic Sea states are signatories, as is the European Community.
OSPAR Convention - Convention for the protection of the marine environment of the North East Atlantic, 1992	Aims to prevent or eliminate pollution from land and sea, and the prevention of any human activity which could adversely affect the marine environment. It requires regular assessment of the quality of the marine environment and measures to protect and conserve ecosystems and biodiversity. It covers the North East Atlantic and the North Sea and all North East Atlantic states, the European Community, Switzerland and Luxembourg are signatories.

The IMP and other EU Policy Sectors

While it is clear that the IMP has sought to bring all aspects of management and protection of the EU's marine and coastal policy under one umbrella, a number of questions have been raised about how successful the IMP can be, and how it can be integrated with other EU policies. For example, Queffelec et al., while recognising the IMP as a critical milestone towards successful management of the EU's coastal and marine environments, also highlight a critical challenge for the EU, that of integrating the requirements of the IMP with those of the EU's Recommendation on ICZM (2009, p. 876).

Similarly, for the Common Fisheries Policy (CFP), Luc van Hoof and Jan van Tatenhove (2009) question whether/how that policy can relate to both the IMP and to the EU's

Marine Strategy Directive (2005)[6]. Examining co-existence between the three policies, they note that the CFP is "facing a general shift in locus from the national ... to the EU and regional level" (van Hoof and van Tatenhove, 2009, p. 731). They also question the need for a specific policy to manage fisheries, in light of conventions such as OSPAR, UNCLOS and HELCOM, alongside measures related to shipping at the IMO level and also Climate Change conventions. They do, however, reach a positive conclusion, suggesting that the IMP may achieve its aim of ending individual sectoral marine policies in favour of a single over-arching policy. This view of the CFP is supported by Maria Hadjimichael et al. who note that the EU was seeking to simplify its fisheries policy (under a reformed CFP), but emphasised how "significantly different models for fisheries management [had] developed in the northern and southern waters" of the EU due to geographical, physical, political, economic and social differences and also the size and type of vessels in the fishing fleet in those regions (2010, p. 796). As a result, they conclude that "a simplified regulatory framework with different methods of governance and [greater stakeholder involvement] ... are essential in a rapidly evolving sector such as fisheries" (Hadjimichael et al., 2010, p. 801).

The IMP, with its requirement for cross-sectoral consideration of policy, the use of a systematic approach which considers different regional scales, the integration of scientific evidence, and the involvement of stakeholders in the policy making process, would appear to offer the necessary elements for developing the CFP in the future. However, the debate on whether the IMP can successfully integrate many different policy areas to achieve a balance between environmental, economic and social dimensions of its seas and oceans is ongoing. At the moment, the success or otherwise of the IMP remains unclear according to Markus Salomon who welcomes the IMP in principle but questions how greater integration between policy areas can be achieved (2009, p. 364).

Going beyond International Obligations - Examples of EU Actions

Frank notes that, while the EU has implemented its obligations at an international level, has acceded to international and regional agreements, and has participated as an individual or through its MS in decision making bodies, it has taken only marginal regulatory action to implement those international obligations relating to the marine environment (2007, p. 88).

However, this paper argues that the EU can change 'external' international regulatory measures through the implementation of 'internal' measures such as Regulations and Directives. For example, in respect of the MARPOL Convention, Carpenter (2011) indicates that the EU introduced measures to strengthen and support that convention in EU waters through the introduction of a Directive on port reception facilities in 2000 (Directive 2000/59/EC) which required ports to provide adequate reception facilities for vessels to discharge different types of waste while in port, removing any excuse for discharging wastes at sea (p. 74). As an example of the EU taking a more holistic approach to protection of the marine environment, the EC (2010) invited tenders to review the Directive while taking into account EU transport policy, maritime safety policy and protection of the marine environment from maritime transport (Section A. Context,

[6] Proposal for a Directive of the European Parliament and of the Council establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive). COM (2005) 505 final, Brussels, 24 October 2005.

problem definition (ii)). That review aimed to further strengthen the protection of the marine environment from vessel-source pollution, to achieve "zero-waste, zero-emissions" in maritime transport, one of the long-term objectives of a policy adopted in a communication on strategic goals and recommended actions for the EU's maritime transport policy until 2018 (EC, 2009b).

A further example of action taken by the EU to strengthen or expand on the requirements of International Conventions to which it is a party is examined below. It looks specifically at the EU response to the sinking of an oil tanker, at EU legislation developed as a result of that accident, and at the impact of that legislation on at the international level.

EU measures to protect the marine environment from accidental oil pollution from tankers

On 12th December 1999 the MV Erika, a single hulled tanker carrying nearly 31,000 tonnes of heavy fuel oil, suffered a structural failure and broke in two whilst travelling through the Bay of Biscay and sank some approximately 30 nautical miles south of Penmarc'h, Southern Brittany (CPEM, undated, p. 7). Around 20,000 tonnes of oil were spilled immediately (ITOPF, undated), and approximately 400km (240 miles) of the French coastline were affected by the oil slick which eventually came ashore, resulting in 52,000 known seabird deaths (estimated suggest that as many as 100-150,000 birds died since many more die at sea than are washed ashore (Bird Life International, 2000).

The Erika was almost 25 years old when it sank and was considered to be pre-MARPOL (built before the introduction of MARPOL amendments of 1978) (CPEM, undated, pp. 12-13) and so it faced less stringent standards than vessels built post-the 1978 amendments. The Erika was designed with a single hull and CPEM concluded that corrosion resulted in its sinking (undated, p. 146), i.e. the failure of its single hull. Phasing out single hull tankers was, already "high on the agenda both internationally and regionally" (Wene, 2005, p 62), the benefits of double-hull tankers which offer better protection in the event of an accident having become apparent, particularly after the sinking of the Erika. At the time of the Erika, the IMO had already decided that only double hull tankers should be built after 1996, with a timetable to replace single hull tankers worldwide planned to end in 2026 under IMO rules (see EC DG for Energy and Transport, 2003, p. 2). Europe had also accelerated the phasing out of single-hull tankers in line with the US Oil Pollution Act (OPA) 1990 to prevent tankers banned by the US from being allowed to continue to operate in European waters (Wene, 2005, p. 62). Significantly here, the US ban was already in force, but no action had been taken at the IMO level as a response to the US OPA.

Following the sinking of the Erika, which resulted in an unprecedented level of public outcry in response to very poor public relations efforts by all parties to the accident (Ringbom, 2008, p. 43), the EU put forward two packages of action (Erika I, II) which are summarised in Table 2. Those packages were proposed in March 2000 and December 2000 respectively, just months after the sinking of the Erika. Ringbom also notes that following the Erika, there was "for the first time, an acceptance and even an expectation, that the principle political response to the accident would be made at an EU level", with

very strong demands being made for stricter rules to be introduced by the EU (2008, p. 44).

Table 2: Maritime Safety: Erika Packages I and II

Erika Package	Main Proposals and related act
Erika I Measures on the Safety of Seaborne Oil Trade (COM(2000) 142 final)	• Port State Control – proposal to ban from all EU ports any vessel older than 15 years which has been detained more than twice in the last two years on the basis of a "black list" – required amendment of Directive 95/21/EC (most recently covered under Directive 2009/16/EC) • Classification Societies – stricter monitoring of these societies, giving the EU the right to suspend or withdraw recognition from societies that fail to comply with criteria laid down in Directive 2001/105/EC • Double-hulled oil tankers – Directive proposing to speed up the replacement of single-hulled oil tankers by double-hulled oil tankers following a timetable similar to that adopted in the United States (2005, 2010, 2015 depending on tonnage) – Regulation (EC) No. 417/2002[7]
Erika II Second set of measures on maritime safety (COM(2000) 802 final	• Introduction of a Community monitoring, control and information system for maritime traffic – Directive 2002/59/EC • Setting up of a Compensation Fund for Oil Pollution in European waters – Proposal for a Regulation COM (2000) 802 final • Setting up of a European Maritime Safety Agency – Regulation (EC) No. 1406/2002

In its communication on the Erika I package, the EC (2000) highlighted the significance of the transportation of oil to the EU: almost 90 per cent of oil trade (around 800 million tonnes of oil) depending on sea transport at that time; some tankers carried as many as 200,000 tonnes of oil (more than six times the capacity of the Erika); and the average age of tankers was 18 years (40 per cent were more than 20 years old). The significance of the age of vessel was illustrated by the fact that 60 out of 77 vessels lost at sea between 1992 and 1999 were over 20 years of age, and that vessels of this age faced structural problems as a result of corrosion – the very same reason attributed to the sinking of the Erika.

As noted previously, the United States had already put forward a timetable to accelerate the phasing out of single-hull tankers. However, it was the Erika I package of measures

[7] Regulation (EC) No. 417/2002 of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No. 2978/94. Official Journal L 64 of 7 March 2002.

(which entered into force in July 2003, and then had to be adopted into national law by all MS) which resulted in an international response to the EU Directive on phasing out of single-hull tankers. At a meeting of the IMO's Marine Environment Protection Committee (MEPC) in December 2003, a new timetable was adopted for the phasing out of single-hull tankers globally (see Table 3).

Table 3: Timetable for the phasing out of single-hull tankers under MARPOL 73/78[8]

Category of oil tanker	Date or year
Category 1 pre-MARPOL tankers of 20,000 tonnes deadweight carrying oil as cargo; and bulk carriers over 30,000 tonnes deadweight, and which had no SBTs	• 5 April 2005 for ships delivered on 5 April 1982 or earlier • 2005 for ships delivered after 5 April 1982
Category 2 MARPOL tankers, similar to those under Category 1 in size etc. but with SBTs and **Category 3** smaller tankers, 5,000 tonnes deadweight	• 5 April 2005 for ships delivered on 5 April 1977 or earlier • 2005 for ships delivered after 5 April 1977 but before 1 January 1978 • 2006 for ships delivered in 1978 and 1979 • 2007 for ships delivered in 1980 and 1981 • 2008 for ships delivered in 1982 • 2009 for ships delivered in 1983 • 2010 for ships delivered in 1984 or later

Source: International Maritime Organization

The amendment to MARPOL 73/78 entered into force in April 2005 and was significant because there was already a timetable for action under MARPOL but the EU reached political agreement to implement its own more stringent legislation, irrespective of whether the IMO took any action or not (Ringbom, 2008, p. 45). The result was that the final phase-out date for Category 1 tankers was brought forward to 2005 (previously 2007), or when they reached 23 years of age. Category 2 and Category 3 tankers were to be phased out by 2010 (previously 2015), or when they reached 28 years of age.

Action continued to be proposed at an EU level in response to the sinking of both the Erika and, subsequently, the MV Prestige, a 26 year old single-hull oil tanker carrying 77,000 tonnes of heavy fuel oil which sank off the coast of Galicia on 13 November 2002. That sinking resulted in oil slicks washing up on 200 miles of Atlantic coastline between the Spanish border and L'Ile d'Yeu. The EC DG for Energy and Transport indicates that the last single hull tanker will be banned from EU waters in 2015 and that if the timetable originally set by the EC had been adopted the Prestige would have

[8] For further information see: http://www.imo.org/blast/mainframe.asp?topic_id=758&doc_id=3341.

ceased operating on 1 September 2002 once it reached the age of 23, and two months before its sinking (2003, p. 2). However, under the Regulation finally adopted by the European Parliament and the Council, the Prestige could have continued to operate until 15 March 2005.

In the case of the Erika, the EU took steps to try and protect its marine environment from severe oil pollution from shipping accidents, by introducing more stringent standards than those set at an international level (most recently in 2005 with a third Erika package – Erika III)[9]. By bringing forward the timetable to phase out single hull tankers, it sought to raise standards in shipping and, in part, to prevent vessels not allowed to operate in US waters under the US OPA 1990 from continuing to operate in EU waters. That measure alone means that there are far fewer single hull vessels transporting oil globally at the current time than there would have been if the timetable under the MARPOL 73/78 Convention had remained unchanged. With fewer such vessels, it also means that there have been fewer major pollution incidents from single hull vessels being involved in accidents.

This example of the introduction of an EU Directive can be seen as a success in protecting the marine environment at a global, as well as a regional level. It can also be seen as an example of the EU 'diffusing' its internal policy measures to become an international policy, in line with Ian Manners' six factors (2007, pp. 244-245). The EU set standards which must be met by any vessel seeking to operate in its waters, and by any shipping company owning those vessels, and this is an example of the intentional diffusion of EU standards by Transference (Manners, 2007, p. 245), i.e. that there are financial incentives for accepting the EU standard through continued access to the EU as a market, with economic sanctions through of loss of business if those standards are not met. The EU's action on phasing out of single-hull tankers also led to an accelerated international timetable for phasing out single hulls at the IMO MEPC meeting in 2003, and this again may be viewed as an example of intentional diffusion of EU standards through overt diffusion – where the physical presence of the EU and its' MS involvement in that Committee led to acceleration of the international timetable (Manners, 2007, p. 245).

Conclusion

This paper identifies the EU have taken a number of steps to improve its protection of the marine environment, both through the development of its Integrated Maritime Policy and through specific Directives, when it has perceived that international regulatory measures are insufficient. It has also taken action to integrate sustainable development into its policy actions - particularly its maritime policy. The EU can, therefore, be seen to have met the challenge of taking a leadership role in actively promoting SD policies globally (see Lightfoot and Burchell, 2007; Vogler and Stephan, 2007; Saloman, 2009), and to "present and legitimate itself [as a normative power that is] more than the sum of its parts" (see Manners, 2002, p. 244). All this has occurred despite the EUs inadequate status at the UN (Vogler and Stephan, 2007, p. 396).

[9] For further information on legislative measures adopted from the Third Maritime Safety Package, see: http://ec.europa.eu/transport/maritime/safety/third_maritime_safety_package_en.htm (Last accessed 4 December 2012).

One area where the EU has strong influence and the ability to change policy externally is through its links with non-EU actors in areas such as trade. With the significance of the EU as a maritime region, and the importance as a market for goods from countries such as China, India and the US, measures taken by the EU in areas such as shipping policy can have a global impact. By setting a more stringent timetable for phasing out single hull vessels, and improving the standard of vessels allowed to operate in its territorial waters following the sinking of the Erika, the EU directly influenced the timetable for bringing in those same standards internationally. Perhaps significantly, a similar measure by the US in 1990 on the phasing out of that type of vessel did not result in that international timetable being accelerated.

This paper argues that the EU is a global leader in the protection of the marine environment and that it can make a positive impact in this area, whether through the sheer geographical coverage of its maritime territories, through its influence as one of the most important regions for maritime trade and as a trading partner with non-EU states, or by continuing to introduce measures which have a direct and positive influence on international conventions. As such, the EU can be seen as a champion for sustainable development, its integrated maritime policy taking account the economic, social and environmental implications of its actions, and the impact of those actions for current and future generations.

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Book Review

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The EU as International Environmental Negotiator by Tom Delreux

Ashgate (2011), ISBN: 9781409411826 (hb)

Environmental problems are the best example of global agendas – issues of transboundary and/or transdisciplinary character that concern mankind as a whole – that have marked international politics since the end of the Cold War. There is little doubt that the European Union (EU) has become a relevant player in multilateral environmental negotiations. But how is the position sustained by the EU in these negotiations defined? What does the participation in multilateral environmental agreements (MEAs) tell us about the EU as a global actor? In The EU as International Environmental Negotiator, Tom Delreux addresses the interplay between negotiations at the EU and the international levels in order to understand how the aggregated preferences of Member States may be translated into bargaining power when multilateral agreements are defined.

The analysis of EC/EU participation in international politics has raised concern among scholars and policy makers in Europe and elsewhere. Concepts such as 'presence', 'power' and 'actorness' have helped researchers from various theoretical and methodological orientations to study the importance and the future of this "unidentified political object", in Jacques Delors's words. Although Community legislation on environmental protection has significantly developed over the last 25 years, the participation of the EU in the negotiation of multilateral environmental agreements is still defined by Community institutions and member states on a case-by-case basis. Research analyses that examine the factors that account for EU external representation are scarce. Tom Delreux's study aims at filling this gap in the literature.

The book consists of a methodologically rigorous analysis of the EU decision-making process concerning international environmental negotiations that brings together aspects from Law and Political Science. In nine chapters, Delreux seeks to answer the research question clearly stated in the first pages: which conditions determine the EU negotiator's discretion vis-à-vis the member states during international negotiations leading to a multilateral environmental agreement? (p. 3). The author addresses this issue by analysing EU representation (who is the EU negotiator?) and participation in eight MEAs signed between 1994 and 2003, and ratified between 1998 and 2008. The entry into force of Lisbon Treaty in 2009 does not compromise the results of Delreux's book, on the contrary: the extent to which the Treaty may affect the negotiation of future MEAs is also taken into account by the author.

The author spells out the puzzle in the first of nine chapters. The next step is to describe the legal framework amid which the decision-making process with regard to EU external action takes place. The second chapter also summarises the conditions for EU 'actorness' - although the author does not use this term - in international negotiations beyond areas

of Community exclusive competence. Delreux concludes the section by discussing the political implications of this permanent negotiation and socialisation process that takes place among member states and EU institutions.

In chapter three, Delreux provides the theoretical foundations of his work, thus adapting the Principal-Agent model in order to deal with the complexity of the EU institutional framework. The comprehensive literature review might prove useful to those using P-A approaches in their research work, and provides guidance to scholars seeking to analyse the EU external action through similar methodological perspectives. The nine variables used in the study (clearly summarised on p. 53) allow for the assessment of the potential for independent action of the EU negotiator, preference homogeneity among principals, and between principals and the agent, the potential costs of no agreement, information asymmetries and the role played by institutional norms in the Council. The last section justifies the selection of the empirical cases that are thoroughly addressed in the subsequent pages.

Chapter four undertakes a systematic comparison of eight MEAs in which the EU has participated, and is therefore the core of the book. The chapter explores the arrangements that have determined who the EU negotiator (the agent) is and their autonomy vis-à-vis member states. However, the empirical cases receive uneven attention from the author in the chapter. One possible reason for that may be the scarcity of information about some of the cases: certain agreements are known to the public, such as the Kyoto Protocol, the UN Convention on Desertification and the Cartagena Protocol on Biosafety, whereas others are less politically sensitive, such as the African-Eurasian Waterbirds Directive. The results (nicely presented in pp. 128-32), show that the EU negotiator's discretion varies considerably across the several cases. Nevertheless, the comparative overview (pp. 126-7) does not seem to be consistent with the considerable amount of research presented in the previous pages. The preliminary conclusions (p. 133) could have been further developed given the relevance of this chapter to the whole book. At this point, the reader may ask him/herself whether all cases and variables can contribute substantively to the analysis of the EU as an environmental negotiator. The relevance of the empirical cases to the research design is brought up in the next sections of the book.

One aspect of EU 'actorness' stressed by Delreux is that the relationship between principals and agent evolves during the negotiation process where both the EU and member states are contracting parties – the so-called 'mixed agreements', a phenomenon studied by Law scholars but underexplored by political scientists. In chapter five, the author subdivides five of the empirical cases (Kyoto Protocol, Aarhus Convention, Cartagena Protocol, and Stockholm Convention on POPs and Protocol on Strategic Environmental Assessment) in order to incorporate more empirical variation into the research design. The data gathered in the previous chapter are then converted to values that can be used in Qualitative Comparative Analysis (QCA). Those who are not familiar with QCA may find the chapter less approachable than the remainder of the book. Nevertheless, the method proves suitable to the analysis, and shows that the external environment is a crucial determinant of the discretion - or the autonomy - of the agent. The last two chapters address the relationship between EU decision-making processes and external action, and discuss the conditions that may provide the EU negotiator with a higher degree of discretion. All in all, Delreux's book adds up to the

debate on EU actorness and provides avenues for further analyses on the evolving role of the EU on multilateral agreements in other policy areas.

This book contributes to narrowing the gap between Law and Political Science, and sheds light on the role played by the EU in a realm as broad as environmental politics. Hence, it provides guidance about how to carry out a serious analysis of EU external action. The research design and rigorous methodology will certainly prove helpful to graduate students – most notably PhD candidates with Law or Political Science backgrounds – and young researchers working on the participation of the EU in multilateral negotiations, environmental politics or qualitative comparative analysis. Hence, certain chapters of the book may be included in syllabi of graduate and undergraduate programmes, as they may raise discussions on the relationship between legal frameworks and political representation as well as on EU performance in various realms and settings. It is not a book to be read in one sitting but to be consulted several times when carrying out research on related topics.

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Book Review

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Global Governance and the Role of the EU: Assessing the future balance of power
by Carlo Secchi and Antonio Villafranca (eds)
Edward Elgar (2011), ISBN: 9780857933041 (hb), 9781781003558 (e)

In seeking to analyse the impact of the global financial crisis on Europe and its subsequent place in global economic governance, both editors and contributors to this new collection of essays set themselves two main challenges. The first is to identify the political and economic conditions under which sustainable growth can be achieved and the governance structures appropriate to support that. The second is the role that Europe should play in this arena in the future. The difficulty of meeting these should not be underestimated. The obvious complexity of national, regional and global financial relationships and interactions has been made manifest in recent years, not least by the frequently inadequate and incoherent policy responses to the crisis, particularly within the Eurozone. In addressing the first challenge, this volume provides an analysis that combines depth and sophistication with a broad level of agreement on the causes of the crisis, and on the economic and financial forces which continue to drive it, particularly from a European perspective. In meeting the second, mapping out an appropriate role for the EU in global economic governance structures, it is unfortunately less convincing.

Franco Bruni's initial examination of the governance of the global economy provides a useful starting point. He sees the roots of the crisis not in the US sub-prime mortgage sector, but in Europe's inefficient and nationally-segmented financial supervision architecture. While it is perhaps too much to blame this on a failure of integration per se, there were fundamental flaws in Europe's "monetary constitution". In particular, there was a clear disconnect between the requirements placed on Eurozone members by the Stability and Growth Pact, and the inability or unwillingness of national supervisory authorities to ensure these were met. This highlights the key systemic defect: the decentralisation of prudential powers left national authorities to determine what structures they would implement while the ECB, surely best placed to act in this regard, had no responsibility for financial regulation or supervision. In his policy prescriptions, Bruni therefore calls both for the ECB's remit to be broadened and for a new global financial and economic architecture – a "new Bretton Woods" – that builds on the G20's work thus far, and involving a "deeply reformed" IMF. However, while noting the ongoing challenge over enforcing supranational decisions, he offers no real answer to what is essentially a political problem: how the relationship between independent technical bodies and elected national politicians will work.

Following on from this, Jacques Mistral assesses the importance of renewed transatlantic cooperation, particularly given America's relative decline and inability to exercise the global leadership it once did. Important differences in European and American perspectives on the causes – systemic failure versus a broad failure of human judgement

– and on the best macroeconomic solutions – premature tightening versus uncontrolled stimulus – make such co-operation difficult. However, agreement is essential if destabilising regulatory competition is to be avoided and a new system that balances market efficiency and supervisory security is to be constructed. Mistral is careful to locate such transatlantic co-operation within the wider context of an increased role for the G20 in facilitating "workable convergence". Even so, he contends that unless this particular relationship, representing an "acquis atlantique", is made to work, both sides will find it very difficult to construct a rules-based system through which the rise of the emerging powers can be managed. The unspoken message is that time is running out, as evidenced by the global list of Top 100 banks in which ⅓ of the institutions listed are now from emerging economies. The problem, though, remains one of political will.

In juxtaposition to this, Xiaozu Wang analyses China's place in the emerging global economic order, highlighting the obvious political will demonstrated by central government in promoting economic growth while preventing instability. Although the specific insights are interesting – for example the emphasis in the current 5 Year Plan on achieving higher value-added and more environmentally-friendly outputs – there is little on the wider impact of China's growing economic power. Beyond a re-statement of the generally accepted view that China is now an even more important global economic actor, Wang remains silent about what this means for global economic governance, or the role and responsibilities China might envisage for itself. Moreover, given that this volume seeks to analyse Europe's place in these governance structures, some insights into the relationship between China and its European partners would have been instructive. Whilst it is reasonable to expect that such questions are still under discussion in Beijing, an opportunity has been missed here to incorporate a Chinese perspective on what the country's growing economic dominance will mean for itself and the rest of the world.

Addressing specifically European questions, the remaining chapters consider the range of problems facing the Eurozone, including the increasing divergence in economic performance between Eurozone members; the need for more effective external representation of the EU, including the perennial lack of a "single voice" in Europe's negotiations with its global partners; low growth; and the sovereign debt crisis.

For Vanessa Rossi, internal divergence is a reality Eurozone members must now accept, however significant the likely policy and political implications. China is likely to overtake France as Germany's major trading partner, and income inequality between states is expected to grow. At the same time, Eurozone countries may have little choice but to accept more intrusive supervision and surveillance of their economies and finances, something which again raises significant political issues. However, while accepting the importance of reforms, Carlo Altomonte et al. are wary of creating an institutional framework which might "impose a straight-jacket" on growth and leave Europe marginalised globally. Indeed, they suggest that there has been too great a focus on short-term financial stability in the Eurozone as opposed to structural reforms that will enhance the growth which they contend remains "the only definitive cure" for Europe's current ills.

Divergence is also central to Daniella Schwarzer's and Fabian Zuleeg's contributions. As a consequence of the crisis, Schwarzer sees the old east-west European divide now replaced by a north-south split. However, if the strategic consequences of Europe's relative economic decline are to be mitigated, particularly its potential loss of influence

when negotiating future economic governance structures, further economic integration is perhaps the only realistic choice. Moreover, this must go hand-in-hand with more effective external representation – meaning greater pressure on Member governments to pool their strength and speak with one voice, despite the opposition of some to surrendering national positions in international fora such as the IMF. For Zuleeg, meanwhile, the central question is whether divergence is temporary or long-term. He locates this within a broader range of policy challenges including an ageing population, increasing global competition (particularly for natural resources), and the cost of mitigating climate change, all of which have been exacerbated by the crisis. But given the difficulty for Europe in generating future growth, it must use all the tools at its disposal, particularly to develop human capital and achieve a level of investment in weaker countries that enables them to catch up with the richer core.

In the final chapter, Antonio Villafranca considers the EU's governance role in the context of climate change policy. Reiterating the argument for improved external representation, he identifies this as a policy issue where Member States have a "big incentive" to negotiate collectively at the global level. However, while Europe can claim to be a genuine leader in this area, concerns remain among Member States that their mitigation efforts may actually hamper growth while external partners gain a competitive advantage. Consequently he calls for a new, more coherent governance model to replace the "increasingly confused" interaction at global level, and incorporating the G20 as well as supporting an OECD market in carbon. Most importantly, it must be accepted by emerging economies and address properly the issue of burden-sharing, both past and future. While some of Villafranca's assumptions might be questioned, particularly over the willingness of European states to reduce their over-representation in key international institutions, his analysis is comprehensive in terms of identifying the problems facing the EU, the governance role it could conceivably play in this field, and how this might be achieved.

Overall, this volume makes a significant contribution to our understanding of the origins of the crisis and how it has manifested itself in Europe. However, given the broad consensus on issues such as economic diversity, external representation, low growth and the decline in European (and American) influence, it is disappointing not to have more on Europe's place in the emerging global economic order. This is never really tackled satisfactorily, although this in itself is indicative of the difficulty posed by this issue. Thus, while this book takes us a long way down the path it sets itself, ultimately it is not quite far enough.

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Book Review

Bilge Yabanci *University of Bath*

Europe in the World: EU Geopolitics and the Making of European Space by Luiza Bialasiewicz (ed)
Ashgate (2011), ISBN: 9780754679844 (hb)

The edited volume by Luiza Bialasiewicz offers an insightful contribution to the debates in critical geopolitics and EU external relations by taking innovative conceptual and empirical directions. The book can be considered as a befitting critique of 'distinct European geopolitical vision' that is based on self-declared civil, civilian and normative characterisations. The contributors in the volume adopt the lenses of critical geopolitics in order to analyse what the 'peculiarity' narrative of the EU's relations amounts to in practice. In this sense, the book aims at demonstrating the discrepancies between the ideal and desired role of the EU in the world and the actual geopolitical practices that ideologically construct spatial, political and cultural boundaries between the EU and the external world. The volume does not delve into deterministic conceptual and analytical definitions since critical geopolitics is interested in the very deconstruction of taken for granted definitions of space, visions, borders and identities. One example of this is the interchangeable use of 'European geopolitics' and 'the geopolitical vision of the European Union'. The authors rather chose to adopt the term 'EU'rope which refers to a more flexible space that is under constant construction and expansion. The volume also makes an important contribution to the empirical field of critical geopolitics which has so far lacked a comprehensive study of 'EU'ropean geopolitical practices. As stated by Bialasiewicz in the introductory chapter, the book aims at calling the reader's attention to the discrepancies between the EU's ideal and desired role in the world as proclaimed and its actual geopolitical practices.

The book is divided into two main parts. The first part focuses on various practices of generating geographical imaginations by the EU inside and outside of its territorial borders. The authors in the first part concur that usually the EU's geopolitical imaginations are reworked within their contextual settings and given a new meaning. The first chapter by Sami Moisio evaluates the European Spatial Development Perspective (ESDP). The findings from the Baltic region suggest that the practice of supranational region building involves an attempt to turn less European regions within and beyond the territorial space of Europe into "denationalised mega-regions" (p. 36) in order to facilitate multiple economic integration zones. Nevertheless, the EU model is contested and reproduced by national and transnational expert groups and become a supplement to national policies. Richard C. Powell's analysis complements Moiso's conclusions. Powell delves into a relatively new geography for the Union -the expansion of EU geographical imaginary to the Arctic- by reflecting on inter-institutional and member state competition in generating spaces. Powell argues that in the middle of contesting approaches of the member states and the EU institutions the real concern for the EU is the extent to which indigenous people in the region should be given decision-

making power and how this devolution of power to the local level would affect centralised approach from Brussels (p. 122).

The chapters by Alun Jones and Alex Jeffrey in the first part can be read together in order to grasp how a purported normative, democratic ergo superior EU unfolds in two neighbouring regions: the Mediterranean and the Balkans through the case of Bosnia. The authors demonstrate how the Mediterranean region and Bosnia have been made "problematic" spaces by the EU so that the "EU'ropean order" can be projected into new geographical spaces through partnership discourse (Jones, p. 42). The authors also discuss that the EU endeavours are full of disorder and fragmentation, not least practices of 'othering' (Jones p. 56-57) and masking of power over the local actors through a "virtuous narrative of Europeanisation" (Jeffrey, p. 92). Veit Bachmann's analysis offers more optimistic conclusions compared to the other chapters in the first part of the volume. His chapter demonstrates that Europe engages in an intensive region construction through a combination of development aid, intra and interregional cooperation in East Africa. Despite the evident perceptions of the EU's neo-liberal economic policies as coercive and exploitative (p. 59), the EU proves to be a successful model for regional integration and prosperity (as seen in the examples of East African Community or African Union), and thereby "possesses substantial appeal and credibility as a normative actor" (p. 79).

The second part of the volume particularly focuses on the question of border practices, immigration and asylum. Adam Levy's chapter discusses the border management mission EUBAM on the Moldova-Ukraine border. Presented as the best example of border management partnership by the Commission, EUBAM securitises the border; impose new restrictions for movement, while the normative and apolitical discourse masks the "attempt to re-scale border security and re-territorialise human mobility [by] using third countries as 'spatial, i.e., territorial fixes" (p. 163). The chapters by Thomas Gammeltoft-Hansen, Nick Vaughan-Williams and Shinya Kitingawa are complementary to Levy's analysis since the authors extend the discussion on border control and monitoring through various practices of non-territorial and remote border security, such as agreements with third countries, border patrol assistance to external partners, pre-emptive bordering and temporary stay and assistance centres for refugees. Overall, the authors demonstrate that EU is not only turning into a 'protection-lite' (Gammeltoft-Hansel, p. 130) but also support illegal and immoral practices in third countries by externalisation of asylum, i.e. recruiting some undemocratic neighbouring countries into schemes to move the regulation of asylum and provision of protection away from Europe.

The authors demonstrate that both re-territorialisation and de-territorialisation are at work in bordering practices. Vaughan-Williams argues that virtual border security through European Border Surveillance System re-territorialises borders at another scale by identifying allegedly risky subjects electronically. On the other hand, Kitingawa's detailed examination of Lampedusa Temporary Stay Centre exemplifies de-territorialisation of the EU's borders by creating "camps" or "space[s] of exception … where the law may be suspended" (p. 206) contrary to fundamental human rights. Overall, the authors in the second part agree that the 'EU'ropean border practices are usually hidden behind some normative discursive devices (e.g. ring of friends, European neighbourhood) but constructs imaginary borders to protect the EU zone from illegal migration.

Overall, the contributors offer a very insightful reading of EUrope's perception of security and threat and addresses a variety of different readers interested in geopolitics, migration and area studies, EU foreign policy and external relations, and not least the EU grand strategy in the making. The contributors to the Bialasiewicz's volume demonstrates how the EU shifts borders further away from EUrope's territorial demarcations through detailed inspections on making spaces and regions as a geopolitical practice. The authors converge on the main point that spatiality is not limited to territoriality. Borders and regions are produced and maintained through narratives and represent power relations between the EU and those geopolitical spaces it creates.

What is really missing in the book is a comprehensive closing chapter that would bring the reader to a conclusion by bridging the wide variety of empirical contributions and analysing them in light of the key issues of concern in broader critical geopolitical studies. Yet, after reading the book, one gets the idea that the impenetrable territorial boundaries of the EU have been replaced with "fuzzy zones, frontiers and intermediary spaces of interaction and exchange" (Browning and Christou, 2010, p. 111). However, these new forms of borders impose macro-regional restrictions and become what Wesley Scott term as "re-scaling rather than a transcending of the state" (Wesley Scott, 2005, p. 434). The way in which third countries and regions are made EUropean spaces for the protection of the internal zone of peace as described and analysed in this book raises thought-provoking questions and novel research agendas to reflect on for all scholars who count themselves in the field of EUropean studies.

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