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## **The Role of the European Union at the United Nations Climate Change Conference in Copenhagen**

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## **Declaration**

I declare on oath that I authored the following paper independently and without assistance and that I only used the resources indicated in the paper. All extracts that have been copied from publications analogously or literally are marked as such.

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## **Abstract**

Climate change is a global and urgent problem affecting all countries around the globe. The European Union has been actively engaging in the international efforts to combat climate change and even sought to take on a leading role in the international climate regime. The ultimate aim of this thesis is thus to assess the role played by the EU at the UN climate change conference, held in Copenhagen in December 2009. Yet the EU is not a state nor an orthodox international organisation. Therefore the thesis first of all assesses the status of the EU in global politics, by means of criteria elaborated by Jupille/Caporaso and Vogler/Bretherton. Subsequently the Union's role in past climate negotiations is being regarded. For the assessment of the EU's role indicators have been conceptualised that closely resemble the leadership approach developed by Lindenthal. Having clarified the EU's actorship and role in past negotiation processes the thesis turns to the conference in Copenhagen. The EU's actorship to participate at the conference is proved before ultimately its role at the climate summit is being assessed. Thereby the conclusion is reached that the Union failed to take on a leading role in the international negotiations in Copenhagen.

## Abbreviations

COP	Conference of the Parties
EC	European Communities
EEB	European Environmental Bureau
ETS	Emission Trading Scheme
EU	European Union
G-77	The Group of 77
GHG	Greenhouse Gas
IPCC	Intergovernmental Panel on Climate Change
LDCs	Least Developed Countries
REIO	Regional Economic Integration Organisation
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UNCTAD	United Nations Conference on Trade and Development
UNFCCC	United Nations Framework Convention on Climate Change
WTO	World Trade Organisation

## 1. Introduction

“Floods, drought, increased diseases are all the early signs of climate change. If we don't act NOW, the impacts could be devastating.” (Greenpeace 2009)

‘Hopenhagen’ was one of the expressions frequently used by the media to label the expectations towards the United Nations (UN) climate change conference, taking place in Copenhagen from 7 to 18 December 2009. This pun stated the prevalent hope that world leaders, gathered in Copenhagen, would agree on concrete and effective measures for preserving the global climate. Based on the UN Framework Convention on Climate Change (UNFCCC), adopted in Rio de Janeiro in 1992, international leaders had already negotiated the Kyoto Protocol which currently commits the participating industrialised countries to stabilise greenhouse gas (GHG) emissions. As the commitment period of the protocol is about to run out in 2012 a successor was to be negotiated in Copenhagen. Twelve years had passed since the Kyoto Protocol was agreed, so the meeting in Copenhagen, which marked the 15<sup>th</sup> Conference of the Parties (COP), including all countries that are parties to the Convention, was a rare opportunity for global action.

Recognising climate change as an urgent and global problem the international community thus addresses it by cooperation in the institutionalised form of an international regime<sup>1</sup> (Gupta/Grubb 2000: 16). This indicates the interdependence, characterising global climate change, by means of which unilateral state action is not sufficient for effective climate protection. The European Union (EU)<sup>2</sup> has been actively engaging in this regime ever since, and even sought to take on a leading role in the negotiation process for international climate agreements. Constituting an entity of meanwhile 27 member states, the EU yet does not qualify as a state actor in the traditional sense. Thus being the ultimate aim of this thesis to assess the EU's role at the COP15 in Copenhagen, it is first of all necessary to verify the status of the EU as an actor in global politics. This is being done by applying criteria elaborated by Joseph Jupille and James A. Caporaso as well as criteria by John Vogler and Charlotte Bretherton<sup>3</sup> by means of which it will thereafter be possible to argue if the EU qualifies as an actor in the international climate regime. In doing so it is important to emphasise that no legal analysis of the EU's actorness will here be conducted. The assessment is purely based on considerations from a political science perspective.<sup>4</sup> With respect to the assessment of EU actorness it is subsequently being investigated if the EU played a leadership role in past international climate negotiations. For this purpose a set of

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<sup>1</sup> The term regime is in this thesis being used in accordance with the assumptions by Stephen D. Krasner. For more information please refer to Krasner 1982.

<sup>2</sup> Following common usage since the entry into force of the Maastricht Treaty, the term EU will be used throughout this thesis, though technically it is the European Communities (EC), not the EU, that is empowered to sign or ratify international agreements. (Gupta/Grubb 2000:11) With the elimination of the pillar system through the recently ratified Lisbon Treaty the EU succeeds the legal personality of the EC.

<sup>3</sup> In the following referred to as Jupille/Caporaso, and Vogler/Bretherton respectively.

<sup>4</sup> For information on a legal assessment of the EU's actorness please refer to Müller-Graff et al. 2006; Cannizzaro 2002; Thieme 2006.

criteria has been conceptualised which however closely resembles the leadership approach developed by Alexandra Lindenthal. The analysis will result in a clear statement on possible EU climate leadership. Again, the analysis is based on considerations in the field of political science, though it is also possible to approach the leadership topic from an economic point of view.<sup>5</sup>

Having clarified the EU's actorness and its role in past negotiation processes it will be referred to the recent climate conference in Copenhagen. In this context the major negotiating parties and their position will be presented as well as the crunch issues that have been discussed, before summing up the outcome of the conference. Based on these information an assessment will take place to verify the EU's actorness regarding the Copenhagen conference and to finally rate the Union's role at the climate summit. The thesis at hand thus builds up on three hypotheses stating that (1) the EU is an actor in the international climate regime, (2) the EU exercised a leading role in past climate negotiations, and (3) the Union qualified as an actor for participation at the conference in Copenhagen. Preliminary conclusions deriving from these hypotheses will help to answer the final research question asking if the EU took on a leading role in the climate negotiations in Copenhagen.

In doing so the focus will exclusively be lying on international climate concerns without regarding other facets of environmental policy. Thereby the thesis concentrates on the process of international climate change negotiations and the role of the EU in this process without giving scientific details on the issue of global warming; an anthropogenic climate change is assumed to be taking place. It is further recognised that the Lisbon Treaty entered into force on 1 December 2009, modifying the legal framework of the EU. However it is highlighted at this point that respective changes did not yet affect the regime process before and during the conference in Copenhagen.

A couple of months after the conference in Copenhagen the dust has settled and it is time to evaluate the negotiations and its outcomes. This means that elaborate analyses of the conference are expected to be published within the next months. Yet for now the information contained in this paper is mainly predicated on instant media coverage and press releases concerning the climate summit.

## **2. Actorness of the EU in the International Climate Regime**

Realist approaches to international relations have focused almost exclusively upon the role of states as actors in 'high politics' (Vogler/Bretherton 2006: 3), mainly referring to foreign and security policy but also economic matters. "The ability to use force was the determinant

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<sup>5</sup> For information on an economic analysis of leadership in the international climate regime please refer to Porter/Van der Linde 1995; Sinn 2008; Hoel 1992.

of great-power status” (ibid.). Therefore the potential of the largely civilian EU to be a political actor in its own right have been neglected. From a realist perspective, environment, or climate politics respectively, are thus being regarded as less important policy fields or ‘low politics’. Reconfirmed by the public attention and the significance of the high-ranking climate change conference in Copenhagen it is yet evident that climate matters have become more important in the last decades than its attributive relevance. According to Vogler/Bretherton “once we accept the significance of climate politics as a key arena of contemporary international relations, perhaps even achieving the status of high politics, we are forced to consider the EU itself as an actor” (ibid.).

To assess the status of the EU as an actor, the guise of the EU itself needs to be clarified first as its precise nature in global politics still remains elusive. It is neither a state nor an orthodox international organisation (ibid.: 1). The complexity of the problem becomes apparent when looking at the EU’s involvement in global affairs or the membership in international organisations respectively. As in most international organisations, membership at the UN is confined to states. Therefore all EU states are individual members whereas the EU itself is granted only observer status (ibid.: 3). Conceptualizing an organisation like the EU is challenging as there are no precedents, and the template of statehood is evidently inappropriate (ibid.: 2). With regard to its protean nature in external relations, Jupille/Caporaso describe the EU as an ‘evolving entity’. An entity that is „composed of numerous issue areas and policy networks, neither a full-blown polity nor a system of sovereign states” (Jupille/Caporaso 1998: 214). Impeding the categorisation of the EU is the fact that the EU’s involvement in international affairs “varies over time and across issues” (ibid.: 213). Therefore conclusions about the EU’s actorness, independent from the individual actorness of its member states, can only be made within the scope of a respective policy field. For the here relevant field of climate politics it is argued that the EU is a non-state actor in the international climate regime. This hypothesis will be tested in the following paragraphs by applying the criteria elaborated by Jupille/Caporaso and Vogler/Bretherton. Following the authors’ handling, the term of actorness will be used to describe the EU’s capacity to act in international politics. To give substance to the argumentation and verification of the respective criteria, exemplary evidence will be drawn from past climate negotiation processes.

### *Criteria by Jupille/Caporaso*

Jupille/Caporaso developed four criteria to assess the EU’s and other entities’ capacities to act in international politics. The criteria are *recognition*, *authority*, *autonomy* and *cohesion* (ibid.: 214).



Recognition is understood as the “acceptance of and interaction with the entity by others” (ibid.). According to the authors this criterion presents a minimum condition for actorhood that “adds little substantive understanding of any given entity, but simply registers it on the analytical radar” (ibid.: 215). Thus, third parties that decide to interact with the EU implicitly confer recognition upon it (ibid.). Taking into account the EU’s participation and involvement in the climate negotiation processes leading up to the ratification of the UNFCCC and the Kyoto Protocol, the criterion of external recognition can hence be regarded as given for the EU in international climate politics. In environmental conventions the EU appears in the special guise of a Regional Economic Integration Organisation (REIO), a category within which the EU is the only extant example (Vogler/Bretherton 2006: 4). This status, which is stipulated in the UNFCCC, had been established to allow the concurrent participation of the EU alongside its member states; yet the EU does not have a separate vote (ibid.). As a party to the Climate Convention, the EU also participated in the COPs that followed the UN Conference on Environment and Development (UNCED) in Rio. The EU’s recognition is being strengthened by the fact that the Union committed itself to GHG emissions reductions in the Kyoto Protocol in consideration of an EU internal burden-sharing. This means that the EU is regarded as a ‘bubble’ and so needs to assure that the sum of all national GHG emissions meets the EU commitments of the Protocol. This implies that some member states committed themselves to high emissions reductions whereas other EU states are allowed to produce even more GHG emissions (Waldmann 2007: 265). The establishment of the EU as a ‘bubble’ in the wording of the Protocol demonstrates its acceptance as a non-state contracting party.

The second factor to prove the actorhood of the EU is its authority to act externally, particularly meaning the EU’s legal competence in a given subject matter. “Because the EU is a creation of the member states, its authority [...] derives from these states” (Jupille/Caporaso 1998: 216). For the participation in early environment conferences the EU built its legal authority to act on different provisions. A series of judgments by the European Court of Justice in the 1970s had established a linkage between the Union’s internal and external powers. The Court ruled that where external cooperation is necessary to attain the objectives laid out in the treaty, the EU has an implied power to conclude agreements with third states (ibid.: 217; Lindenthal 2009: 18). The Single European Act and the following Maastricht Treaty then gave the EU express authority to conclude environmental agreements with third states. The treaties established the protection and the improvement of the quality of the environment as basic principles of the Union. It is provided, as regards environment issues, that the EU and the member states shall, “within their respective spheres of competence, [...] cooperate with third countries and with the competent international organisations” (EU 2006).

Yet, the competences over the subject-matter of environment are shared between the EU institutions and its member states what consequently requires close cooperation when an external agreement is being negotiated (Craig/Búrca 2008: 100). International agreements made where there is shared competence are mixed agreements, to which both the EU and the member states are contracting parties. “Mixed agreements form an integral part of community law and are binding on both the institutions of the [Union] and the Member States” (ibid.: 198). As the competences, depending on the relevant issue area, may vary between intergovernmental and supranational within the negotiation process, the EU’s authority to act may oftentimes be difficult to comprehend for third parties involved. By means of binding arrangements such as a joint negotiating position and the implementation of an EU internal burden-sharing agreement, the authority of the EU can however be strengthened (Waldmann 2007: 266). This is completed by a simultaneous deposition of the ratifications of respective climate agreements by all EU member states. Hence, the EU’s authority to act externally is not entirely flawless. However, the EU and its member states have established procedures with binding force by means of which the EU is authorised to act on behalf of its member states in international climate negotiations.

A third component of actorness, that is closely linked to the argumentation of authority, is autonomy. Autonomy is conceived in the sense of institutional distinctiveness and, to some extent, independence of the EU from its member states (Jupille/Caporaso 1998: 217). Jupille/Caporaso thus argue that the EU, to be an actor, should have a “distinctive institutional apparatus, even if it is grounded in, or intermingles with, domestic political institutions” (ibid.). As regards independence the EU institutions should “make a difference, compared to the baseline expectations of a decentralised state system working on the basis of power and interest” (ibid.). Looking at but one institutional example, namely the Council of Ministers, the complexity of the EU institutions becomes apparent: The Council itself is comprised of ministers from national governments. The institutional structure of parts of the EU is thus barely removed from the member states. Despite the lead management by the Council Presidency at international climate conferences, there are also always national representatives taking part in informal negotiations of the conference for instance (Waldmann 2007: 266). With regard to mixed agreements, that include all of the EU’s external environmental agreements, the EU thus hardly has any flexibility to react to changes or propositions by third parties, coming up in the negotiation process. As neither the EU nor its member states enjoy full competence, often questions have to be decided on the spot as new issues arise. This causes the EU members and institutions to engage in a “negotiation-within-a-negotiation” (Jupille/Caporaso 1998: 218) in order to decide on how to proceed regarding the point in question.

However, the EU can make up for some autonomy if the member states manage to agree to a binding position within the EU institutions that is above the least common denominator

(Waldmann 2007: 266). This is the case when the EU member states jointly formulate a more ambitious agreement, or negotiating mandate respectively, that would not be up for debate by sole and isolated action of the national states. Thus, the internal decision-making and communication processes as well as the willingness for EU internal package deals, prevalently demonstrated by the European institutions, significantly influence the EU's performance in global politics. For Wettestad the ability of the EU to reach agreements above the least common denominator is due to the strong 'instrumental leadership' exercised by the European Commission (ibid.; Wettestad 2005: 11). The Commission is able to push to open up spaces for supranational actions where national decision-making is not sufficiently goal-oriented. He argues that the "Commission's entrepreneurial role is most prominent when there is domestic uncertainty and disagreement—implying that the Member States' positions in these cases tend to be less fixed or strong and the field more open for supranational entrepreneurs" (Wettestad 2005: 11). According to Jupille/Caporaso, what matters, as regards the criterion of autonomy, is whether the EU has causal importance that is more than the sum of its constituent parts (Jupille/Caporaso 1998: 217). With the stated ability of the EU institutions to reach an internal agreement above the least common denominator, the EU has thus just met the criterion of autonomy to a sufficient degree.

The fourth criterion for assessing the EU's capacity to act in global politics is cohesion. By this the authors understand the "degree to which an entity is able to formulate and articulate internally consistent policy preferences" (ibid.: 214). As cohesion is a vague concept, Jupille/Caporaso identify four separate dimensions of the term, to clarify its range in content. These are *value, tactical, procedural, and output cohesion*. Value cohesion simply refers to the similarity or compatibility of basic goals (ibid.: 219). As the treaties of the Union commit the EU institutions and the member states to sustainable development and climate protection, the EU shows a high degree of value cohesion. Despite this common ground of values, in a complex international organisation that is the EU, at times member states set their priorities differently. If these differences in goals can be made to fit with one another through issue linkages and side payments, tactical cohesion is taking place. Measures to achieve such a consensus usually result in package deals (ibid.; Waldmann 2007: 266ff.). In contrast, procedural cohesion implies some consensus on the rules and procedures used to process relevant issues where conflict exists (Jupille/Caporaso 1998: 219). For the EU, decisions in the field of international climate politics, that go beyond the scope of EU internal environment policies, generally need to be adopted unanimously by all 27 member states. According to Waldmann, procedural cohesion is thus less decisive for climate politics as the EU decision making itself does not force the EU deciders to agree on compromises due to unanimity rule (Waldmann 2007: 267). Finally output cohesion is said to exist if member states succeed in formulating policies, regardless of the level of substantive and procedural agreement (Jupille/Caporaso 1998: 220). An example for this may be the EU internal burden-

sharing agreement. For the purpose of achieving ambitious emissions reductions on global level the EU agreed on a binding internal arrangement in the course of the Kyoto negotiations. This arrangement established the EU's proposed commitment for the Protocol without clarifying the implementation in terms of each member state's nominal emissions reduction, or their contribution to achieving this target. The ability to devise collective positions, apart from the level of agreement, is an indicator of output cohesion (ibid.). The EU thus satisfies this dimension of cohesion. Without implying a complete harmony of interests yet all four forms of cohesion together are met by the EU, symbolizing a broad foundation of common goals and values.

### *Criteria by Vogler/Bretherton*

Vogler/Bretherton developed a different conceptualisation, to assess the EU's actorness in international climate politics, based upon the criteria of *presence*, *opportunity*, and *capability*. The two approaches by Jupille/Caporaso and Vogler/Bretherton are not mutually exclusive but rather complementary. According to the latter actorness goes further and is also "critically dependent upon the expectations and constructions of other international actors" (Vogler/Bretherton 2006: 5). Thereby the authors point out the interconnection of presence, opportunity, and capability.

Vogler/Bretherton broadly follow the argumentation of Allen and Smith by defining presence as the ability to "exert influence to shape the perceptions and expectations of others" (ibid.; Allen/Smith 1990: 21). This indicates that presence does not denote purposive external action but is rather a consequence of the external impact of EU internal policies; it is a state of being rather than doing (Vogler/Bretherton 2006: 5). Inevitably, presence is enhanced by the success of European policies, or diminished by failure of the same respectively, including public disunity. Regarding the EU's presence in international climate politics, the Union did not have an auspicious start when looking at the failure of the carbon taxation initiative of the early 1990s. Yet the results achieved since the signature of the Kyoto Protocol have been more encouraging. The centrepiece of the EU's approach is its own Emission Trading Scheme (ETS) that has been operational in its first phase since January 2005. The ETS has been created as a means whereby the Union would fulfil its own Kyoto commitments relying upon national allocation of carbon allowances to plants that are then tradable. Firms thus have "the choice of either, cutting their own emissions and saving some of their allocated allowances, which have a market value, or buying allowances in order to maintain existing levels of emissions" (ibid.: 6ff.). Besides the fulfilment of the EU's Kyoto commitments, the ETS was also designed to be an open system. In doing so the scheme opens up chances to numerous presence effects involving the participation of non-EU countries and a potential worldwide involvement. The second phase that commenced in 2008 expanded the scope of

the scheme so that three non-EU members Norway, Iceland, and Liechtenstein were able to join. The ETS is the “largest multi-country, multi-sector Greenhouse Gas Emission Trading System world-wide” (EC 2010c) and it is compatible with international emission trading systems that have begun in various parts of the world (Vogler/Bretherton 2006: 7). In the case of climate change, the establishment of the ETS thus augmented the actor capability of the EU. Conversion of all such aspects of presence into actorness, however, requires opportunity (ibid.).

Opportunity refers to the “external environment of ideas and events that enable or constrain purposive action” (ibid.: 5). After the early years of European integration had been dominated, politically, by the bipolar international structure and, economically, by US preponderance, the end of the Cold War had enormous overall significance for the development of the EU’s external role. The routine Soviet objection to EU participation ended, the EU established further relationships with other countries, and the potential influence of the EU became global (ibid.: 8). In the environment politics the US had long time been progressive in the field with a growing intellectual capital. Despite the American influence and its innovations, the “idea of US environmental leadership [...] has ceased to be credible” (ibid.: 9). At the UNCED, popularly called Rio Earth Summit, the US administration under Bush senior announced that the American way of life was not up for negotiations, blocking the way for ambitious commitments to emissions reductions. The US’ distancing from active involvement in climate change management, culminated in its formal denunciation of the Kyoto Protocol, almost precluding the continuation of the entire process. Yet the American withdrawal opened up spaces for strong EU presence in international climate politics. The rejection of the Kyoto Protocol by the United States had undoubtedly provided the EU with a unique opportunity to enforce its economic and environmental presence, and thus strengthened its actorness.

While EU representatives have enthusiastically taken on the role abandoned by the USA, it remains to consider the extent to which the EU possesses the capability to achieve and sustain it. The third criterion therefore “refers to the capability to formulate and implement external policy” (ibid.: 5), both in developing a proactive policy agenda and in responding effectively to external influences. Thus in order to build upon its presence and to use available opportunities, according to Vogler/Bretherton, the Union must possess a number of the prerequisites of actor capability. The authors name the following: shared commitment to a set of overarching values and principles; the ability to formulate coherent and consistent policies; the ability to negotiate effectively with third parties; the capability in the deployment of diplomatic, economic, and other instruments in support of common policies; as well as public and parliamentary support to legitimise its action (ibid.: 10). The first two of these prerequisites are relatively unproblematic. As already elaborated in context with the cohesion criteria of Jupille/Caporaso the treaties provide a broad set of values and principles. The EU

and its member states are thus committed to sustainability and climate protection. The Union has also demonstrated its ability to formulate consistent policies by enunciating common emissions reduction targets before Kyoto and afterwards by its determination to achieve the entry into force of the Protocol (ibid.).

The EU's ability to negotiate effectively with third parties in climate politics is weakened by the fact that competences over environmental matters are shared between the EU institutions and the member states. As pointed out before, this hardly makes for flexibility in negotiations. Shared competences thus require great coordination between the EU institutions and the member states. By formulating common positions and by means of the internal burden sharing agreement the EU yet demonstrated some negotiation ability. Despite these weaknesses on a strategic level, the EU provided the ambition that influenced the numerical targets and the final ratification of the Kyoto Protocol (ibid.: 13). Through an intense and coordinated effort, diplomatic missions were undertaken to put pressure on key countries to ensure the acceptance of the Kyoto Protocol. Most important was EU action in the final phase to ensure the strategically important ratification by the Russian Federation. "Although linkage is officially denied, it is apparent that the Union was prepared to use its power as a trade actor to exchange support for Russian entry into the [World Trade Organisation (WTO)] for Kyoto ratification" (ibid.: 14). The EU thus demonstrated great capability in the deployment of diplomatic, economic, and other instruments in support of its common policies. Finally, public and parliamentary support must underpin the EU's actor capability. After the 'No' of the French and Dutch to the Constitutional Treaty in mid-2005 and the initial Irish rejection of the Lisbon Treaty in 2008, the relationship between the EU and its public have been in serious question (ibid.). However, regarding the EU as an 'evolving entity', actorness can only be attributed within the scope of a respective policy field. Despite the negative attitude of parts of the European people towards contractual changes, climate change policy enjoys general public support across the EU member states and also the European Parliament has been generally supportive.

### *Preliminary Conclusion*

Following the preceding argumentation the EU qualifies as an actor with regard to the approaches elaborated by Jupille/Caporaso and Vogler/Bretherton. Reflecting the different criteria, it is yet evident that the actorness of the Union is not always clear-cut but has to be viewed in context with the dynamics in climate politics and the actions by other actors. The international environment has been beneficial for the EU's emergence as a global actor and in this opportune time the EU has established a set of procedures and practices that allow it to act on global stage. While the approach by Jupille/Caporaso mainly concentrates on institutional settings and specifics of the EU, Vogler/Bretherton regard actorness from a

different angle by factoring in external influences and the EU's performance on international level. Thereby the EU is being set aside from sovereign state actors as for the fulfilment of the criteria the Union has to prove its actorness in the global political system. In this respect the approach by Vogler/Bretherton has an evaluative tone to it as potential European actorness simultaneously implies the EU to be a proactive and prominent actor.

Yet by combining the two approaches a broad foundation for the stipulation of European actorness is being created. The verification of the different criteria showed that the EU qualifies as an actor in international politics vis-à-vis non-European states. For this reason the hypothesis, stating that the EU is an actor in the international climate regime, has been approved. In the following paragraphs the EU will thus be regarded as an international actor.

### **3. Leadership in the International Climate Regime**

Accepting the EU as an internationally recognised actor *sui generis* allows for the discussion what role the EU plays in international politics and in particular in the international climate regime. Since the late 1980s, the EU countries and the EU itself have sought to play a leading role in the development of international actions regarding environmental problems such as climate change. The Union not only considers itself to be a leader, also international scientists and journalists rate the EU as capable of leading the climate change process (Gupta/Grubb 2000: 47). In the early 1990s, when the USA withdrew from active engagement to fight climate change, neglecting its responsibilities, China's economic importance was still too weak to fill the US' position in the field of climate politics. After the collapse of the Soviet Union, also the Russian Federation was unable to take on a leading role in the climate regime. Other industrialised countries such as Japan, Canada, and Australia were unable or simply unwilling to fill the vacancy (Waldmann 2007: 252). As these important actors failed or were unable to promote global climate efforts, the EU aspired to take on this challenge. The Union was willing to proactively engage in the international climate regime and claimed the role of climate leader.

To assess if the EU, beyond its claims and the expectations by others, did actually take on a leading role in the climate regime a clear definition on what constitutes a leader is required. The one generally accepted definition to answer this question yet does not exist. Several scholars have elaborated leadership approaches to rate the performance of actors in international regimes. Oran R. Young was the first to come up with three types of leadership specifically geared to leadership in the context of multilateral negotiations. He identified the forms of *structural*, *entrepreneurial*, and *intellectual* leadership.<sup>6</sup> Over time other scholars, like Uderal, Malnes, and Grubb/Gupta picked up on his approach. The originated theories have in common that they are all influenced by a neorealist approach to international

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<sup>6</sup> For more information please refer to Gupta/Grubb 2000: 18ff.

relations, resuming the premises of hegemonial stability and thus considering hegemony as a possible version of their elaborated leadership types (Gupta/Grubb 2000: 18). Arguing that the cooperation of states in the climate regime is not conform with the principles of neorealism, Alexandra Lindenthal distances herself from the mentioned approaches and developed her own forms and mechanisms of leadership based on a constructivist perspective. In doing so she highlights that, considering the mutual conditionality of actors and regime structures suggested in the constructivist theory, the approach is well suited to gain insight into how regime actors influence the structures of an international regime<sup>7</sup> (Lindenthal 2009: 25). Therefore she regards leadership as a mean to exercise influence on other international actors as well as on the structure of international regimes (ibid.: 110). From her constructivist point of view a regime leader thus never equals a hegemon but is rather regarded as a *Primus inter Pares*, with respect to the other international actors (ibid.: 75). This indicates that a leader conducts its actions benevolently without exercising violence or force. Such leadership is needed in any international regime to develop the regime through critical phases and to achieve effective global action (Gupta/Grubb 2000: 4). Following these considerations Lindenthal distinguishes the four forms of self-serving (*eigennützig*), norm-establishing (*normsetzend*), problem-solving (*problemlösend*), and mediating (*vermittelnd*) leadership which, accordingly, characterise different ways to exercise influence (Lindenthal 2009: 120). This theoretical approach suggests itself for the purpose of this thesis and will hence serve for the leadership assessment in the following paragraphs.

### *Forms of Leadership by Lindenthal*

As stated above there exists no universal definition of leadership, yet Lindenthal points out the main characteristics of a leader in multilateral negotiations. According to her, a leader identifies global problems and seeks to solve these problems within the framework of international regimes by dint of its material and immaterial resources. In doing so a leader takes on responsibility regarding global challenges and is willing to subordinate its short term interests for the achievement of the greater good. Therefore the leader tries to persuade the other regime members of the urgency to act by its exemplary behaviour, or even rewards if appropriate, without forcing them into reluctant decisions (ibid.: 108ff.). Based on this, Lindenthal elaborated multiple indicators, including interests, resources, power, norms, and communication, in order to specify the four forms of leadership.

Interests and values are generally considered the basis for aspired leadership as they constitute the actors's motivation to engage in a particular policy field. For the achievement of interests in international politics immaterial or material resources are essential. Resources

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<sup>7</sup> Lindenthal bases her considerations regarding international regimes on the regime definition by Stephen D. Krasner. See Lindenthal 2009: 27.



in turn form a precondition for power exertion which is needed to exercise influence on other actors. According to Lindenthal a leader either uses forms of moderate hard power or soft power to reach its aims. Basing her approach on constructivist premises, Lindenthal argues that leadership cannot be viewed detached from norms. A leader orientates its actions on norms and by means of its activities a leader changes the attitude and norms of other actors (ibid.: 110). Finally the form of communication marks a leadership indicator. Lindenthal distinguishes between communication that aims at finding a compromise, whereby the involved leader is yet not willing to question its own position, and communication that seeks an agreement, where qualitative arguments are decisive and a leader is open-minded to reflect its own norms and interests if necessary (ibid.: 112ff.).

Table 1: At a glance - Forms and Indicators of Leadership by Lindenthal<sup>8</sup>

Indicators	Forms and Specifications			
	Self-serving Leadership	Norm-establishing Leadership	Problem-solving Leadership	Mediating Leadership
Interests	Individual interests influence establishment and formation of international regimes. Little willingness for reflection of own interests.	Consideration of interests of other regime members as regards the setting of norms and regulations. Common generation of norms affects interests of leader and followers.	Problem-solving regarded as matter of collective interest. Common perception of problems affects interests of leader and followers.	Evocation of interest in adoption of international treaties. Mediation between negotiating parties with divergent interests regarding international agreements. Consideration of interests of the involved as regards the formulation of international treaties.
Resources	Material resources	Immaterial resources	Immaterial and material resources	Immaterial and material resources
Power	Moderate hard power	Soft power	Soft power	Soft power and moderate hard power
Norms	Action oriented on own norms. Little willingness to challenge own normative concept.	Conviction of others regarding own normative concept. Willingness to challenge own normative concept. Generation of joint norms.	Perceived problems and demonstrated options for solution influence norms of the regime.	Establishment of norms through collective negotiations, which determine the leader's room for manoeuvre in terms of the influence towards other negotiating parties.
Communication	Compromise-oriented Communication	Agreement-oriented Communication	Agreement-oriented Communication	Agreement and Compromise-oriented Communication

(Lindenthal 2009: 120)

According to Lindenthal the EU has embraced all four of these forms of leadership to a greater or lesser extent in the regarded time period from 1990 until 2007. The parameter value of each leadership form yet varied over the time span.

A self-serving leader uses its resources to establish and develop an international regime principally in its self-interest (ibid.: 109). The EU certainly does have a self-interest for engaging in the international climate regime as the European territory and its people are directly affected by the consequences of climate change and global warming. However the direct impacts on the EU are still considerably minor compared to small island states who will

<sup>8</sup> This table has been translated from German. For the original German version by Lindenthal please refer to Table 3 on page 45.

literally cease to exist in the foreseeable future due to rising sea levels. Yet this being Lindenthal's main point, when applying the self-serving leadership form, the argumentation that the EU bases its aspiration for a leading position in the international climate regime primarily on its self-interest seems relatively weak. Therefore it is well being noted here that self-benefits might be a strand of the EU's motivation for environmental activism but will not be the foundation for the assessment of the EU's role in the international climate regime.

A norm-establishing leader over all aims to introduce norms to a regime, that are, in its view, essential for the target realisation of international efforts (ibid.). Looking at the EU's engagement in the past climate negotiations the Union has consistently stuck up for norms that would coin the effective protection of the global climate. The protection of the environment is inherently a value stipulated in the EU treaties. But whoever seeks to introduce norms does this for a greater purpose, as it may be to find an adequate and sustainable way to fight climate change. The establishment of norms is therefore here seen as a means to an end in the engagement of an actor rather than a self-contained form of leadership.

Mediating leadership, is like norm-establishing leadership, not seen as an independent form but rather as a strategy that can be applied by a leader to reach its overall goal. If participants in an international regime have divergent interests or disagree on how to achieve common goals, a mediating leader uses its negotiating skills to bring about effective international cooperation (ibid.: 117). In the course of the international climate negotiations the EU has certainly fulfilled a mediating function at certain points of the process. Yet this is not seen as an action establishing leadership but rather as a strategic move to reach a higher purpose.

The problem-solving form of leadership is the most convincing one of the four types elaborated by Lindenthal. The main interest of such leader is to call the attention of the international community to a global problem and to provide respective solution strategies (ibid.: 109). During the climate negotiations from 1990 to 2007, the EU has constantly expressed and demonstrated its will to find a solution to the climate change problem. The pattern of problem-solving is thus dominant and of overriding importance for the EU's strong engagement in the international climate regime. With its proactive behaviour the EU offered orientation for other actors as regards the solution of the common problem. In doing so it is quite marginal what evokes the EU's motivation for such aspiring involvement to solve a certain global problem, may it be self-interest or other influences.

In theory Lindenthal's forms of leadership can be regarded completely separate of each other, yet she also states that they might interrelate in reality and that combinations of the four are likely to emerge (ibid.). According to Lindenthal, a self-serving leader could thus use its material resources to push for the generation of norms or mediation might be a strategy applied by a problem-solving leader (ibid.: 122). This possibility of interferences is due to the

fact that the four different forms all respond to the same understanding of leadership developed by Lindenthal, which has been presented before.

Recognising Lindenthal's statement that the EU has served all four forms of leadership during the last two decades of climate negotiations, yet only the problem-solving approach seems convincing enough to independently qualify as a self-contained approach to assess if the EU has exercised an overall leading role. Moreover Lindenthal's argumentation supporting the specifications of the other three leadership forms is sometimes undetermined. With respect to the EU's environmental activities the problem-solving type of leadership is hence being considered as the most relevant and most plausible of the four. Therefore this leadership approach will in the following serve as reference for the conceptualisation of indicators to ultimately assess the Union's role in the international climate regime.

### *Conceptualisation of Leadership Indicators*

Due to the outlined considerations, the assessment of the EU's role in the climate regime will pick up on the ideas of problem-solving leadership. However, as it is believed that interconnections between the different leadership forms are relevant for the regarded policy field, and in order to have a clear fundament for conclusions about the European performance, the indicators to assess problem-solving leadership have been restructured, and broadened respectively, in order to be applied for the assessment of EU leadership.

The first indicator regarding the interests of an actor is basically still conform to Lindenthal's implementation of the term. It is seen as the basis for aspired leadership by constituting the engine for prominent engagement in an international regime. In the context of problem-solving leadership, a leader thus recognises a global problem and has a strong and open interest in solving this problem within the international regime. For the achievement of its interests the actor develops and applies different strategic approaches. Therefore strategies form a separate leadership indicator, which is not included in Lindenthal's original concept. The main idea of establishing this indicator is to determine the approaches used by a problem-solving leader for the realisation of its aims. Similar considerations are included in Lindenthal's interests indicator on which the strategies indicator is build upon. Yet the aim was to elaborate two separate indicators: one focusing on the interests of a leader and another one concerning the applied approaches. Respective strategies include the development and application of concrete measures for the problem solution. In the case that the measures prove to be effective, the leader promotes a broad implementation within the regime. Besides that exemplary behaviour and implementation practices of the leader are supposed to convince other international actors of the urgency to act for the solution of the common problem (ibid.: 109). A problem-solving leader also strives for the engagement of all

stakeholders for a sustainable solution of the problem. Taking into account the interrelation between problem-solving and mediating leadership, mediation for an effective cooperation within the regime is also seen a possible strategy.

For the implementation of these strategies in international politics the use of resources and power is required. While Lindenthal considers the two indicators separately, they are here merged due to their close interlinkage. Following Lindenthal's argumentation a problem-solving leader makes use of both immaterial and material resources. On the one hand the development and distribution of new technologies requires material resources, whereas on the other hand the precursory behaviour and the transfer of knowledge prove for the use of immaterial resources. These resources are oftentimes used to exercise measures of soft power on other actors for the solution of the problem (ibid.: 116).

The indicators concerning norms and communication reflect Lindenthal's argumentation without particular modifications. A problem-solving leader thus orientates its actions on norms and seeks the acceptance for those norms among the other members of the regime. Norms are shaped by the content and scope of the respective global problem, as well as by the presented proposals for solution. Finally, a problem-solving leader makes use of agreement-oriented communication as the answer to a problem is regarded as the most important purpose of the regime. By using reasoned arguments the leader convinces other actors of the suitability of its proposed measures and is at the same time open-minded towards modifications of its proposals (ibid.).

Table 2: Indicators and Specifications of Problem-Solving Leadership

Lindenthal		Modified Version	
Indicators	Specifications	Indicators	Specifications
Interests	<ul style="list-style-type: none"> <li>• Identification of global problem</li> <li>• Solution of problem within international regime</li> <li>• Problem-solving regarded as matter of collective interest</li> <li>• Common perception of problems affects interests of leader and followers</li> </ul>	Interests	<ul style="list-style-type: none"> <li>• Identification of global problem</li> <li>• Solution of problem within international regime</li> <li>• Problem-solving regarded as matter of collective interest</li> </ul>
	<ul style="list-style-type: none"> <li>• Development and realisation of measures for the problem solution</li> <li>• Exemplary behaviour</li> </ul>	Strategies	<ul style="list-style-type: none"> <li>• Development and realisation of measures for the problem solution</li> <li>• Exemplary behaviour</li> <li>• Engagement of all stakeholders for sustainable solution</li> <li>• Mediation for effective cooperation</li> </ul>
Resources	Immaterial and material resources	Resources and Power	<ul style="list-style-type: none"> <li>• Immaterial and material resources</li> <li>• Soft power</li> </ul>
Power	Soft power		
Norms	Perceived problems and demonstrated options for solution influence norms of the regime	Norms	Perceived problems and demonstrated options for solution influence norms of the regime
Communication	Agreement-oriented	Communication	Agreement-oriented

(Lindenthal 2009: 115ff)

The greatest alteration in comparison to Lindenthal's originally established indicators and mechanisms of action is thus the secession of parts of the interests indicator into a new indicator regarding strategic procedures, and the inclusion of considerations deriving from

the mediating leadership approach. Apart from that a minor change has been made by merging the indicators of resources and power for better understanding. Recalling the leadership characteristics outlined by Lindenthal these modified indicators are still in line with this definition. When assessing the role of the EU in the climate regime these indicators and specifications will hence serve as a guideline for measuring the outcome. The EU's performance will have to meet all indicators for it to be regarded as a full leader in the international climate regime. By following the problem-solving approach of leadership it is thus assumed that if the EU will prove to have a leading role in the climate regime it will be of a problem-solving kind, rather than self-serving, norm-establishing, or mediating.

### *EU Leadership in Past Climate Change Negotiations*

Referring to these indicators it will briefly be proved in the following if the EU exercised a leading role in past climate negotiations. For this purpose the international negotiation process has roughly been split into two phases. The first dates from 1990, the beginning of the negotiations for the UNFCCC, until 1994, marking the entry into force of the Convention. The second phases from 1994 until the entry into force of the Kyoto Protocol in 2005, also casually considering the events up to the Bali conference in 2007. However, no detailed description of the negotiation processes will be given as this would go beyond the scope of this thesis.<sup>9</sup>

Since the late 1970s the international community has been actively concerned with the causes and impacts of global climate change. In this spirit the EU recognised the global problem, by also establishing the protection of the environment as a basic principle in the Union treaties, and ever since pledged for its solution on international level. Parallel to the intergovernmental activities the EU began to establish a European foreign climate policy and the European Council announced as early as 1988 that the EU should take on a leading role in global climate politics (ibid.: 132). Previous to the Earth Summit in Rio in 1992, which marked the first peak of international climate efforts, the EU had elaborated a package of measures and called on other states to follow it in developing respective strategies. By developing its own problem-solving strategies the EU aimed to put hesitant regime members on the spot. Yet due to a rejection of the combined carbon and energy tax, which was regarded as the centrepiece of the EU's strategy, by a number of EU environment ministers just before the conference, the EU was only able to present a stabilisation target for emissions but no inclusive package (Gupta/Grubb 2000: 49). This rejection had consequences for the EU's performance at the conference, undermining its appearance as a single actor. The package nevertheless revealed the EU's good intention to reach a solution

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<sup>9</sup> For more information on the negotiations please refer to Lindenthal 2009: 125-266 and the ENB coverage of the negotiations on <http://www.iisd.ca/>

for the climate change problem at the conference in Rio (Lindenthal 2009: 156). Before and during the conference the EU continuously reaffirmed its support for quantified and binding GHG emissions limits, and thus pressed for a binding commitment by developed countries to reduce emissions to 1990 levels by 2000 (Vogler/Bretherton 2006: 16).

According to the European Commission the EU's executive function within the regime was "to bring on board, through common efforts, both industrialised and developing countries" (Lindenthal 2009: 142). In the Rio negotiations the Union mediated between both groups of countries in order to achieve the common acceptance of an agreement. Arguing that the industrialised countries are principally responsible for the current high levels of GHG emissions in the atmosphere, the EU embraced the principle of common but differentiated responsibilities. "The principle recognises historical differences in the contributions of developed and developing [s]tates to global environmental problems, and differences in their respective economic and technical capacity to tackle these problems" (CISDL 2002). In this regard the Union fought for the mobilisation of resources for poorer countries, the commitment to which was ultimately stipulated in Art. 4 of the Convention. In doing so the EU exercised power in the Rio negotiation process as its dedication to such transfers was seen as an incentive for developing countries to let drop their aloofness towards international agreements in exchange (Lindenthal 2009: 159). The EU thus advocated for the interests of developing countries but did not succeed to integrate its policy package into the Convention (ibid.: 158). In the end the negotiating parties agreed in the UNFCCC on the ultimate objective to achieve the "stabilization of [GHG] concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" (UN 1992). Throughout the negotiation process for the UNFCCC the EU showed willingness to lead in the climate regime but for all that its strategy was not convincing enough. With respect to the listed indicators the EU thus showed deficits regarding a full leadership position in the first phase. Nevertheless the Union was better prepared for the Kyoto negotiations.

Conceptualised as a framework the UNFCCC was in need of completion through the adoption of a protocol, respectively resulting in the Kyoto Protocol. The EU entered the Kyoto negotiations with a common set of ambitious targets for quantified emissions reductions, intending a 15% reduction by developed countries (Vogler/Bretherton 2006: 16). The fact that its emissions appeared to be within sight of the stabilisation goal while the majority of countries were experiencing emissions increases bolstered its credibility and therefore the EU was seen as proactive in developing regulatory initiatives for tackling climate change (Gupta/Grubb 2000: 49). With other industrialised states wary of making such strong commitments, the EU was able to reach a compromise. This involved the EU's surrender of its original reduction aim and the acceptance of "differentiated GHG reductions within an overall target of 5,2% for Annex I countries, [primarily referring to industrialised countries,] to

be achieved by 2012” (Vogler/Bretherton 2006: 16). No doubt that without the EU the Kyoto outcome would have been less ambitious, the Union itself committing to the highest reduction target of 8% by 2012. Recognising their responsibility as regards global warming the protocol places a heavier burden on developed nations under the principle of common but differentiated responsibilities. In this regard the Kyoto Protocol also established an adaptation fund for the transfer of funds and technology to developing countries that are parties to the Protocol. Resource expenditures of the EU thus concern its mitigation and adaptation commitments made in the Protocol. For the purpose of complying with the Kyoto targets the EU agreed to the before mentioned internal burden-sharing, assuring that the sum of all emissions within the EU will meet the defined targets.

Although then US President Clinton had signed the Kyoto Protocol in 1998, the incoming Bush administration denounced the US signature in early 2001, emphasising the unacceptable costs of the Kyoto compliance (ibid.). After the US’ resignation the EU “had become the only game in town” (ibid.: 9), holding on to the protocol even without the participation of the US. In the time that followed the Union demonstrated proactive action by adopting the ETS, regarded as an EU internal means for the fulfilment of the Kyoto commitments. Externally the EU was eager to secure the continuation of the Protocol process. By making up for 11% of global emissions, Russia’s participation was essential for the ratification of the Protocol. Therefore European diplomatic endeavours concentrated on the Russian Federation. In the end the Union was able to ensure Russia’s strategically important ratification by exchanging Kyoto ratification for supporting Russian entry into the WTO. The EU thus succeeded to save the Protocol’s implementation, marking an important step towards a truly global emission reduction regime. Yet having established a leading position, much was expected of the Union in subsequent climate negotiations. Months before the conference in Bali the EU thus stated to reduce emissions by 2020 by at least 20%.

### *Preliminary Conclusion*

In the first phase of the international climate negotiations the EU consistently showed its willingness to lead the climate regime for the purpose of containing climate change on an international level. Despite its motivation the EU did not meet all the outlined leadership criteria, providing no coherent strategy for the negotiations. Therefore no solid leadership position can be attested as regards the first phase. Even so the external circumstances promoted the EU’s position within the international climate regime. As other powerful actors were unable or unwilling to lead the climate process, the existing “leadership vacuum” (Lindenthal 2009: 158) offered the EU a great chance to rise as climate leader.

During the negotiation process preparing the Kyoto Protocol, the EU yet proved to be the leading actor in the international climate regime. Particularly its strong performance in-

between the actual summits to ensure the ratification of the Protocol, certifies its success. Therefore, with a relatively weak but zealous start and a convincing second phase, the hypothesis has been approved stating that the EU exercised a leading role in the past climate negotiations. Summing up it can be said that the EU aspired to leadership since the early days of the climate regime and is “consistently the largest political grouping pressing for stronger action” (Gupta/Grubb 2000: 11).

#### **4. COP 15 in Copenhagen**

In 2012 the commitment period of the Kyoto Protocol will expire. By then a successor needs to have been negotiated and ratified that can deliver the stringent measures for the preservation of the global climate. With the adoption of the Bali Road Map in 2007 international negotiations were launched to draw up such a follow-up agreement which was to be adopted at the COP15 in Copenhagen. The UN conference in the Danish capital marked an important event in the history of the international climate negotiations as it was largely billed as the last chance to save the planet from the critical global mean temperature rise of 2°C above pre-industrial levels. The exceeding of this temperature ceiling could trigger irreversible and catastrophic changes in the global environment. Scientific evidence shows that, to put global emissions on a trajectory that is compatible with respecting the 2°C objective, cuts by industrialised countries of 25%-40% relative to 1990 levels are needed, rising to 80%-95% by 2050, while developing countries need to limit their rapid emissions growth to around 15-30% below projected ‘business as usual levels’ in 2020 (EC 2009b). In doing so global emissions need to peak before 2020 and then be cut by at least 50% of 1990 levels by 2050 (CO2 Handel 2009). The hopes and expectations for the global community to reach an agreement in Copenhagen that would mark a turning point in international climate politics, were thus high in the run-up to the conference.

##### *Issues and Negotiating Parties*

Crunch issues occupying the parties at the conference where mitigation and adaptation measures, as well as the shape of an eventual agreement. Of course also other issues were negotiated in Copenhagen, a detailed analysis would yet go beyond the scope of this thesis. In order to meet the 2°C target global GHG emissions would have to be cut drastically. A controversial topic at the conference was thus to clarify who should be making those cuts and how deep those cuts would have to be. Even though the UN climate regime embraces the principle of common but differentiated responsibilities also action by developing countries are needed to have a chance at limiting global warming effectively. Particularly surging



emissions from emerging economies have to be reduced. Balancing the responsibilities for cuts was hence a key part of the Copenhagen negotiations.

Citizens in developing countries have done least for the disastrous climate development but are bearing the worst impacts of floods and droughts. Most negotiating parties therefore agreed that those countries are in need for technological and financial support for adaptation measures and to be able to build a clean energy infrastructure (Carrington 2009). The crucial issue at the conference was hence to have rich nations subscribing to binding short and long-term funds.

Finally attitudes towards the nature of a potential agreement were discordant. Since the Kyoto Protocol, climate negotiations are being conducted on two parallel tracks. "On one track the 194 Parties to the [UNFCCC], which include the US, are discussing long-term cooperative action to combat climate change. On the other track the 184 Parties of the Kyoto Protocol, which do not include the US, are discussing post-2012 emissions reduction commitments for industrialised countries except the US" (EC 2009b). Parties were thus at issue whether to continue the two-track negotiations or to create a single institutional framework. Climate change is a sensitive issue for all countries around the globe not only due to its destructiveness but also for the fact that respective measures require economic adjustments, that affect the domestic competitiveness, and intensive financial capital. Therefore these listed issues bear great conflict potential.

192 parties participated in the Copenhagen conference, representing their differing national or regional interests. Generally two blocs of actors can be distinguished, namely industrialised and developing countries. However emerging economies such as China, India or Brazil, blur the otherwise clear boundaries.

The US, formerly the largest emitter in GHG, until China surpassed it a couple of years ago (PBL 2008), was certainly one of the most powerful actors at the conference. Having returned to the negotiating table, the new US government demonstrated willingness to move negotiations towards a successful conclusion. However with the national climate legislation stuck in the US Senate, the hands of the American negotiators were tied. This implied that the US delegation was unable to increase its unilateral reduction targets to more than 17% below 2005 levels, which equals 4% below 1990 levels (Germanwatch 2009). Members of Congress had also made it "abundantly clear to the Obama administration that they would not approve any treaty that did not include a firm promise from major developing countries, particularly China and India, to at least slow the growth of emissions" (Wong/Bradsher 2009). The EU, among the largest emitters of GHG, was another big player at the international conference in Copenhagen. In a nutshell the EU wanted to reach a substantial deal at Copenhagen including strong commitments by developed countries but with major developing countries also taking on some of the pain. The Union further made clear its

preference that it wants the the two-track approach to lead to a single, legally binding international treaty, creating a single institutional framework for all parties.

China is currently the biggest polluter of the global atmosphere. Yet so far China has resisted demands from American and European negotiators to adopt binding limits on its emissions, “arguing that environmental concerns must be balanced with economic growth and that developed countries must first demonstrate a significant commitment to reducing their own emissions” (ibid.). For the Copenhagen conference the Chinese government proposed to reduce by 2020 so-called carbon intensity – or the amount of carbon dioxide emitted per unit of economic growth – by 40-45% compared with 2005 levels (ibid.). This falls short of what many other parties had hoped for, as Chinese emissions would thus still increase, though only the rate would slow. In the face of much pressure from developed countries China has made common cause with other developing countries in the G-77<sup>10</sup>. With China being a member of the G-77, the party grouping is generally referred to as G-77/China. In Copenhagen the group aimed for a strong agreement that entailed big financial support from industrialised nations, arguing that they needed to reach standards of living comparable to the developed world before paring back on their industrial capacity (Adam/Randerson 2009). Therefore, with regard to the shape of a potential agreement, the group pledged for the perpetuation of the two-track system. This is due to the fact that for developing countries the Kyoto Protocol constitutes the legal distinction between industrialised nations that must cut carbon emissions and developing countries for whom action is not compulsory (Watts et al. 2010).

### *EU Negotiating Mandate*

At the EU Environment Ministers Council meeting in October 2009, the EU agreed to a common negotiating mandate for the Copenhagen climate conference. The purpose of doing so was for the EU to appear united towards the other negotiating parties and to have a common ground for acting uniformly at the conference. Thereby the EU agreed on several issues with the overall aim of reaching a global, ambitious, comprehensive, and legally binding international treaty in Copenhagen, succeeding the expiring Kyoto Protocol (EC 2009b). As above, only the EU position regarding the crunch issues of mitigation, adaptation and shape of the agreement will be presented.

Following scientific evidence the Union recognises the importance of containing global warming to 2°C and this limit sets its level of ambition for mitigation action. In its Conclusion the Council stated that developed countries should take the lead in reduction efforts and urged all developed countries to announce ambitious proposals ahead of the Copenhagen

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<sup>10</sup> Countries in the developing world generally work through the Group of 77 to establish common negotiating positions. The G-77 was founded in 1964 by seventy-seven developing countries in the context of the UN Conference on Trade and Development (UNCTAD). Today the group has over 130 members and functions throughout the UN system (UNFCCC n.d.).

conference. The EU unconditionally committed itself to cut its emissions to at least 20% below 1990 levels by 2020 (Council of the European Union 2009). To achieve this aim the EU is currently implementing a climate and energy package, which is legally enforced since 2009, as well as a programme of energy efficiency measures.<sup>11</sup> Provided that other developed countries agree to make comparable reductions and that developing countries contribute adequately to a global deal, the EU further committed itself to scale up its emission cut to 30% (EC 2009b).

Concerning adaptation measures the EU recognised the right to sustainable development in developing countries and stressed that financial support is needed in these countries until and beyond 2012 (Council of the European Union 2009). The Union underlined in its position that it would provide “its fair share of ‘fast-start’ financing to help developing countries build up their capacities to combat climate change over the period 2010-2012” (EC 2009b). Yet no indications of how big the EU’s share would be were named in the mandate. Total net incremental costs of mitigation and adaptation in developing countries are expected to amount to around EUR 100 billion by 2020, estimated EUR 22-50 billion of which would have to be financed publicly. The European Council thus committed the EU and its member states to contribute a fair share to the global public financing but again without adding clear numbers (ibid.).

Regarding the nature of a potential agreement, it has been pointed out before that the EU plead for a single, legally binding international treaty. The Council highlighted the opportunity to bring all developed countries under one international climate regime by joining the two negotiation tracks.

Given slow progress in the negotiating sessions to prepare a Copenhagen agreement, the EU admitted publicly in early December 2009 that it was unlikely for a Kyoto-successor to be finalised at the climate conference in Copenhagen (EC 2009c). As only days before the conference the completion of a fully fledged treaty seemed almost impossible, the EU therefore geared its goal towards making as much progress in Copenhagen as possible. In this sense a strong framework agreement would have to be reached covering the essential building blocks of the new treaty and a deadline for completing it. At a Council meeting from 10-11 December 2009, thus half way through the Copenhagen conference, the EU members recalled the negotiating position adopted before. In doing so the EU ministers particularly emphasised that a Copenhagen Agreement should lead to finalising a legally binding instrument, “preferably within six months after the Copenhagen Conference” (European Council 2009), and reiterated its conditional offer to move to a 30% emissions reduction by 2020.

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<sup>11</sup> For more information on the climate and energy package please refer to EC 2009e.

## *Outcome*

The final outcome of the Copenhagen conference however, falls well short of the EU's goal of achieving maximum progress towards the finalisation of an ambitious and legally binding global climate treaty to succeed the Kyoto Protocol. After two years of negotiations that had begun in Bali and culminated in two weeks of intensive talks in Copenhagen, the COP yet only 'took note' of the so called Copenhagen Accord. The three-page document emphasises the strong political will of the parties to combat climate change but fails to provide respective binding measures.

A key element of the Accord is however that it endorses, for the first time at global level, the objective of keeping global warming to less than 2°C above pre-industrial temperature levels (COP 2009). In this sense the Accord sets out that the peaking of global and national emissions needs to take place as soon as possible. Scientific evidence yet provides that in order to restrain temperatures to a 2°C level it is essential that global emissions peak latest in 2020. Studies also show that there is a tradeoff between the timing of the peak and the rate of decrease in emissions afterwards – “the more the peak is delayed and the higher it is, the faster emissions must decline afterwards in order to stay within the temperature limit” (UNEP 2010). The vague intention of reaching the peak 'as soon as possible' will hence not be sufficient.

Although pointing out the importance of emissions reductions and an early peak of the same, the Accord yet does not include binding mitigation targets. The document rather urges Annex I Parties to commit themselves “to implement individually or jointly [...] quantified economy-wide emissions targets for 2020” (COP 2009) and Non-Annex I Parties, mainly including developing countries, to implement mitigation actions. By virtue of the Accord, parties are expected to do so by 31 January 2010. Least developed countries (LDCs) and small island developing states are excluded from this stipulation but may undertake actions voluntarily and on the basis of support. Meanwhile the deadline for submitting climate action strategies has passed. As shortly before the focused date only a small number of the parties had signed up, the UN turned the deadline into a 'soft' one which countries can sign up to when they chose. Executive Secretary of the UNFCCC, Yvo de Boer, thus sees the Accord as a living document (Vidal 2010). In the early days of February 2010 the UNFCCC had received submissions of national pledges from 55 countries. These countries, including the EU, the USA, the BASIC Group<sup>12</sup> and Russia, together account for 78% of global emissions from energy use (UNFCCC 2010).

Another key element of the Accord is the commitment of developed countries to provide “financial resources, technology and capacity-building to support the implementation of adaptation action in developing countries” (COP 2009). In terms of a fast-start deal the parties thus agreed to provide funding of USD 30 billion for the period 2010-2012. In the long

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<sup>12</sup> The BASIC Group is a coalition of emerging economies including Brazil, South Africa, India, and China.

run, developed countries committed themselves in the Accord to a goal of mobilizing jointly USD 100 billion a year by 2020 to address the needs of developing countries (ibid.). Thereby funding for adaptation will be prioritised for the most vulnerable developing countries, such as LDCs, small island developing states and Africa.

The Copenhagen Accord received support from the vast majority of the parties, including the BASIC Group, as well as the US and the EU, but due to opposition from a handful of countries, such as Sudan, Venezuela and Bolivia, the closing plenary session of the conference merely 'took note' of the Accord without formally endorsing it (EC 2010b). Therefore the document is no binding treaty but, according to Yvo de Boer, rather a "political letter of intent" (UNFCCC 2009). Though disappointing, the Copenhagen outcome is by many government officials announced as a step in the right direction, pointing out the unprecedented commitment for immediate and long-term financing for developing countries. Like the EU, most parties had yet aimed for a new international climate treaty, and for this reason the Copenhagen Accord is conceived as a rather disillusioning outcome which is not elaborate enough to prevent worst impacts of climate change.

When looking for the reasons for such low outcome of the Copenhagen conference and asking who is to blame for it, the answer generally depends on who is being asked. Developing countries blame the industrialised nations of the west for not taking on their overwhelming responsibility while developed nations in return, by the majority, point their finger at China for blocking the negotiations in order not to jeopardise its economic growth. Altogether it is certainly different reasons that lead to such despondent outcome.

First of all the inability to act of the American delegation definitely influenced the negotiation process in a deterring way. After having returned to the negotiating table a strong sign from the US in form of emissions reductions would most likely have motivated other developed countries to increase their mitigation proposals and somewhat settled the claims of developing countries, ultimately leveraging the negotiations. Yet the options for the Obama administrations were narrowed by reservation of the US congress. Second, an opinion that is more and more prevalent in western media is that "China wrecked the talks" (Lynas 2009). Also government officials, including US President Obama, hinted that China was to blame for the lack of a substantial climate deal. China's legitimate position, stating that it would not agree to confining commitments to contain climate change, as it was mainly caused by industrialised countries, was yet being enforced in an immature negotiating manner. The Chinese Premier, Wen Jinbao, did not attend the final meetings personally, when heads of state from two dozen countries met behind closed doors to rescue a Copenhagen deal. Jinbao rather sent a second-tier official in the country's foreign ministry to sit opposite Barack Obama, Gordon Brown, Angela Merkel, and UN General-Secretary Ban Ki-moon, inter alia. "The diplomatic snub was obvious and brutal, as was the practical implication: several times

during the session, the world's most powerful heads of state were forced to wait around as the Chinese delegate went off to make telephone calls to his 'superiors'" (ibid.). According to The Guardian newspaper it was then China who took out all the numbers that mattered, from the emissions reduction targets of industrialised countries, and the 2020 peaking year in global emissions, to the 50% cuts by 2050 (ibid.). Most certainly China was in an extremely strong negotiating position: The People's Republic did not need nor want a deal but the other parties, with China being the largest polluter, were dependent upon the Chinese participation for an effective agreement.

On top of this inability, or unwillingness respectively, of two of the most important players, the host government Denmark, being in charge of leading the conference, did not rise to the occasion. After having chaired the first part of the conference Danish Climate Minister Connie Hedegaard resigned as COP President in favour of Danish Prime Minister, Lars Løkke Rasmussen (ENB 2009a). Rasmussen yet proved to be out of his depth at this level of politics, he showed repeatedly that he was not familiar with the conduct of the proceedings. Therefore he, too, was forced to step down in the final hours of the summit (Goldenberg et al. 2009). Overall the Danish COP Presidency was affected by mistakes and provocations. One of the major dramatic events was the tabling of texts by the COP Presidency that were supposed to serve as a draft version for a Copenhagen agreement. The documents have come to be known as the 'Danish text'. The proposal angered many delegates, especially from developing countries, highlighting the lack of transparency and inclusiveness in the process. Sudan, for the G-77/China, emphasised that parties were not ready to "rubber stamp [a] text coming out of the blue" (ENB 2009b). The action by the Danish thus broadened the gap between developed and developing countries at the conference, rather than making for an effective negotiation process.

Throughout the conference coverage by the media, as well as by climate and environment organisation, the outcome of the Copenhagen conference is widely received as disappointing and it is stated that the Copenhagen Accord will not solve the threat of climate change. However, the Accord is also seen as a first step to reach a more comprehensive climate treaty.

## **5. The EU at the Climate Change Conference in Copenhagen**

The Copenhagen Accord does by far not meet the EU's expectations of a new climate agreement. Yet in the run-up to the conference the EU had repeatedly announced its motivation to show leadership at the Copenhagen conference to ensure a meaningful result. In the following a deeper look will hence be taken into the EU's role at the Copenhagen summit. The criteria for actorhood and leadership, that have been outlined in previous paragraphs, will be applied in order to reassure if the EU qualifies as an actor for the

Copenhagen summit and to assess whether the Union was able to take on a leading role in the negotiation process.

### *Actorness of the EU*

Recalling the actorness criteria developed by Jupille/Caporaso – namely recognition, authority, autonomy and cohesion – and the criteria elaborated by Vogler/Bretherton – being presence, opportunity, capability – the hypothesis is to be tested if the EU qualifies as an actor participating at the COP15 in Copenhagen.

Regarding the criteria of Jupille/Caporaso above cited argumentation generally applies for the assessment of EU actorness in Copenhagen. With respect to the EU's recognition, its participation at the summit and third parties' expectations towards its performance more specifically approve this criterion. This is further strengthened by the fact that the Intergovernmental Panel on Climate Change (IPCC) decided in October 2009 to let the EU fully participate in IPCC meetings, a prerogative normally reserved to governments (EC 2009d). Although this does not directly affect the participation of the EU in Copenhagen it still gives evidence that the EU is globally recognised as an actor in the international climate regime.

The common negotiating position agreed to by the EU member states in the run-up to the conference presents the basis for the EU's authority as it strengthens the Union's position despite shared competences in the field of climate policy. The EU's authority will be even stronger in future climate negotiations following the implementation of the Lisbon Treaty which stipulates the EU's commitment to the sustainable development of the Earth. The treaty moreover provides an explicit clause for the EU to conclude agreements with third countries in order to achieve objectives laid out in the treaty (EU 2007). The EU's common negotiating mandate, involving the climate and energy package, also provides for autonomy of the Union. Moreover the EU tried to countervail its little flexibility to react to changes and propositions coming up during the negotiations by holding a Council meeting half way through the Copenhagen conference. As regards the cohesion criterion, value cohesion is given due to the respective EU treaty provisions. With the implementation of the Lisbon Treaty this dimension of cohesion will be further strengthened. Through the adoption of a climate and energy package the EU made to fit differing positions by means of tactical cohesion, long before the actual climate conference. As above, also with regard to the meeting in Copenhagen, procedural cohesion is here less decisive as unanimity rule applies. Finally output cohesion exists as the EU unconditionally committed itself to cut GHG emissions by 20% by 2020 before defining how much each member state would have to reduce individually to achieve the target.

Considering Vogler/Bretherton's criteria, presence is enhanced by the success of European policies, or diminished by failure of the same, including public disunity. The EU's own ETS thus has been and still is an originator of EU presence. The criterion is even recently being strengthened by the fact that the EU is on track to meet, or even to over-achieve, its Kyoto commitments of 8% by 2012 (UNFCCC Compliance Committee 2009). Nonetheless the fulfilment of the criterion cannot be entirely assessed at this point as the public appearance of the actor forms an essential part of the conceptualisation. The role played by the EU at the Copenhagen summit itself is thus decisive for its presence. Regarding the external environment of ideas and events, that define the opportunity criterion, also the course of the conference needs to be factored in. It was well-known before the conference though that the new US administration was willing but, due to domestic constraints, unable to engage in purposive climate action. It was also known that China would be reluctant to input into climate change efforts. The drop out of such powerful parties like the US or China hinder the progress towards an ambitious climate agreement but open up opportunity for other actors such as the EU to enforce its economic and environmental presence at the same time. Also with respect to the EU's capability, its performance at the conference is crucial. The EU internal agreement for a common negotiating mandate before the conference yet strengthened its position.

The EU hence met the criteria by Jupille/Caporaso regarding its participation at the conference in Copenhagen. With the implementation of the Lisbon Treaty the EU's actorness will even be further strengthened in this regard. With respect to the criteria by Vogler/Bretherton however no concluding evaluation can be given at this point as much depends upon the EU's performance in the actual negotiation process. Conceivable circumstances yet militate in favour of EU actorness. All in all the hypothesis, stating that the EU qualified as an actor for participation at the conference in Copenhagen, has thus tentatively been proved.

### *Role Played by the EU*

Based on these considerations regarding EU actorness it can now be asked what role the EU played at the conference in Copenhagen. Given that the EU has performed leadership in earlier climate negotiations, this equals the question if the EU did do justice to its leading role in the international climate regime. To assess this the EU's performance in Copenhagen will be rated by applying the leadership criteria outlined in Table 2.

Regarding the interests indicator, the EU recognised the alarming impacts of climate change decades ago and has been advocating for a solution of the problem on international level ever since. In doing so the EU manifested its interest in solving the problem of climate



change, embracing the protection of the global environment as an inherent part of Union policies. The EU negotiating mandate for Copenhagen identifies the need to limit global warming to 2°C and urges all parties to subscribe to this target. Recognising that climate change is having an impact in Europe and around the globe, the EU takes up the position that international action to fight climate change must be a long-run interest of all countries (EC 2009a). Respecting climate change as a global problem, the Swedish Minister for Environment, Andreas Calgren, representing the EU Presidency, announced prior to the UN conference in Copenhagen that “[t]he Earth’s climate has waited long enough. The time has come to show genuine political leadership. The EU is determined to provide that leadership” (Swedish Presidency 2009). With the proclamation of aspiring a leadership position at the climate talks the EU manifested its strong interest in finding a problem solution within the international regime. In this sense the EU was eager to push the conference “into becoming the milestone the climate needs” (ibid.). Following this argumentation the Union thus serves all specifications of the first leadership indicator regarding interests, by, above all, seeking a solution to contain climate change.

The fulfilment of the following indicator on strategies is yet less conclusive. To qualify as a leader at the Copenhagen conference the EU would need to apply the listed strategies for the purpose of solving the global climate change problem. With the development and the implementation of the European ETS since 2005, the EU provided a strong exemplary contribution towards emissions cuts and hence global climate protection. The ETS grew to be a showcase in international climate efforts and a possible international application remains to be seen (EC 2010c). The scheme is part and parcel of the European effort to reduce GHG emissions and hence forms the Union’s engagement in the international climate regime. Yet since its adoption no major measures have been introduced to the climate regime by the EU. In the run-up to the climate summit in the Danish capital the European member states agreed on a climate and energy package which became law in June 2009. This binding EU internal agreement entails a set of targets regarding EU action on climate change, including the revision and strengthening of the ETS system (EC 2010d). With the adoption of this package before the conference in Copenhagen the EU proved its willingness to take on a proactive role but it was not able to introduce the package to the international negotiation process in Copenhagen. Rather than constituting a concrete measure for problem solution, the climate and energy package can thus be regarded as a form of exemplary behaviour of the EU, by, for instance, determining unilateral reduction targets well in advance of the conference. Unlike most other parties the EU committed itself to unconditional emissions cuts before the negotiations in Copenhagen and so claimed to be “at the forefront of efforts to fight climate change” (Council of the European Union 2009). However the European Environmental Bureau (EEB) for instance, criticised that the EU used the lack of commitment from other industrialised countries as an excuse to keep their

reduction targets at 20% for 2020 (EEB 2009a). At the EU Council meeting in December, held during the Copenhagen conference, the EU ministers deliberated on unconditionally increasing the Union's reduction commitment to 30% by 2020. Poland and Czech Republic yet vetoed against this motion and made an EU-wide increase impossible. An unconditional upgrading of the EU's targets could however have had the effect of persuading other parties to up their commitments as well, and hence of boosting the negotiation process towards an international agreement.

With regard to international financial support for developing countries the EU stated in its mandate that it would contribute a 'fair share' to the global public financing but did not deliver concrete numbers until very late in the conference. In the final plenary session of the conference it yet became apparent that many developing countries had waited for clear signals in this regard for constructive input on their part (Germanwatch 2009). Connie Hedegaard admitted after the conference concerning the position of poorer countries: "Perhaps we could have come forward with finance offers at an earlier stage. It was very late that finance came to the table, if before they had left their capitals knowing that money would come their way" (Phillips 2010). Instead the EU decided to present the offers at a later stage of the conference in order to create a final impetus that would lead to an increase in offers by industrialised countries. Yet as the conference outcome shows the EU did not succeed with this plan.

As outlined above the EU recognises climate change as a global problem that affects all countries around world. Therefore European officials stressed that a sustainable solution of the climate change problem is only possible if an agreement with all countries is being reached (Swedish Presidency 2009). Especially the biggest emitters and rich nations would have to be included in a respective agreement but also the developing countries needed to be directed to move towards a low-carbon model of development (Phillips 2010). Therefore it was important for the credibility of the international climate regime to have the US back at the negotiating table and to include China in the international efforts. Although representatives from all UN member states were present at the conference, the Copenhagen Accord was in the end elaborated by only a few countries which lead to harsh criticisms from other parties, lessening the acceptance of the outcome. As an actor claiming leadership in the climate regime, it would have been a chance for the EU to mediate between the parties that negotiated the Copenhagen Accord and the rest of the countries in order to find a common solution. However the EU itself was not included in the small circle of countries and was rather confronted by the final paper. It was the US and the emerging economies of the BASIC group who in the dying hours of the conference met to put together the final climate deal, ultimately agreed to by about 25 heads of state (Phillips 2009a). Particularly developing countries expressed their frustration that they had put a lot of effort into negotiating an

agreement during the conference then to be passed over by a handful of nations who hammered out the three-page Copenhagen Accord.

At other disputed points during the conference a strong mediator would have been needed but the EU failed to provide this service. The 'Danish text' for instance, which had been prepared in secret by the Danish hosts, "was interpreted by developing nations as favouring the rich nations" (Goldenberg 2009). It thus raised trust issues between industrialised and developing countries but no significant mediating efforts on part of the EU have been reported. In fact the conference coverage leads to assume that the EU itself, unlike some individual member states including the UK and Denmark, was not informed about the introduction of the 'Danish text' (Vidal 2009). Furthermore, for the solution of the global climate problem, a stronger engagement by the Chinese delegation would have been needed. Yet the Copenhagen Accord shows that neither the EU nor any other actor succeeded to persuade China of the long-term benefits.

For a unique international actor, as is the EU, a united appearance on international level is of high relevance. In case of doubt joint demeanour even constitutes a condition for the implementation of strategies such as exemplary performance or attempts to mediate. Connie Hedegaard states in this regard: "There are very important lessons from Copenhagen. In the last hours, China, India, Russia, Japan each spoke with one voice, while Europe spoke with many different voices" (Phillips 2010). In fact all European actors, including José Manuel Barroso for the European Commission, most national heads of state or government, and the Swedish Council Presidency, were present at the Copenhagen conference, publicly speaking on behalf of the EU. Although the EU arrived in Copenhagen with a relatively elaborate negotiating mandate, no consistent strategy could be identified during the conference. Also the Council meeting held during the conference did not improve the joint appearance of the Union as with Poland and Czech Republic two member states vetoed to commonly increase the unilateral reduction commitment. Beyond that there was no functioning coordination between the EU and the Danish host government. By aspiring a problem-solving leadership position the EU had a great interest in a successful conference outcome. For this purpose the EU should have been able to join efforts with the Danish COP Presidency. Having the conference taking place in Europe it is incomprehensible why the EU did not arrange for a strong and proactive conference management. The Danish presidency rather proved to be out of its depth and did not apply any political manoeuvring in order to reach a comprehensive agreement.

To sum up the EU did not meet the specifications regarding the strategies indicator for leadership. With regard to the first specification concerning the development and application of concrete measures, the EU was not able to introduce any new innovations to the international negotiation process. Second, the EU certainly showed its willingness for exemplary behaviour by adopting unilateral commitments yet concrete and higher targets

would have been needed at an earlier stage of the conference. The EU so failed to convince other actors of the urgency to act. Third, the engagement of all stakeholders for a sustainable solution was not achieved as the final Accord was elaborated by only a small number of countries, not including the EU itself. Lastly, no EU efforts in terms of mediation between conference parties is being reported. Additionally to the listed specifications the EU, and perhaps also a reason why the EU did not reach the leadership strategies, is that it did not always appear as a single actor at the conference but rather spoke with many different voices. Furthermore no joint efforts were entered with the Danish COP Presidency for the purpose of achieving a successful outcome.

As regards the use of resources and power that is generally required for the implementation of leadership strategies the EU's performance in Copenhagen is relatively constricted. It can be presumed that the EU tried to use its reputation as a climate leader, by adopting unilateral commitments before the conference, to stimulate the negotiation process. Yet more convincingly as immaterial resources, the Union offered material resources by announcing its contribution to international adaptation efforts for developing countries. Besides the EU's commitment to unilateral emissions reductions also requires financial resources. With its conditional promise to increase its unilateral emissions targets to 30% by 2020 the EU tried to affect the other parties to obtain its preferred outcome of an ambitious agreement. In doing so the conditional offer can be regarded as a way of exercising soft power on other actors. Yet as the outcome shows the EU's negotiating tactic did not prove to be successful although the EU made use of material resources and applied soft power in order to bring forward the international negotiations. Therefore the criterion of resources and power has just been satisfied sufficiently.

The norms of a regime are shaped by the content and scope of the respective global problem. The international climate regime is based on the principle of common but differentiated responsibilities which is stipulated in the UNFCCC. In its negotiating mandate for the Copenhagen conference the EU recognises the principle's crucial importance and emphasised that "in accordance with the principle of common but differentiated responsibilities and respective capabilities, all countries, except LDCs, should commit themselves to preparing ambitious, credible and country-owned low-carbon development strategies/growth plans" (Council of the European Union 2009). The climate negotiations in Copenhagen were based on this principle and it was reinforced by its inclusion in the final Copenhagen Accord.

Finally a problem-solving leader uses agreement-oriented communication in order to reach a commonly accepted solution of the respective problem. The leader uses reasoned arguments and is at the same time open-minded towards other solution proposals. In any way it is evident that the argumentation applied by the EU in Copenhagen was not sufficiently convincing to ensure China's commitment to the overall goal of climate protection.

Moreover, during the final meeting, when the US and the BASIC group put together the Copenhagen Accord, the EU was not even present to apply further argumentation. This was aggravated by the fact that the EU hardly appeared as a single actor in the negotiation process to represent a unified opinion. In general it is not possible to identify a clear way of communication used by the EU during the climate conference so that the fulfilment of the communication criterion cannot be confirmed.

Following the application of the leadership indicators, the EU's performance at the climate conference in Copenhagen cannot be rated as fulfilling a leading role. The assessment of its role in Copenhagen showed that the EU only truly met the criterion of interests which manifests its attitude towards solving global climate change. The Union certainly presents an actor in the international climate regime that is not to be ignored but yet disappointed the leadership expectations in Copenhagen.

### *Conclusion*

In accordance with the criteria by Jupille/Caporaso the EU qualified as an actor for participation at the climate conference in Copenhagen. Regarding the approach by Vogler/Bretherton the events of the conference however beclouded the original supposition. The presence criterion was confined by the fact that the EU spoke with many different voices at the conference. Also no common strategy could be agreed at the Council summit held during the conference. The inability of the US and the unwillingness of China to proactively engage in the process opened up opportunity for the EU to manifest its position as climate leader, yet the Union did not rise to this chance. Furthermore no consistent EU strategy to ensure a global deal could be identified which would have proved the EU's capability. However, with respect to the criteria by Jupille/Caporaso, the Union still provides the institutional settings for international actorness. Yet it did not convince as a prominent actor aimed for by the criteria of Vogler/Bretherton.

Based on its leading role in the Kyoto process the EU had aspired to defend this position in the international negotiations in Copenhagen but failed to realise this goal. The Union fell short of satisfying crucial ones of the outlined leadership criteria such as applying respective strategies or agreement-oriented communication. According to the EEB Secretary General John Hontelez “[c]learly the biggest disappointment was how the EU got itself sidelined in Copenhagen, lacking the needed leadership” (EEB 2009b). The EU was not included in the small group of countries that composed the Copenhagen Accord and did thus not have the chance to exert a dominating influence on the paper. In the end the EU did not achieve its aims that it had set out in the common position.

The question remains what the EU could have done differently in order to stand a chance of taking a lead at the Copenhagen conference. Two things come to mind. First of all the EU

could have unconditionally increased its emissions reductions to 30% by 2020. By taking this step the EU could have proved its exemplary behaviour and could have won the trust of developing countries. The Union would thus today have to take on less criticism for the failure of the conference. Yet as not all member states agreed to such increase it was impossible for the EU to make this move. Second, the EU could have entered the negotiations with more ambitious promises for financial support instead of proposing mean funds at a very late stage of the conference. This way the EU could possibly have isolated China, or convinced it of more engagement respectively, as climate cash is only offered to countries that sign onto the final paper (Phillips 2009a). "But the EU [was] extremely reluctant to put any money on the table, believing it to be, like a poker game, a bad negotiating tactic to show its hand too soon" (Phillips 2009b). However, when looking back at past negotiations the EU's performance was always stronger in-between the actual climate summits. This can inter alia be explained by the EU's heterogeneous nature which does not allow for spontaneous changes in the negotiation strategy. Therefore the EU might not have performed a leading role in Copenhagen but this does not mean that it is abandoning its leadership position in climate discussions.

## **6. Final Conclusion**

Reflecting the above said, the first two of the initially outlined hypotheses have been approved, attesting the EU general actorness in the international climate regime, and a leadership role in past climate negotiations. Also the criteria by Jupille/Caporaso, as regards the EU's actorness for participation at the conference in Copenhagen, have been fulfilled. The actorness criteria by Vogler/Bretherton yet hinge on the EU's performance in Copenhagen and have not been met accordingly so as to define the EU as a leading actor in the negotiations. In fact, as shown by means of the elaborated leadership indicators, the EU did, despite its ambitions, not take on a leading role at the COP15 in Copenhagen. The ultimate research question thus has to be negated.

For the Union still to do justice to its earlier climate leadership it needs to be proactive in the upcoming international negotiations in order to ensure the adoption of a comprehensive climate agreement. A good way to prove its aspiration for leadership would be for the EU to push ahead with the climate negotiations also offside the official meetings by initiating bilateral talks and by unilaterally implementing ambitious reduction targets. However, also after the conference in Copenhagen, the EU missed the chance to unconditionally increase its emissions reduction commitment to 30% by 2020. The EU's notification submitted for inclusion in the Copenhagen Accord retains its current reduction pledge (EC 2010a). Regardless of the EU's performance in Copenhagen it is yet to be questioned if leadership is still effectual in the ongoing climate negotiations as the US is unable to prominently engage

in the process, and as China is relentlessly blocking the international efforts. However it might be that Copenhagen marked the breaking up of the closed negotiating bloc of the G-77. The differences between emerging economies, and the poor and most vulnerable countries, became more and more apparent (Germanwatch 2009). If this induces a constructive impetus for the negotiations yet remains to be seen. In the end the benchmark for successful performance and cooperation within the international climate regime will be set by the containment of global climate change. According to Ban Ki-moon: "The challenge of climate change, and what we do about it, will define us, our era, and ultimately, our global legacy" (EEA 2009).

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## Annex

Table 3: At a glance - Forms and Indicators of Leadership by Lindenthal

Indikatoren	Formen und Ausprägungen			
	Eigennützige Leadership	Normsetzende Leadership	Problemlösende Leadership	Vermittelnde Leadership
Interessen	Individuelle Interessen prägen Aufbau und Gestaltung internationaler Regime. Geringe Bereitschaft zur Reflexion eigener Interessen	Berücksichtigung der Interessen anderer Regimemitglieder bei der Norm- und Regelsetzung. Veränderung der Interessen von Leader und Gefolgschaft durch Einbindung in gemeinsame Normgenerierung.	Problemlösung als im kollektiven Interesse stehend wahrgenommen. Veränderung der Interessen von Leader und Gefolgschaft durch gemeinsame Wahrnehmung von Problemen.	Evozieren eines Interesses am Abschluss internationaler Verträge. Vermittlung zwischen Verhandlungsparteien mit divergierenden Interessen hinsichtlich internationaler Abkommen. Berücksichtigung der Interessen der Beteiligten bei der Formulierung internationaler Verträge.
Ressourcen	Materielle Ressourcen	Immaterielle Ressourcen	Immaterielle und materielle Ressourcen	Immaterielle und materielle Ressourcen
Macht	Gemäßigte hard power	Soft power	Soft power	Soft power und gemäßigte hard power
Normen	Handeln orientiert an eigenen Normvorstellungen.	Überzeugung anderer von eigenen Normvorstellungen. Bereitschaft zur Infragestellung eigener Normvorstellungen. Generierung gemeinsamer Normen.	Wahrgenommene Probleme und demonstrierte Lösungsoptionen prägen Regimenormen.	Etablierung von Normen im Verlaufe gemeinsamer Verhandlungen, die den Handlungsspielraum eines Leaders hinsichtlich der Beeinflussung seiner Verhandlungspartner festlegen.
Kommunikationsmodi	Kompromissorientierte Kommunikation	Verständigungsorientierte Kommunikation	Verständigungsorientierte Kommunikation	Verständigungsorientierte und kompromissorientierte Kommunikation

(Lindenthal 2009: 120)