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Abstract

During the past two decades the European Union (EU) has increasingly come to be recognised as an important international actor in environmental politics. The failure of the EU to instigate an ambitious post-2012 environmental framework agreement at the Fifteenth Conference of the Parties (COP15) to the United Nations Framework Convention on Climate Change (UNFCCC) in Copenhagen in 2009 may, however, signal a change in the EU's status as an international climate change actor. It raises the question of which conditions allowed the EU to be an actor in the first place. Drawing on the theoretical concept of actorhood, the paper analyses the conditions for EU actorhood in the area of climate change. It will be argued that for the EU to be an actor, all four criteria of actorhood – recognition, authority, cohesion and autonomy – need to be present. While these criteria were present at the 1992 Rio Summit and the COP3 in Kyoto in 1997, a lack of autonomy and cohesion prevented the EU from being an international actor in Copenhagen.

Introduction

During the past two decades, the European Union (EU)¹ has increasingly come to be recognised as an important actor in environmental politics (Groenleer & Van Schaik, 2007, p. 971; Oberthür & Kelly, 2008, p. 47). The EU has been among the strongest supporters of the UNFCCC which provides the basis of international cooperation in the fight against climate change, in particular by setting out the ultimate objectives as well as the fundamental principles of international climate policy (Oberthür, n.d., p. 1). During the negotiations on the establishment of the UNFCCC at the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro², the EU called for binding obligations of industrialised countries to stabilise their carbon dioxide (CO₂) emissions (Kelly et al., 2010, p. 13). Furthermore, the EU played a progressive role during the discussions on the Kyoto Protocol from 1995 to 1997, where the EU proposed the deepest emission cuts (15 percent) and accepted the highest reduction target (8 percent) among the industrialised countries (Oberthür, n.d., p. 3).

Considering the above achievements, it is surprising that the EU played a rather marginal role during the 2009 Fifteenth Conference of the Parties (COP15) in Copenhagen where the international community negotiated a successor climate change framework to the Kyoto Protocol which expires in 2012 (Silberberg, 2010, p. 2). The essential outcome of these negotiations, the Copenhagen Accord, neither conceptually nor substantially reflected the EU's position (Curtin, 2010, p. 1).

With this in mind, the paper will examine under which conditions the EU is an actor in the area of climate change. In doing so, the paper will use the theoretical concept of actorness defined here as "the ability to function actively and deliberately in relation to other actors in the international system" (Sjöstedt, 1977, p. 16). In order for an organisation to be deemed an actor in its own right it must be *recognised*, *authoritative*, *cohesive* and *autonomous* (Mühleck, 2010, p. 4). The paper will thus analyse to what extent these criteria were present in three international climate negotiations: 1) the Rio summit, 2) the COP3 in Kyoto and 3) the COP15 in

¹ The term "EU" will be used as a simplifier to denote the political entity of the European Union. During the analysis, however, which covers different periods of time, the appropriate terms for the analysed periods will be used, i.e. "EC" (European Community) for the Rio summit and the COP3 and "EC/EU" for the COP15.

² The terms "UNCED" and "the Rio summit" are used interchangeably throughout the paper to denote this conference.

Copenhagen. It will be argued that while the actorness criteria were present at the Rio Summit and the COP3 in Kyoto, it was a lack of autonomy and especially cohesion which prevented the EU from being an international actor more recently in Copenhagen. Moreover, the lack of full actorness at the COP15 coincided with very limited goal attainment of the EU, as opposed to the Rio summit and the COP3. In this way, the paper shows why the EU's participation in Rio and Kyoto has come to be considered relative successful examples of EU engagement in climate change negotiations, while its participation in Copenhagen has been considered more of a failure (Brinkhorst, 1994, p. 61; Curtin, 2010, pp. 2-4).

Assessing Actorness

This paper draws upon the conceptualisation of actorness given by Jupille and Caporaso. The authors propose four criteria – *recognition*, *authority*, *autonomy* and *cohesion* – for ascertaining the EU's global political role (Jupille & Caporaso, 1998, p. 214). Subsequently, a brief description of these four criteria and the indicators utilised to measure them will be presented.³

Recognition

The first criterion entails external recognition of the EU by other member states of the UNFCCC and third parties such as NGOs. Formal recognition is indicated by formulations in treaties and official documents of the UNFCCC conferring legal rights and privileges of membership onto the EU delegation (Mühleck, 2010, p. 4). Alternatively, recognition may be informal and indicated by behaviour of third parties. Third actors (i.e. representatives third countries and/or NGOs) that decide to interact with representatives of the EU,⁴ instead of or in addition to the individual member states, implicitly confer informal recognition upon it.

Authority

Authority refers to the EU's legal competences to act externally in a given area. The condition of formal authority is present when the member states, through treaty provisions, have delegated legal competence to the EU to act on environmental issues. Since EU competence may vary (between exclusive, shared or no

³ For an overview of the indicators, see table 1 in the annex.

⁴ Following Groenleer & Van Schaik, representatives of the EU will be understood as officials from the Council Presidency and the European Commission (Groenleer & Van Schaik, 2007).

competence) it is necessary to establish the consequences of this variation for actorness. According to Pedro do Coutto, the more explicit the formal allocation of competencies is, the greater the actorness, implying that EU actorness is at its strongest when operating under exclusive EU competence (Pedro do Coutto, 2010, p. 98).

Besides formal authority, informal authority may arise as a result of the Commission's expertise or experience (Groen & Niemann, 2010, p. 7). According to Pollack, member states are more likely to delegate competences to the Commission when they face a complex policy environment (Pollack, 2006, p. 168; see also Martin, 2006, p. 164). Thus, as the negotiations become more technically complex, the expectation is that the Commission will gain more authority.

Cohesion

Cohesion is the degree to which an entity is capable of formulating and articulating internally consistent policy preferences (Groenleer & Van Schaik, 2007, p. 972). Cohesion is threatened by disagreements/conflicts within the entity. For the EU, conflicts can take two forms as either horizontal conflicts (between individual member states or between EU-level institutions) or vertical conflicts (between the EU level and the member state level) (Jupille & Caporaso, 1998, p. 220). The degree of disagreements/conflicts within the EU will thus be used as an indicator for cohesion where an inverse relationship between the degree of disagreements/conflicts and the level of cohesion is expected.

Autonomy

Jupille and Caporaso distinguish between institutional distinctiveness and independence from other actors when defining the criterion of autonomy.

Firstly, institutional distinctiveness is determined by the size of the delegation and the extent to which the EU has a separate administrative capacity installed at the given conference (Huigens & Niemann, 2009, p. 10). Also, in regard to institutional distinctiveness it has to be asked who represented the EU at the international climate negotiations. As the political saliency of the representatives increase – such as the head of state of the country holding the Council Presidency or the Commission President – the better the conditions for EU actorness become.

Secondly, autonomous action requires the institutions' ability to act independently which, according to Jupille and Caporaso, requires the agent (here the EU) to enjoy wide decision-making latitude (Jupille & Caporaso, 1998, p. 218). This will be indicated by the strictness of member state control through mechanisms such as intra-EU coordination meetings and/or the negotiating mandate.

Analysis of the EU's Climate Change Actorness

The EC Enters the Environmental Scene in Rio

The participation of the European Community in the Rio summit has been argued to represent an important case for understanding the EU's role in international environmental politics (Jupille & Caporaso, 1998, p. 221). An important outcome of note from the Rio summit was the adoption of the UNFCCC which represents the beginning of the international political response to climate change aimed at stabilising concentrations of greenhouse gas emissions (GHGs) (IISD, 2009, p. 2).

Recognition

Regarding formal recognition, the EC generally enjoys non-voting observer status at conferences held within the United Nations (UN) framework (Brinkhorst, 1994, p. 611). The EC received additional competences to act in the area of climate change with the entry into force of the Single European Act (SEA) in 1986, hence it was felt that observer status would not guarantee an effective exercise of its competences and the protection of its interests (Brinkhorst, 1994, p. 613).

In the lead-up to the Rio summit the Council, therefore, decided that the EC should partake in the summit as a full participant on equal terms with EC member states (Sbragia, 1997, p. 26). At a PrepCom meeting before the summit, a dispute arose over the exact role that the EC was going to play, as some member states and the USA opposed treating then Commission President Jacques Delors as a head of state (Jupille & Caporaso, 1998, pp. 222-223). A compromise was thus struck at the end of the same meeting and the General Assembly of the UN decided to confer "full participant status" onto the EC. This status provided the EC with all the rights of participating member states (save voting rights and submitting procedural motions), including participation in committees, the right to speak and to reply and to submit

proposals and substantive amendments (Brinkhorst, 1994, p. 612). The conferral of "full participant status" thus indicates recognition of the EC by the UNCED.

Authority

Climate change is an area of shared competence between the member states and the EC (Damro et al., 2008, p. 183). As a result, agreements decided upon in the framework of the UNFCCC are so-called mixed agreements requiring the signature of both the Union and the member states (Rhinar & Kaeding, 2006, p. 1024). However, the Rio summit did not deal exclusively with environmental issues, but addressed a wide range of questions, including official development aid (ODA), biodiversity, forest resources and global climate change. As these areas varied according to whether the EC enjoyed exclusive or shared competence, the question of who would represent the EC was continually raised during the summit (Jupille & Caporaso, 1998, pp. 221-222).

Beforehand, the Council sought to bring added clarification to this situation by outlining the division of tasks between the EC and the member states. On all issues falling within the Community's exclusive powers, the Commission would present and negotiate the common position in consultation with representatives of the member states. On matters of mixed competence, the Council Presidency would generally express the common position and negotiate accordingly (Sbragia, 1997, p. 28).

Concerning exclusive competence areas, the EC clearly enjoyed authority to act. This has been confirmed by then Director-General of DG XI Laurens Jan Brinkhorst who argues that in areas where important EC directives had been agreed – such as toxic chemicals, waste and fisheries – Commission representatives spoke exclusively on behalf of the Community (Brinkhorst, 1994, p. 613).

Outside the area of exclusive competence the EC's participation in Rio was in general more ambiguous. Jupille and Caporaso note how in shared competence areas, "the EC's authority was rarely clear to anyone, including the EC participants themselves" (Jupille & Caporaso, 1998, p. 222). The ambiguity of the EC's position likely has to do with the diverse array of issues dealt with at the Rio summit which meant a continuously changing legal stature of the EC. Despite the intention of the Council to lay out an explicit practical division of labour before the start of the

conference, it did not resolve the question of who should negotiate on behalf of the EC in the areas of shared competence but left this to be decided on a case-by-case basis.

Cohesion

With regard to horizontal cohesion between the institutions, Brinkhorst notes that the Portuguese Presidency cooperated relatively smoothly with Commission representatives (Brinkhorst, 1994, p. 613). This cooperation was aided by the Council's division of tasks noted above (Sbragia, 1997, p. 28). Besides this, a UN General Assembly Resolution had asked all participating states to prepare national reports before the onset of the conference. The Commission produced a document on behalf of all EC member states which provided information regarding the Community's position in the various areas under discussion (Commission of the European Communities, 1992). Whether this single document contributed to erasing all internal divisions is unlikely. However, it does indicate that there was agreement on many important issues and a more cohesive position than would have been the case if twelve separate member state documents had been produced.

Despite these signs of cohesion, disagreements were evident beneath the surface during negotiations leading up to the Rio summit. The Commission, aiming for the EC to take on a leading role in the fight against climate change, proposed an energy tax which it hoped would contribute to reducing joint Community CO₂ emissions to 1990 levels by the year 2000 (Porter & Brown, 1996, p. 95). Although, supported by some larger member states, the carbon tax was by no means backed up by all and indicates some horizontal disagreement. Certain member states opposed it on the grounds that it would render their industries uncompetitive compared to the US and Japanese industries while Spain argued that it would hinder its economic development (Jupille & Caporaso, 1998, p. 224). The consequences of the Commission's carbon tax proposal was therefore quite damaging for the horizontal cohesiveness of the EC. It meant that only Denmark, Germany and the Netherlands had concrete plans for reducing CO₂ emissions and the EC was left without a common policy on this issue (Ringius, 1999, p. 9).

Autonomy

Regarding institutional distinctiveness, the EC was certainly present at the Rio summit with Council representatives, some twenty Commission staff and five members from

the European Parliament (EP) among the EC delegation (Jupille & Caporaso, 1998, p. 223). Nonetheless, the chairperson of the EP Environment Committee, Ken Collins, as well as Environment Commissioner, Carlo Ripa di Meana, both decided to stay away due to different dissatisfactions with the conference (Sbragia, 1997, p. 28). Moreover, owing to the already mentioned objections of the USA and some member states to treat Commission President, Jacques Delors, as a head of state during the concluding ceremonies, he was unable to deliver his prepared remarks at the conference (Jupille & Caporaso, 1998, pp. 223-224). The institutional distinctiveness of the EU was, therefore, relatively weaker than could have been the case.

Despite lacking some distinctiveness, the EC, nevertheless, played quite an independent role relative to its members. Sbragia notes that the Council Presidency was very active and enjoyed wide decision-making latitude by negotiating on behalf of the Community with the G-77⁵ countries while the USA and Russia were passively looking on (Sbragia, 1997, p. 28).

Another indication of EC autonomy is the strictness of the mandate given to EC negotiators. The EC played an important role in avoiding a breakdown of the negotiations surrounding a document of principles on forest management, when the EC's representative was given a broad mandate to negotiate on behalf of the EC. This allowed him to craft a document that the participating states could agree to and which would, more importantly, act as a basis for a future binding forest convention (Brinkhorst, 1994, p. 614).

Summary

Overall, the EC did display a certain degree of actorness at the Rio summit. All four criteria seem to have been present, albeit to varying degrees. Although not achieving its original objective of an international agreement on binding reduction targets, the Community, nonetheless, managed to leave its mark on the summit which – with the signing of numerous important environmental conventions including the UNFCCC – “delineated the future ‘playing field’ and defined the basic rules of the future game” (Oberthür & Ott, 1999, p. 33).

⁵ The Group of 77 is a coalition of 131 developing countries in the UN system (Maegaard & Jensen, 1999, p. 111).

Big in Japan

The Rio summit represented an important first step in the EU's actions towards a multilateral solution to climate change. The COP3 in Kyoto marked an equally significant step forward in the UNFCCC process. The result of this conference was the Kyoto Protocol which imposes legally binding commitments to reduce GHGs for industrialised countries. Significantly, the Kyoto Protocol thus marked a qualitative shift from emission stabilisation to emission reduction (Ringius, 1999, p. 13) and has been hailed as the most important international climate change agreement to date (Groenleer & Van Schaik, 2007, p. 983).

Recognition

The legal basis for the Kyoto process was laid with the adoption of the UNFCCC on 9 May 1992 (Oberthür & Ott, 1999, p. 33). The EC became a party to the international climate change regime created by the UNFCCC under the special guise of a Regional Economic Integration Organisation (REIO). Even though REIO status is not the same as actual statehood, the status conferred onto the EC implies formal recognition of legal personality within the UNFCCC (Vogler, 2002, p. 5).

According to Mühleck, informal recognition could be identified in Kyoto, as other states, including the USA and Japan, negotiated with the EC as they would with each other (Mühleck, 2010, p. 14). An example of informal recognition by third states took place during the final days of the conference when the high-level ministerial meetings replaced the officials' meetings. At earlier COPs the tradition had been to undertake the ministerial meetings in a smaller group of countries outside the full membership of the UNFCCC known as the "Friends of the Chairman". The COP3 represented a break with this tradition, as the EC (led by the Council Presidency), the USA and Japan chose to conduct the final negotiations – including the decision on the countries' reduction targets – separately from the rest of the participants in Kyoto (Maegaard & Jensen, 1999, p. 70). Rather than the individual EC member states, it was the EC that was included in this group indicating informal recognition as an actor in its own right by the world's two largest industrial countries at the time.

Authority

Regarding the EC's formal authority to act at the COP3, it did not change much over the years compared to the Rio summit. The 1993 Maastricht Treaty did deepen the

SEA's provisions by adding majority voting and the European Environmental Agency as well as an environmental fund for the implementation of certain directives. The changes did not, however, affect the EC's legal competence to act in international negotiations compared to earlier (Mühleck, 2010, p. 12), thereby in theory granting the EC the same formal authority as in Rio.

An important difference at the COP3 compared to Rio was that the former dealt more exclusively with climate change and not the wide array of issues of the latter. This meant that in Kyoto there were no exclusive competence areas under discussion. In the shared competence area of climate change, the member states decided to retain jurisdiction and thereby deny the Commission the possibility of conducting the negotiations alone on behalf of the EC (Groenleer & Van Schaik, 2007, p. 985).

Thus, despite in theory possessing the same degree of formal authority as in Rio, in practice, the lack of exclusive competence areas at the COP3 meant that the Commission was given a more marginal role. Lacasta et al. argue that by refusing to grant the Commission a negotiation mandate, the EU's negotiating capacities are considerably weakened (Lacasta et al., 2002, p. 370). By comparison to ozone negotiations, where the Commission has been granted negotiating capacities by the member states, the authors argue that guidance by the rotating Council Presidency hinders a stable process and a medium or long term negotiating strategy (ibid.).

This does not mean that the Commission played no role whatsoever. According to one former director of DG Environment, the educational background and technical knowledge of certain Commission representatives to advise and assist the Council Presidency during the negotiations increased not only the Commission's credibility but also its influence during the negotiations (Interview with former director of DG Environment by telephone, 2011). Although the member states decided to retain competence at the COP3, thereby denying the Commission formal competences, it seems to have enjoyed informal authority, compensating somewhat for its lack of formal authority.

Cohesion

The EC was generally united in striving for a multilateral climate agreement with binding reduction commitments. This overall aim included the ambition of setting

long-term targets and fixed timetables in any negotiation outcome (Council of the European Union, 1997, p. 3). For example, in 1996, leading up to the Kyoto conference, the EC published its first significant climate change proposal for the post-2000 period. The proposal stated that global mean average temperatures should not exceed two degrees compared to pre-industrial levels and required significant reductions from industrialised countries in the period 2000-2020 (Ringius, 1999, p. 12).

Despite appearing united, there were, however, marked differences within the EC on the proposal to limit GHGs. Most apparent were the differences between North and South. The Northern countries, consisting of Austria, Denmark, Germany, the Netherlands, Sweden and to some extent the UK, acted as the leaders in pushing for and adopting environmental policies (Ringius, 1999, p. 17). The Southern countries – including Portugal, Spain and Greece along with Ireland – were against limiting GHG emissions due to their relatively low level of economic development and low administrative capacity (Oberthür & Ott, 1999, p. 17). Without this internal differentiation between member states, it was clear that the EC would be unable to reach a common position on adopting a stringent reduction target (Ringius, 1999, p. 19).

When the Netherlands held the Council Presidency during the first half of 1997, it was recognised that internal differentiation of reduction targets was key to reaching a common negotiating position (Maegaard & Jensen, 1999, p. 51). At the March 1997 Environment Council, a burden sharing agreement or “climate bubble” was proposed (Vogler, 2002, p. 3). Instead of symmetrical targets across the member states, the bubble would require that some countries reduce their GHG emissions, others would stabilise their emissions and some would be allowed to increase their emissions (Barker et al., 2001, p. 246). Recognising the national energy mixes of different member states and the higher GHG reduction potential of some member states compared to others, this solution allowed the EC to share the costs of reducing its overall GHG emissions and was broadly accepted.

Moreover, the differentiated efforts of the member states allowed the EC to enter the COP3 negotiations, calling for a 15 percent emissions reduction target – by 2010 compared to 1990 levels – for all developed nations (Commission of the European Communities, 1997, p. 2). Although the EC ended up agreeing to a considerably

lower eight percent target, the ambitious 15 percent aim was, nonetheless, important as it could be used as a bargaining chip to pressure the more sceptical industrialised countries to accept a binding commitment that would not just stabilise emissions but reduce them as well (Ringius, 1999, p. 13).

One participating negotiator has noted the importance of the “climate bubble” for its impact on EC cohesion more generally (Interview with former Danish Government official by telephone, 2011). Following the Dutch initiative, the EC countries increasingly started to back up the common position of ambitious reduction targets. Whereas earlier it was not uncommon for the member states to express their own position in addition to the common EC position, during the Dutch Presidency the member states increasingly began to respect the voice of the Council, thus indicating horizontal cohesion (ibid.; see also Jung et al., 2007, p. 239).

Regarding the relationship between the EC level and the member state level, this seems to have been relatively unproblematic, too. The Commission and especially the EP adopted a very progressive line and strongly supported the 15 percent target (Interview with former director of DG Environment by telephone, 2011). It has been noted that there were some differences between the smaller and larger member states on the issue of “Policies and Measures” (PAMs), where the Commission sided with the smaller member states. The Commission, however, managed to formulate a mandate for the negotiations on PAMs which convinced the larger member states not to veto (Mühleck, 2010, p. 13) and it was thus in this case seen more as a mediator promoting cohesion within the EC.

Autonomy

Concerning institutional distinctiveness of the EC during the COP3, it has been noted that the Commission as well as the Luxembourg Council Presidency were weakly represented in Kyoto due to relatively small-sized delegations (Interview with former director of DG Environment by telephone, 2011). Moreover, neither the Commission President nor the head of state of Luxembourg attended the conference. Instead, these institutions were represented by the Commissioner for Environment and the Environment Minister of Luxembourg, respectively (United Nations Framework Convention on Climate Change, 2000).

Despite the lack of institutional distinctiveness, the EC was not prevented from acting independently. According to Groenleer and Van Schaik, the cohesion of the EC – especially towards the end of the COP3 – meant that it was entrusted to rather independently strike deals on behalf of the member states (Groenleer & Van Schaik, 2007, p. 989). This indicates a link between cohesion and autonomy; while autonomy seems to initially have been quite limited at the outset of the COP3, as the days in Kyoto passed, the increasing unity of the member states increased the EC's independence to act on behalf of the member states.

In other cases, it has been noted, however, that the numerous daily coordination meetings of the Council Working Party on International Environmental Issues (WPIEI) – requiring consensus⁶ to produce or modify a negotiating mandate – reduced autonomy. Several participants have emphasised that each time the EC addressed a new topic, it would take hours of internal negotiations seeking a new mandate and taking time that could otherwise have been spent influencing the outcome of the negotiations (Interview with former director of DG Environment by telephone, 2011; interview with former Danish Government official by telephone, 2011). A case in point were the negotiations surrounding the Clean Development Mechanism (CDM). Some member states firmly opposed the inclusion of the CDM in any final agreement while others recognised the possibility of using its inclusion as a bargaining strategy towards the USA (Interview with former director of DG Environment by telephone, 2011). In the end, the issue was negotiated slowly over night and ultimately meant that the EC was unable to coordinate its position, thereby losing influence on the final outcome (Yamin, 2000, p. 61).

Summary

The Kyoto Protocol represented the world's first legally binding agreement on the reduction of GHGs. According to the final outcome of the COP3, the world's industrialised countries agree to reduce their GHG-emissions by 5.2 percent in the period 2008-2012 compared to the 1990 level (United Nations, 1998, p. 3). Despite this historic achievement, the final outcome of the COP3 by no means reflected all the EC's initial aims. Most notably, its original objective of reaching a 15 percent binding reduction target for all developed nations failed (Ringius, 1999, p. 13). That said, the

⁶ Although decisions may be taken through qualified majority voting (QMV), the norm is to decide by consensus (Interview with former director of DG Environment by telephone, 2011).

Kyoto Protocol implied a compromise for all major developed states. Thus, the EC's concessions meant that the USA was pressured to go beyond emission stabilisation and commit itself to a seven percent binding emission reduction target (United Nations Framework Convention on Climate Change, 2007, p. 8). Although the US would later withdraw from the Kyoto Protocol in 2001 (Greenpeace, 2001), at the time of signing, Ringius argued that "the Kyoto target came closer to the EC position than that of the US" (Ringius, 1999, p. 13).

This success of the EC was achieved through a relatively high degree of actorness in Kyoto with all four criteria being present to some extent. However, what seems to stand out compared to earlier, is the greater willingness of the member states to let the EC play an important role at the COP3. Thus, EC cohesion was not as fragile as in Rio, and in many cases the unity that the EC showed in Kyoto was noteworthy and ultimately contributed to the conference's historic outcome.

Cracks in EU Actorness Begin to Show

Despite meticulous preparations, and bringing together almost 120 of the world's leaders to provide the political push necessary to launch a new "global climate change order", the COP15 has by many been argued to be a failure, as it did not achieve its main goal of a post-Kyoto framework agreement (Egenhofer & Georgiev, 2009, p. 1). This holds especially for the EC/EU⁷, which did not manage to repeat its success from Kyoto and push for binding cuts in CO₂ emissions (Curtin, 2010, p. 1). This can be seen as somewhat surprising as – similar to Kyoto – the EC/EU approached the COP15 with a very ambitious strategy. The EC/EU proposed to unilaterally cut its emissions by 20 percent by 2020 compared to the 1990 level and potentially raise these cuts to 30 percent if other industrialised nations would commit to comparable targets (Laurent & Le Cacheux, 2010, p. 8). Nonetheless, the Copenhagen Accord includes no binding targets and more generally fails to achieve many of the EC/EU's original aims (Curtin, 2010, p. 4).

Recognition

The EC/EU was recognised at the COP15 to possess REIO membership of the UNFCCC, indicating a comparable level of formal recognition as at the COP3. One important

⁷ Although, the Lisbon Treaty abolishes the distinction between the EC and the EU, the Treaty's provisions had not taken effect during the COP15. To avoid misunderstandings the term "EC/EU" will therefore be used in this part of the analysis (Groen & Niemann, 2010, p. 14).

difference of the COP15 compared to earlier conferences was that it invited heads of state to take the final decisions (Groen & Niemann, 2010, p. 10). Before the arrival of the heads of state, the negotiations would unfold at the negotiator level,⁸ followed by negotiations between the participating states' environmental ministers, which under previous COPs had constituted the highest decision-making level.

When looking at the EC/EU's informal recognition, it is thus necessary to distinguish between the different levels of decision-making, as different dynamics were present at the ministerial and negotiator levels compared to the head of state level. With regard to the lower levels, there seems to have been considerable informal recognition of the EC/EU by third states and third actors. It has been noted by participant-observers that third states saw the EC/EU as an actor in its own right with the competence to negotiate on behalf of its member states. As one Commission official noted, although the role of the Swedish Environment Minister changed over the course of the COP15, during the initial phases he very clearly spoke on behalf of the EC/EU (Interview with Commission official by telephone, 2011). Also, regarding interaction, it was observed that third states would approach the Commission or the Council Presidency directly rather than go to individual member states (*ibid.*).

NGOs likewise seem to have recognised and interacted with both Commission representatives and the Council Presidency during the preparatory phases. One NGO representative noted that the EC/EU was certainly seen as an actor in its own right on par with the member states. Accordingly, both formal and informal meetings between the EC/EU and the NGOs would regularly take place during the COP15 (Interview with NGO employee by telephone, 2011).

As the heads of state entered the negotiations towards the end of the conference, the level of informal recognition decreased due to the increased political salience of negotiations compared to the preparatory level.

From having been the primary external face of the EC/EU – through the Swedish Environment Minister – the Council Presidency was increasingly marginalised, as the

⁸ Negotiations at the negotiator level were divided into two tracks: 1) the "Ad Hoc Working Group on Long-Term Cooperative Action under the Convention" (LCA-track) and 2) the "Ad Hoc Working Group on further Commitments for Annex 1 Parties under the Kyoto Protocol" (KP-track) (Watanabe et al., 2008, p. 2).

Swedish Prime Minister, Fredrik Reinfeldt, experienced difficulties in representing the EC/EU. Although he did succeed in speaking on behalf of the Union in some instances, he was often overruled by the German, French and UK leaders, Angela Merkel, Nicolas Sarkozy and Gordon Brown, respectively. At this stage, third parties would no longer approach the Council Presidency as the representative of the EC/EU but would instead negotiate with the three larger member states (Groen & Niemann, 2010, p. 13).

Moreover, according to one Commission official attending the COP15, despite the presence of Commission President Manuel Barroso at the meetings of heads of state, this does not seem to have improved the EC/EU's informal recognition by third actors (Interview with Commission official of DG Environment by telephone, 2011). Leaked audio recordings of a decisive round of informal negotiations between approximately 25 of the world's leaders – including the US, China and Brazil – confirm that it was the leaders of the three large member states that were negotiating on behalf of the EC/EU rather than Barroso or Reinfeldt (Der Spiegel online International, 2010).

Authority

Like in Kyoto, the EC/EU's formal authority was limited in that the member states in Copenhagen decided to retain competence to negotiate, letting the Council Presidency coordinate and present the EC/EU position rather than the Commission (Lacasta et al., 2002, p. 369). One important change compared to the COP3, however, was the composition of the troika at the COP15. Concerned with EU performance in external affairs, the member states in 2001 decided to enlarge the formal competences of the Commission by officially integrating it into the troika at the expense of the previous Council Presidency (Birkel, 2009, pp. 64-65). Although the troika still operates within the constraints of a mandate decided by consensus (Groen & Niemann, 2010, p. 15), the increased role of the troika on climate change issues (Oberthür, 2009, pp. 14-15), nevertheless, meant that the Commission did possess increased authority in representing the EU externally compared to Kyoto.

Also, through informal authority, it was quickly recognised by the member states that the very technical nature of the negotiations required negotiators with the necessary expertise on the issues under discussion. According to one Commission official, the two-track negotiations in Copenhagen between LCA- and KP-negotiations allowed

for a division of labour between the Council Presidency and the Commission (Interview with Commission official of DG Environment by telephone, 2011). Groen and Niemann note that the Commission was chosen to lead the negotiations on the KP-track since these negotiations concerned accepted EC/EU policy that had been transposed into binding legislation and in which the Commission therefore possessed the most expertise (Groen & Niemann, 2010, pp. 17-18).

Another factor that promoted the Commission's informal authority in Copenhagen was the introduction – with the 2004 Irish Presidency – of issue leaders and lead negotiators. These negotiators consist of member state and Commission officials which are assigned to represent the EC/EU in international negotiations on behalf of the Council Presidency. According to Oberthür and Kelly, the negotiators have acquired a leading role in representing the EC/EU's external climate policy (Oberthür & Kelly, 2008, p. 38). This has happened by taking over tasks of the Presidency and the WPIEI during the preparatory negotiations as well as being increasingly responsible for the preparation of the official statements of the COP negotiations (ibid.). In Copenhagen the Commission occupied a considerable number of these positions with one national official estimating that one in five negotiators were Commission officials (Interview with Danish Government official by telephone, 2011).

Despite this relatively high degree of informal authority of the EC/EU at the preparatory level, the situation changed at the head of state level. As already mentioned, in an informal meeting between a select number of heads of state, the representatives of the EC/EU, including Barroso and Reinfeldt, were sidelined (Der Spiegel online International, 2010). Although the troika was supposed to speak on behalf of the EC/EU in such informal negotiating settings, it was the leaders of Germany, France and the UK who negotiated with third parties (Der Spiegel, 2010). Thus, at this stage of the negotiations, the Commission's expertise and experience had no effect on its informal authority.

Cohesion

Regarding horizontal cohesion between the member states, there was an overall shared goal of an ambitious climate agreement in Copenhagen. Both the individual member states and the Commission agreed that the EC/EU should take on a leadership role in Copenhagen and that the main outcome should be an agreement

on how to proceed after 2012 when the Kyoto Protocol's first commitment period ends (Groen & Niemann, 2011, p. 10).

Despite this show of unity on the surface there were numerous issues on which horizontal differences between the member states were present.

Firstly, there was the question of how large emission reduction targets the EC/EU should commit to. The Commission's "Energy and Climate package" (2008) called for the EC/EU to unilaterally strive for a 20 percent reduction in emissions, rising to 30 percent if other developed countries followed suit (Laurent & Le Cacheux, 2010, p. 8). This aim remained controversial, however, and did not enjoy widespread agreement among the member states. Especially Poland and Italy opposed setting the conditional target so high (Interview with NGO employee by telephone, 2011). This opposition was quietly supported by a host of other member states, including Bulgaria, Hungary, Latvia, Lithuania, Romania and Slovakia (The Times, 2008). The 30 percent figure was backed by the UK, France and Germany (Interview with NGO employee by telephone, 2011). Since the EC's mandate did not further specify conditions to be fulfilled in order for the EC/EU to commit to the 30 percent reduction, the horizontal differences on this issue were left to be solved during the COP15, thereby taking valuable time and effort from negotiations with third parties.

A second issue which was a cause of internal differences concerned land use, land use change and forestry (LULUCF). LULUCF is an emission sector under the Kyoto Protocol covering forest management in developed countries (Greenpeace, 2001). Nations with large timber industries – including Sweden, Finland and Austria (Interview with Danish Government official by telephone, 2011) – wanted to protect their domestic industries, which prevented the EC/EU from finding a common position and an explicit negotiating mandate on this issue (Interview with Commission official of DG Environment by telephone, 2011).

Thirdly, horizontal differences were present between the newer and older member states about what should be done with the unused Assigned Amount Units (AAU) during the second commitment period of the Kyoto Protocol. Since Eastern European countries have a surplus of AAUs (Guardian.co.uk, 2009), they were in favour of letting unused AAUs be carried over into a new commitment period, whereas more

progressive countries such as the UK, Sweden, Denmark and the Netherlands were against this possibility (Groen & Niemann, 2011, p. 12). Once again disagreements were reflected in the negotiating mandate leaving the position of the EU on this topic unanswered (Council of the European Union, 2009, p. 15). Moreover, during the negotiations, a group of seven Eastern European countries released a statement calling for the possibility that unused AAUs could be transferred to a post-2012 agreement. The statement was formulated outside the framework of the EC/EU and directly contradicted comments made by the Environment Commissioner, Stavros Dimas, during the conference (Guardian.co.uk, 2009).

Finally, the topic of climate funding for developing countries for mitigation and adaptation purposes split newer and older member states. While the former were reluctant to donate, fearing that they would be forced to contribute more than they could afford (EurActiv.com, 2009), the UK, Germany, France, Sweden and Denmark were ready to go as far as to propose concrete amounts of financial aid. Again the negotiating mandate was formulated ambiguously and a financing agreement between the member states could not be reached in time for the negotiations in Copenhagen (Groen & Niemann, 2011, p. 12).

Although the most notable differences existed horizontally between member states to the detriment of EC/EU cohesion, there were also certain disagreements between the EC/EU level and the member state level. This primarily concerned the fact that the Commission was one of the most vocal supporters of an agreement with binding reduction targets (Interview with Commission official of DG Environment, 2011). For the same reasons as noted above in regard to the division between progressive and reluctant member states, the latter would not always back the Commission's stance. Especially Poland and Estonia – both heavily reliant on coal as an energy source – would on several occasions publicly disagree with the Commission over the amount of carbon emissions that they could emit (New York Times, 2009).

Autonomy

Regarding the EC/EU's institutional distinctiveness, the Commission was relatively well represented at the COP15 with its own expert team occupying a considerable share of lead negotiator and issue leader positions (Interview with Danish Government official by telephone, 2011). Also, the Commission brought its own media service

which conducted press conferences and released statements on its behalf. This was the case, too, for the Swedish Presidency, which had a separate Communications Secretariat responsible for coordinating communication activities during the conference (Groen & Niemann, 2010, p. 29).

Regarding the political standing of the EC/EU representatives, both the Commission President and the Swedish Prime Minister attended the COP15 (IISD, 2009, p. 27). This ought to have been a boost to the institutional distinctiveness of the EU, as it added political weight to the EC/EU's negotiations with third parties. However, the attendance of heads of state at the COP15 undermined the statuses of Barroso and Reinfeldt. During the final negotiations in the select group of approximately 25 heads of state, neither seems to have enjoyed any political weight of note and they were rather overlooked by the larger EC/EU member states (Der Spiegel online International, 2010).

Despite some institutional distinctiveness of EC/EU-institutions, this did not coincide with practical independence of EC/EU institutions at the COP15. Owing to the vague Council mandate and overall lack of cohesion, EC/EU representatives could only proceed rather cautiously during negotiations and were prevented from going ahead independently without having received specific acceptance from the member state governments (Groen & Niemann, 2010, p. 30). The politicised issues meant that the member states wanted to keep a close eye on EC/EU negotiators and, according to one Commission official, "the member states would often try to micromanage" the process (Interview with Commission official of DG Environment, 2011).

An example of the negative impact of this rigidity was the failure of the EC/EU to adapt its negotiation strategy as the COP15 progressed. As mentioned above, it initially proposed an ambitious strategy consisting of a conditional 30 percent reduction target which was intended to galvanise the support of other developed countries for similar targets (Curtin, 2010, p. 3). It quickly became clear that important developed and developing countries, including the USA and China, were neither prepared nor able to follow the lead of the EC/EU in this case (JP.dk, 2010). Although a change in strategy at this point would have been wise, it was unlikely due to the lack of cohesion and the consensus requirement in the WPIEI. The effects of this

inflexibility were seen during the final stages of the negotiations when the EC/EU was sidelined while the USA, China, India, Brazil and South Africa negotiated the main elements of what came to be known as the Copenhagen Accord (Politico, 2009). The outcome – which neither conceptually nor substantially reflected the EC/EU’s position (Curtin, 2010, p. 2) – indicates that the EC/EU’s independence to make a difference in negotiations with third parties was severely limited.

Summary

The EC/EU’s actorness was more circumscribed in Copenhagen compared to the previous cases. Whereas Kyoto was characterised by a strong member state willingness to let the EC/EU play a role, the opposite was true in Copenhagen. The lack of cohesiveness and its adverse effects for autonomy have been especially harmful for EC/EU actorness. Furthermore, the uniqueness of the COP15 in inviting heads of state for the first time, did not help the EC/EU’s cause either, since “the arrival of 115 Heads of State and Government in Copenhagen changed the dynamics and routine of the negotiations” (IISD, 2009, p. 28). Rather than providing the political push necessary to launch a new “global climate change order” (Egenhofer & Georgiev, 2009, p. 1), the inclusion of this decision-making level had a negative impact on EC/EU actorness.

Conclusion

This paper has analysed EU actorness in the area of climate change. In the cases studied there is no example of an ideal-type situation of all four criteria being completely present across all the negotiations at one conference. This reflects the difficulties of attempting to give an overall assessment of actorness for a complex multilateral conference involving many different negotiating sessions with the majority of the world’s nations participating.⁹

Recognising this, the EU did come closest to the ideal-type situation for all four criteria at the COP3 and to some extent also at the Rio summit. Whereas the Rio Summit and the COP3 contributed to stabilising and reducing GHG emissions, respectively, the COP15 – although possibly not the failure that some claim – was, nonetheless, a

⁹ For a similar conclusion on the difficulties of giving unequivocal assessments of EU actorness, see Huigens & Niemann (2009).

disappointment considering the EU's ambitious targets set out beforehand. Therefore, the lack of full actorness at the COP15 coincided with very limited goal attainment of the EU. The paper shows why the EU's participation in the Rio summit and the COP3 have come to be considered relative successful examples of EU engagement in climate change negotiations, while its participation in the COP15 has been considered a disappointment (Brinkhorst, 1994, p. 61; Curtin, 2010, pp. 2-4).

Interestingly, however, the EU did not lack all the actorness criteria in Copenhagen, since it enjoyed both recognition and authority. Thus, it was the EU's recent loss of cohesion and autonomy that impaired the EU's actorness. Furthermore, the observation that autonomous action often followed from cohesion suggests that the lack of cohesion was especially detrimental for EU actorness. This finding on the importance of cohesion corroborates earlier findings which also show how cohesion was an especially important criterion for EU actorness (Groenleer & Van Schaik, 2007; Groen & Niemann, 2011). As Lacasta et al. also note, "without the EU's collective 'weight' individual Member States' interests might simply not be able to prevail on the negotiating arena in the face of such sizeable negotiating partners as the US, Japan, China or Brazil" (Lacasta et al., 2002, p. 368).

Although the paper has established the conditions for actorness, it should only be seen as a first step. The factors conditioning actorness have, for example, not been examined. In this regard the findings do suggest a number of factors that could have causal relevance for the EU's ability to act in the area of international climate change negotiations.

Firstly, the dividing line within the EU during the COP15 was shown to be primarily between a group of older and newer member states. This contributed to disuniting the EU in Copenhagen and indicates that the enlargements in 2004 and 2007 may have affected the EU's ability to form a common position.

Secondly, the combination of inviting heads of state to attend the COP15 for the first time ever and the politicised nature of the negotiations did not facilitate the establishment of a common position within the EU and much less so between all the participating states at the conference.

Finally, the importance of certain developing countries cannot be underestimated either. In Kyoto it was observed that the main actors were primarily the EU, the USA and to some extent Japan (Maegaard & Jensen, 1999, p. 70). More recently, a host of developing countries – including the BASIC countries (Brazil, South Africa, India, and China) – have become more influential environmental actors, which is likely to render the EU's ability to act in the fight against climate more contested (Groen & Niemann, 2010, p. 8). Without representing an exhaustive list of potential reasons, these factors have been noticed during the analysis as potentially contributing to diminish the actorness of the EU and could therefore demand further exploration in future research on EU actorness.

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ANNEX I

Table 1: Indicators of actorness criteria

Criteria	Definition	Indicators	Consequences of indicators for EU actorness
Recognition	The extent to which the EU possesses formal and informal recognition in negotiations by third actors	<p>Formal Recognition</p> <ul style="list-style-type: none"> - Legal status of the EU within the UNFCCC <p>Informal Recognition</p> <ul style="list-style-type: none"> - Do other members of the UNFCCC and NGOs recognise the EU by interacting with it? 	<p>Full participant status or REIO-status accorded to the EU results in more actorness (compared to observer status for instance)</p> <p>Evidence of third-country or NGO interaction with the EU indicates actorness.</p>
Authority	The extent to which the EU has legal competence to act on environmental issues	<p>Formal authority</p> <ul style="list-style-type: none"> - Do the member states delegate authority to the EU's institutions? <p>Informal authority</p> <ul style="list-style-type: none"> - Does the EU enjoy authority beyond that deriving from law, for example through Commission expertise? 	<p>Exclusive competence results in more actorness compared to shared competence. Shared competence results in more actorness compared to no competence.</p> <p>The greater the asymmetrical knowledge between member states and the Commission, the greater EU actorness.</p>
Cohesion	The extent to which the EU exhibits cohesion	<p>Horizontal cohesion</p> <ul style="list-style-type: none"> - Do differences between member states or between EU institutions exist? <p>Vertical cohesion</p> <ul style="list-style-type: none"> - Do differences between the EU level and member state level exist? 	<p>Relatively less horizontal and vertical conflicts result in more EU actorness.</p>
Autonomy	The extent to which the EU can operate independently from individual member states	<p>Institutional distinctiveness</p> <ul style="list-style-type: none"> - Does the EU have a distinctive institutional apparatus within the UNFCCC in relation to other member states and third actors? - Did the EU send visible representatives to the UNFCCC (Commission President/head of state of country holding Council Presidency)? <p>Independence</p> <ul style="list-style-type: none"> - Did EU negotiators enjoy wide decision-making latitude? 	<p>The larger and more elaborate the EU institutional apparatus within the conferences is, the better the conditions for autonomous EU action.</p> <p>The more politically salient the figures sent to attend the conferences are, the more institutional distinctiveness and thereby actorness of the EU.</p> <p>Degree of control the member states exercise through mechanisms, such as intra-EU coordination meetings and the negotiating mandate. Wider decision-making latitude will follow from fewer coordination meetings and/or a more flexible negotiating mandate.</p>

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