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ARTICLE

The European Union's Performance in the International Climate Change Regime

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ABSTRACT The performance of the European Union (EU) in international climate policy improved significantly over much of the 1990s and 2000s with respect to goal achievement (effectiveness) and relevance. However, the failure of the Copenhagen Summit in 2009 represented a major backlash for the EU. This article argues that internal factors – including in particular the development of internal climate policy – have mostly enhanced the EU's performance conditions, but can hardly account for the Copenhagen backlash. In contrast, situational and structural changes in the international configuration of climate politics first supported and then significantly impeded a good EU performance in the 2000s. Overall, distinguishing systematically between EU internal factors that are under the direct control of the EU itself and external conditions on which EU influence is more limited allows us to identify the evolution of the external political 'environment' of international EU leadership on climate change, and the failure of the EU to adapt its strategy timely to this evolving environment, as major forces underlying the Copenhagen backlash.

KEY WORDS: Climate change, EU climate policy, EU performance, international climate policy, international institutions, Kyoto Protocol, UNFCCC

1. Introduction

A review of the available literature suggests that the performance of the European Union (EU) in the international cooperation on climate change has varied a great deal since the early 1990s. The EU's self-proclaimed international leadership in the 1990s was subject to severe criticism (e.g. Gupta and Grubb 2000; Oberthür and Ott 1999). In the 2000s, an

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acknowledgement of EU leadership efforts increasingly replaced this criticism (e.g. Damro 2006; Groenleer and van Schaik 2007; Oberthür and Roche Kelly 2008; Wurzel and Connelly 2010). However, commentators reverted to a more critical assessment of EU performance in the wake of the failure of the Copenhagen Climate Summit of December 2009 to agree on a firm international framework for future climate policy (e.g. Spencer, Tangen, and Korppoo 2010; van Schaik and Schunz forthcoming). These at first sight somewhat erratic, decadal variations raise the question of how we can and should account for them.

To approach this question, the following section first provides a more detailed assessment of the EU's performance in the international climate change regime since the 1990s. It submits that the EU's performance record in international climate policy improved significantly over much of the 1990s and 2000s with respect to the two central dimensions focused upon here: goal achievement (effectiveness) and relevance (Jørgensen, Oberthür, and Shahin in this collection). However, the failure of Copenhagen represented a major backlash for the EU and provided additional fuel for Commission requests, after the entry into force of the Lisbon Treaty, to take over the external representation of the EU in the climate change regime.

Sections 3 and 4 then explore the explanatory value of several EU-internal and external factors, respectively. Section 3 suggests that internal factors – including in particular the development of internal climate policy as a main indicator of the EU's credibility, commitment and unity – have mostly enhanced the EU's performance conditions, but can hardly account for the Copenhagen backlash. In contrast, situational and structural changes in the international configuration of climate politics, as discussed in section 4, first reinforced and then significantly undermined the conditions of a good EU performance in the 2000s. Overall, the analysis highlights the added value of systematically distinguishing between EU-internal factors that are under the direct control of the EU itself and external conditions on which EU influence is more limited and to which the EU has to adapt. Such a framework allows us to identify the evolution of the external political 'environment' of international EU leadership on climate change, and the failure of the EU to adapt its strategy timely to this evolving environment, as major forces underlying the Copenhagen backlash. A reorganisation of EU climate diplomacy may not be able to counter the externally induced loss of EU influence in international climate politics.

2. The EU's Performance in the 1990s and 2000s

2.1. *Fluctuating Goal Achievement*

The EU's ability to achieve its climate policy goals in international negotiations (effectiveness) has fluctuated considerably since the beginning of climate diplomacy at the end of the 1980s and the beginning of the 1990s. Starting from low levels, goal achievement advanced considerably in the 1990s and especially in the early 2000s. However, the EU experienced a major backlash in its endeavours in the Copenhagen process at the end of the 2000s, with subsequent signs of stabilization and a modest recovery.

In the international negotiations leading to the adoption of the UN Framework Convention on Climate Change (UNFCCC) in 1992, the EU unsuccessfully pushed for a binding commitment for all industrialised countries to stabilise their CO₂ emissions at 1990 levels by the year 2000. Since other OECD countries and notably the US successfully resisted EU pressure, the UNFCCC refers to the stabilization target only in an aspirational, non-binding manner and does not lay down any specific measures or quantified objectives. It nevertheless provides the foundation for international cooperation on climate change through determining the overall objective of the regime as well as a number of general principles and rules (including the principle of common but differentiated responsibilities and respective capabilities) (Bodansky 1993; Oberthür and Pallemmaerts 2010b: 29–30).

The EU was more successful in pushing for binding greenhouse gas (GHG) mitigation targets in the negotiations on the 1997 Kyoto Protocol, but did not leave much of a mark on most other elements of the Protocol. Having presented the most ambitious proposal, a 15% reduction by 2010, the EU eventually succeeded in other developed countries accepting differentiated quantitative emissions targets of an average of –5% from 1990 levels by 2008–2012 (with itself leading the others by taking a –8% target). However, most other features of the Protocol reflect US rather than EU preferences, including the introduction of a commitment period 2008–2012, the creation of three market-based mechanisms (international emissions trading, the clean development mechanism, and joint implementation), and the accounting of emissions and removals of GHGs from forests and other sinks (Oberthür and Ott 1999; Yamin 2000).

The EU then was the major driving force saving the Kyoto Protocol in the face of the US withdrawal from the Kyoto process, announced by President Bush Jr in March 2001. After a major diplomatic campaign, the EU was able to secure international agreement on the implementing rules of the Kyoto Protocol known as the ‘Marrakesh Accords’ in 2001. The EU had to accept a weakening of the environmental integrity of the Kyoto Protocol to secure the agreement of other industrialised countries, in particular Japan, Canada and Russia (Ott 2002; Vrolijk 2002). The Union scored its second major diplomatic victory in the campaign to save the Kyoto Protocol in 2004, when, in exchange for concessions concerning Russia’s bid for WTO membership, it convinced Russia to ratify and thus bring the Protocol into force (Damro 2006; Groenleer and van Schaik 2007).

The EU again realised its major goal when parties to the UNFCCC launched negotiations on a post-2012 framework for international climate protection in Bali in 2007. Although the agreed negotiating mandate did not fully correspond to EU preferences, the Bali Action Plan set the end of 2009 as the deadline for concluding the negotiations, as envisaged by the EU. A fundamental disagreement among parties on whether the ‘agreed outcome’ pursued should be legally binding, as advocated by the EU, was however papered over (Oberthür and Pallemmaerts 2010b, 44–46).

EU goal achievement on the way towards and at the Copenhagen conference of 2009 was low. As expressed in Presidency Conclusions of

the European Council and Council Conclusions of EU environment ministers, the EU aimed at a legally binding agreement to limit global average temperature rise to less than 2°C above pre-industrial levels. Accordingly, the EU supported that global GHG emissions should start falling from 2020 and be reduced by at least 50% as compared with 1990 levels by 2050. Developed countries should thus collectively reduce their emissions by 25–40% by 2020 and by 80–95% by 2050. Developing countries should achieve a substantial relative emissions reduction in the order of 15–30% from ‘business-as-usual’ by 2020. The EU itself made an unconditional commitment to an emissions reduction of 20% and offered to increase this to 30% in the context of an ambitious agreement (Oberthür and Pallemarts 2010b, 44–46). There is hardly anything in the last-minute ‘Copenhagen Accord’ that would live up to these very high EU ambitions. The EU clearly lacked the clout to pull others along and was ‘sidelined’ because others did not perceive the need to move towards the EU position to make a deal (see e.g. Spencer, Tangen, and Korppoo 2010). This includes that the Copenhagen Accord does not constitute the legally binding agreement the EU was aiming at, nor does it point the way towards such an agreement. The Accord, reached between about 30 heads of state or government during the last night of the summit, was not even accepted, but only ‘taken note of’ by the broader conference. All in all, 2009 can be characterised as the Copenhagen backlash for EU international leadership ambitions on climate change (see also Dimitrov 2010; van Schaik and Schunz forthcoming). It may be noted that, at the following Climate Summit in Cancun in 2010, the EU showed some signs of stabilization and slow recovery (Oberthür 2011).

2.2. *Relevance: Enhancing Coordination and Delegation*

Since the early 1990s, the organisation of EU climate diplomacy has made important progress in parallel with and contributing to the improvement realised in goal attainment over most of the period. In the course of the 1990s, the EU came to increasingly speak with one voice in the international climate negotiations, reflecting the EU’s growing relevance for its member states. In the 2000s, the EU further enhanced internal coordination procedures and external representation, which reinforced an emerging EU identity among negotiators. The Copenhagen backlash has provided additional fuel to requests by the European Commission, following the entry into force of the Lisbon Treaty, to take over the external representation of the EU.

The basis of the EU’s involvement in the international climate change regime has, ever since the early 1990s, been the mixed/shared competence of the EU and its member states in this policy field. Reflecting their mixed/shared competence to enact climate policies, the EU and all its member states are parties to the UNFCCC and the Kyoto Protocol and have participated alongside each other in the international process. Following the practice established under other multilateral environmental agreements, Article 22 of the UNFCCC and Article 24 of the Kyoto Protocol both allow ‘regional economic integration organizations’ to join these treaties, while requiring the EU to declare the extent of its

relevant competence in its instrument of ratification (see the resulting EU declarations appended to the lists of ratification available at http://unfccc.int/essential_background/convention/items/5410.php and http://unfccc.int/kyoto_protocol/status_of_ratification/items/5424.php, accessed 16 August 2011).

The Council of Ministers has so far been the single most important actor shaping EU external climate policy. A Council working group, established in the mid-1990s, comprises leading officials from the member states and the European Commission and is chaired by the rotating EU Council Presidency. It is tasked to elaborate the main EU negotiation positions commonly reflected in Council conclusions. Mirroring the differentiation and specialisation of the international process, this Council working group over the years established a number of expert groups that, under the chairmanship of representatives of the Council Presidency, prepared EU positions on particular issues (Oberthür and Ott 1999: 65–66). The resulting Council conclusions, and more detailed position papers agreed at the level of the working group, have provided the basis for member states and the Commission to coordinate further on a daily basis at the international negotiations. While the European Council of heads of state and government has at times provided additional guidance at the highest political level, the European Parliament only had a minor role. In line with the general division of competence and power, it was also the Council that decided, after consulting the Parliament, on the ratification of the UNFCCC and the Kyoto Protocol (Groenleer and van Schaik 2007; Oberthür and Dupont 2011; van Schaik 2010; on the changes of the Lisbon Treaty, see below).

EU coherence and unity in the international climate negotiations increased significantly during the 1990s. While the Council agreed on common objectives, positions and strategies from the beginning of international negotiations, individual member states still submitted their own proposals and took the floor in the actual negotiations on the UNFCCC in the early 1990s. Towards the Kyoto negotiations, the EU increasingly spoke with one voice, namely the Council Presidency. The rotating EU Presidency, assisted by the so-called EU Troika, since the Amsterdam Treaty composed of the current and the future Presidency as well as the Commission, became the exclusive voice and the main external representation of the EU in the formal UN negotiations. In smaller informal settings, such as ‘friends of the chair’ or bilateral contacts with other (groups of) countries, the other members of the Troika flank the Presidency (sometimes joined by the biggest member states). At the same time, the coordination machinery has increasingly controlled all official utterances of the EU (Lacasta *et al.* 2007; van Schaik and Egenhofer 2005; own observation).

A reform of the system of external policy coordination and representation in 2004 enhanced its performance and reinforced ownership of the system by the EU member states. The EU had been criticised for its failure to deploy capable and experienced negotiators with institutional memory (a direct consequence of rotating Council Presidencies) and for its navel-gazing and bunker mentality, resulting in a lack of outreach activities to others (a direct consequence of the time-consuming internal

coordination process) (Lacasta et al. 2007; van Schaik and Egenhofer 2005; Yamin 2000). In response, further authority was delegated from the Council working party and the Presidency to the expert level under the Irish Presidency during the first half of 2004. For each item on the international agenda, the Presidency now determined a suitable lead negotiator and three supporting lead experts ('issue leaders') from member states or the Commission (whose potential was thus strengthened). The reformed system enhanced continuity and expertise of EU negotiators and resulted in significantly shortened official coordination meetings of the Council working group, thus freeing more time for outreach. Despite a number of remaining problems, the reforms reinforced a trend towards the emergence of a European identity among EU negotiators and were valued as a major step forward by those involved in EU climate diplomacy (e.g. Birkel 2009; Oberthür and Pallemarts 2010b; van Schaik 2010).

While the organisation of EU climate diplomacy has remained relatively unchanged since the Irish reforms of 2004, the European Commission has increasingly requested to take over the external representation of the EU in climate and environmental policy after the entry into force of the Lisbon Treaty in December 2009. Neither had, as of mid-2011, the High Representative and its European External Action Service (operational since January 2011) come to play a significant role, nor had the European Parliament yet translated its enhanced powers in the ratification of international treaties under Lisbon into actual influence on EU climate diplomacy. However, the European Commission, which established a separate DG Climate Action in February 2010, has used the Lisbon Treaty to claim competence for external EU representation in environmental policy in general and climate policy in particular. It has used events at the Copenhagen conference, and some broader criticism of existing arrangements for EU climate diplomacy (e.g. Egenhofer and Georgiev 2010), as supporting arguments (Rankin 2010). However, as of mid-2011, the coordination of EU external climate policy and its representation have continued to follow the established model, even though EU negotiators started to speak from behind the EU flag rather than the flag of the member state holding the Council Presidency in 2010 (own observation).

The EU and its member states have also invested increasing resources in their external climate policy. The number of European delegates at international negotiations has increased significantly over the past two decades, as have the human and thus financial resources made available especially by the European Commission. While one unit within DG Environment had lead responsibility for both internal and external climate policy in the 1990s, by 2010 a whole directorate comprising four units within the new DG Climate Action was following up international climate policy (see http://ec.europa.eu/dgs/clima/chart/index_en.htm, visited 4 January 2011). Similar increases have occurred in many member states as well as non-EU countries driven by an increasing importance and expanding agenda of international climate policy. In the wake of the Copenhagen backlash, the level of resources invested in the international process has increasingly been questioned in a number of EU member states (own observation).

3. EU-Internal Driving Forces

3.1. Domestic EU Climate Policy

The development of domestic EU climate policy is relevant for both the effectiveness and the relevance of the EU in the climate change regime. In areas of mixed/shared competence, the state of internal policy development determines the extent of external EU competence (see Wessel in this collection). Perhaps more importantly, common internal policies tend to unify member-state interests, so that all member states can be expected to support the internationalisation of the internal level of climate protection. The coherence of EU internal and external policies, that is the match between external words and domestic deeds, furthermore very much affects the international credibility of the Union and its ability to exert 'leadership by example' as part of 'directional leadership' (Gupta and Grubb 2000).

The development of EU climate policy made little progress in the 1990s, leaving the field very much to the member states. A first flagship proposal for a directive introducing a tax on CO₂ emissions and energy, submitted by the Commission to the Council on the eve of the Rio Earth Summit of 1992, failed to ever get adopted (also due to the unanimity requirement applying to the adoption of fiscal measures). Other initiatives to increase energy efficiency and the use of renewable energies were considerably weakened by the Council of Ministers. A 'monitoring mechanism' obliging member states to communicate information on their GHG emissions to the Commission was established in 1993 and strengthened in 1999. Voluntary agreements concluded with European, Japanese and Korean car manufacturers in 1998 and 1999, in order to reduce the average CO₂ emissions of new passenger cars to an average of 140 g/km by 2008/2009, failed to deliver. As a result, GHG emissions of the then 15 EU member states failed to follow a sustained downward pathway. That they decreased somewhat in the 1990s was mainly a result of the restructuring of the former East German economy and the dash from coal to gas in the UK (Figure 1; see Oberthür and Pallemmaerts 2010b: 31–33; see also Jordan *et al.* 2010).

Since the end of the 1990s, significant progress of domestic EU climate policies has increasingly supported an enhanced EU performance. At the beginning of the 2000s, the EU accelerated its legislative activities to curb GHG emissions, not least in order to implement its commitments under the Kyoto Protocol. In March 2000, the Commission launched the European Climate Change Programme (ECCP), a multi-stakeholder process to prepare common and coordinated policies and measures against climate change. Over the coming years, the EU significantly expanded its climate legislation promoting, *inter alia*, electricity produced from renewable energy sources, the energy performance of buildings, the use of biofuels in transport, combined heat and power production, eco-design requirements for energy-using products, energy end-use efficiency and energy services, and a reduction of the emissions of fluorinated GHGs (Oberthür and Pallemmaerts 2010b: 36–38, 42–43).

The centrepiece of the EU's new climate policy became, however, the EU Emissions Trading Directive of 2003. The resulting Emissions Trading System (ETS) set CO₂ emissions limits for large installations accounting for about 40% of the EU's CO₂ emissions. In 2004, the ETS was linked to the project mechanisms of the Kyoto Protocol through which emissions reduction projects in third countries can be counted towards the EU target. An apparent over-allocation of emissions allowances for the ETS pilot phase in 2005–2007 led to more stringent review arrangements for national allocations for 2008–2012 (Skjærseth and Wettestad 2008).

Accordingly, EU GHG emissions have taken a downward trend after 2003. The decreased industrial activity and output resulting from the economic crisis of 2008–2009 led to a further reduction in emissions. GHG emissions dropped to below 88% of 1990 levels in the EU-15 and below 83% in the EU-27 in 2009 (Figure 1).

In part motivated by the desire to underpin EU international leadership in the Copenhagen negotiations, EU climate policy made another leap forward through the adoption of a set of legislative proposals widely known as the 'climate and energy package' in 2008/2009. (After political agreement in the European Council 11–12 December 2008 and a first reading agreement by the European Parliament 17 December 2008, the Council formally adopted the package 9 April 2009.) The package implemented a 20% reduction of EU GHG emissions by 2020 from 1990 levels and a 20% share of renewable energy in total EU energy consumption by 2020, ahead of international agreement. The core of the package consisted of four pieces of legislation: a revision of the 2003 Emissions Trading Directive, a Decision on sharing the effort of GHG emissions reductions in the non-ETS sectors among member states, a new comprehensive Renewable Energy Directive,

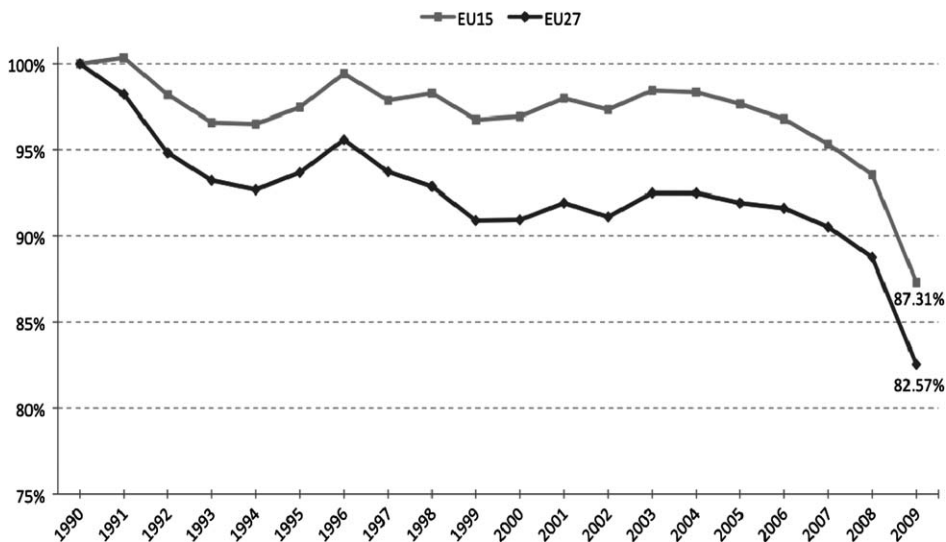


Figure 1. Greenhouse gas emissions of the EU-15 and EU-27, 1990–2009

Source: European Environment Agency (www.eea.europa.eu)

and a Directive on carbon capture and storage. A number of other legislative agreements reached in 2008, including in particular a Regulation on CO₂ emissions of new passenger cars and the inclusion of the aviation sector in the EU ETS, complemented the climate and energy package (see Oberthür and Pallemmaerts 2010a for analyses of the package and its elements).

3.2. *Other EU Internal Factors*

A number of more generic EU-internal factors have shaped EU policy in the international climate change regime. Overall, these context factors came in support of a continued and increasing EU performance in the international regime, especially in the 2000s (see also, for the following, Oberthür and Roche Kelly 2008: 42–47; van Schaik 2010: 264–67).

- Strong political and public support within the EU for effective climate policy grew further in the 2000s and supported a high EU performance in the international negotiations. Climate change rose tremendously on the international policy agenda in the 2000s (see section 4 below). The urgency of climate protection came further to the fore with the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) in 2007 (IPCC 2007). While environmental protection had received constant high support in Eurobarometer polls for more than two decades, public opinion surveys showed particularly high support for *European-level* action regarding climate change. After the failure of the Treaty establishing a Constitution for Europe in 2005, the European institutions all grasped the resulting opportunity to enhance their legitimacy by moving climate change into the centre of the European integration process. Climate change and the related UN process became a major agenda item regularly discussed by the European Council in the course of the 2000s (Oberthür and Dupont 2011). Overall, the high political profile of climate change and its framing as a European issue have enhanced the political determination to realise the EU's international goals (effectiveness) and to do this as the EU (relevance).
- The EU's declared support for multilateralism and its search for a bigger role in world politics pointed in the same direction. The EU has for some time, and especially in the 2000s, pursued the objective of enhancing its role as a global actor (see also Bretherton and Vogler 2006) and, in so doing, has been a determined supporter of multilateralism and international law as the backbone of global governance. The UN climate change regime constitutes a high-profile international institution for the EU to demonstrate its ability to act globally.
- Especially from 2005, the rising energy-security agenda provided further support for climate policies, including investing resources in achieving the EU's international goals in this field (effectiveness). It was in particular fuelled by soaring oil and gas prices since 2005, a large and growing dependence of the EU on energy imports, and political developments in regions with major fossil-fuel reserves,

including the Middle East and Russia (e.g. the Russia-Ukraine gas disputes since 2006).

- The financial and economic crisis in 2008 and 2009 further strengthened the interest of the EU in achieving an effective international agreement. While the crisis weakened environmental and climate interests in the EU, it reinforced the interest of EU member states in levelling the international playing field and softening any competitive disadvantage by internationalising the EU level of climate protection as enshrined in the climate and energy package of 2008/2009.
- The eastern and southern enlargement of the EU in 2004 and 2007 hardly outweighed the aforementioned factors and did not undermine the unified support for an uploading of the internal level of climate protection to the international level. In line with the general expectations of some analysts about an environmental backlash resulting from the EU enlargement to 27 member states (Skjærseth and Wettestad 2007: 263), the new member states played a laggard role in important parts of the negotiations on the climate and energy package of 2008 and on the way toward Copenhagen (e.g. opposition to firmer financing and mitigation commitments). However, they shared the interest in, and supported, the internationalisation of the EU-internal level of climate protection enshrined in EU legislation, as is evident from the EU negotiating position for Copenhagen agreed to by the Council of Environment Ministers and the European Council (Oberthür and Pallemmaerts 2010b: 44–46).

4. The International Context

Underlying long-term changes in the international context help us understand the backlash of EU climate diplomacy in Copenhagen. Whereas some contextual changes (e.g. withdrawal of the US from the Kyoto process in 2001) reinforced EU influence, other factors (re-engagement of the US in 2009; increasing importance of emerging economies) have contributed to a decreased weight of the EU in international climate policy. The resulting shockwaves within the EU have added fuel to the demands of the European Commission for taking over external EU representation. The underlying shift in the international configuration is likely to continue to characterize and frame international climate governance.

During the 1990s, the major ‘game’ played in the UN climate negotiations was about commitments to limit and reduce the GHG emissions of industrialised countries. Consequently, international climate politics was primarily transatlantic politics. The EU-15 and the US together accounted for about 60% of the CO₂ emissions of developed countries in 1990, which made them the pivotal players in the ‘game’, with Japan and Russia playing a significant but clearly secondary role (Figure 2). The different positions and preferences of the US and the EU thus very much shaped the negotiations on the UNFCCC and the Kyoto Protocol (Bodansky 1993, 2010; Oberthür and Ott 1999). The withdrawal of the US from the Kyoto process in 2001 even made the EU a more pivotal player for several years.

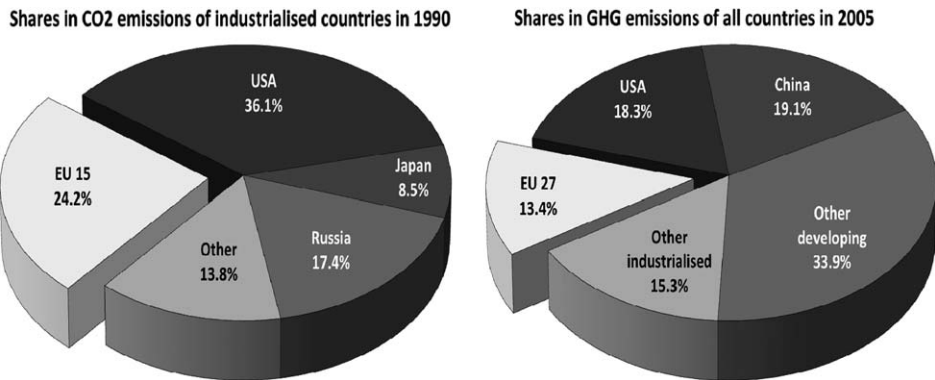


Figure 2. Emission shares of the EU and other major players in 1990 (industrialised countries) and 2005 (all countries)

Sources: 1990 CO₂ emissions of industrialised countries as contained in UN doc. FCCC/CP/1997/7/Add.1, 60; 2005 GHG emissions by all countries, without land use, land use change and forestry, as available from World Resources Institute (<http://cait.wri.org/>)

However, this framing of international climate policy has been increasingly undercut by the dynamics of the development of GHG emissions among the different players. Between 1990 and the second half of the 2000s, the industrialised countries' share in global GHG emissions declined from 60% to less than 50%, with a continuing downward trend. Among developed countries, the US increased its absolute emissions, whereas the EU and Russia (for different reasons) achieved emissions reductions. As a result, the EU – despite its enlarged membership – only controlled a declining share of less than 15% of global emissions. Among the developing countries, the rising share in global GHG emissions was driven by particularly stark emissions growth in the 'emerging economies' and especially in China. China thus increased its share in global GHG emissions from about 12% in 1990 to more than 19% in 2005. The US and China together accounted for about 40% of global emissions, with roughly equal emissions shares each (Figure 2). Given these trends, it was clear that, in the medium to longer term, significant emissions reductions would also have to be realised in developing countries in order to achieve the global GHG emissions reductions required to prevent 'dangerous anthropogenic interference with the climate system' as stipulated in Article 2 of the UNFCCC (IPCC 2007).

This shift in the tectonics of international climate policy clearly manifested itself in the Copenhagen process. The US has advocated a reframing of international climate politics for a long time. For example, it – unsuccessfully – opposed limiting negotiations on the 1997 Kyoto Protocol to mitigation commitments for industrialised countries. The EU accepted that developed countries take the lead, but on the understanding that developing countries would follow suit. Developing countries attempted to shield themselves from these demands by pointing to the developed countries' 'historical responsibility' for the climate problem. However, they accepted, in the 2007 Bali Action Plan, that international negotiations

would address overall global emissions reductions as well as mitigation in both developed and developing countries, including emissions from deforestation and forest degradation in developing countries. Especially the emerging economies became increasingly assertive in the international negotiations. By the time of Copenhagen, UN negotiations had firmly evolved to cover worldwide emissions and the game played had thus become a more multi-polar one, with the US and China taking particularly prominent positions (see also Bodansky 2010; Falkner, Stephan, and Vogler 2010).

The impact of this overall dynamic on EU influence in the international climate change regime was first masked by the withdrawal of the US from the Kyoto process and then reinforced in the course of the US re-engagement. The announced opposition to the Kyoto Protocol of the US administration of President Bush Jr made the EU the pivotal developed-country player in the international regime (since the EU accounted for about half of non-US industrialised country emissions). It opened a window of opportunity for the EU to push ahead and profile itself on the world scene. Although the success of its efforts was by no means guaranteed beforehand, the EU grasped the opportunity to 'save' the Kyoto Protocol which the US withdrawal presented (Damro 2006; Groenleer and van Schaik 2007; see also above). The re-engagement of the US administration of President Obama had the opposite effect. It reduced the importance of the EU – at a time when the overall shifting tectonics pointed in the same direction (see above). It may be noted that the victory of the Republican opposition in the US Congressional elections in 2010 has the potential to enhance the importance of the EU, since it tied the hands of the Obama administration on international and domestic climate policy.

The rise of climate change on the agenda of international politics has had an ambiguous effect on the EU's ability to exert effective leadership. In the 2000s, climate change clearly became part of 'high politics' as it was established as a top agenda item for virtually every bilateral, regional and global encounter of world leaders. Not least, the UN General Assembly addressed the issue in dedicated sessions in 2007 and 2009, the UN Security Council discussed the issue in 2009, and 120 heads of state and government attended the Copenhagen Summit itself. On the one hand, this enabled European political leaders to pursue the issue with fellow leaders from other countries (which may otherwise not treat it as a priority). On the other hand, climate change became part of a broader zero-sum game of status and influence in world politics, in which soft/normative-power resources such as EU domestic action on climate change lost relative weight (Falkner, Stephen, and Vogler 2010; van Schaik and Schunz forthcoming).

The EU, on its side, failed to adapt its own negotiating position and strategy to the evolving international context. There are two main strategies for dealing with an eroding issue-specific power base: establishing linkages to other issue areas where the EU enjoys more influence (e.g. the economy) and building alliances (which the EU had also successfully done in the 1990s). Potential allies would especially have been a number of

progressive developing countries, including small-island developing states and several Latin American and African countries. While the EU showed weaknesses on both accounts, it especially failed to make determined efforts to build such alliances (Spencer, Tangen, and Korppoo 2010; van Schaik and Schunz forthcoming). It took the failure of Copenhagen for the EU to consider the possibility of continuing the Kyoto Protocol and, on this basis, reach out more to developing country partners (Oberthür 2011).

5. Concluding Assessment

After having enhanced its international leadership on climate change considerably since the early 1990s, the EU experienced a major backlash in the Copenhagen process at the end of the 2000s. The EU realised major achievements with the international agreement on the implementing provisions of the Kyoto Protocol in 2001 and the entry into force of the Protocol in 2005. In Copenhagen, however, it was not able to realise much of its high ambition. Not only did a firm and progressive post-2012 international framework not materialise, but also the EU was increasingly sidelined in the negotiations. Since then, it has overcome its isolation but has not been able to recover to its previous levels of influence.

The relevance of the EU in climate diplomacy has generally increased since the 1990s. Since the second half of the 1990s, the EU has consistently spoken with one official voice, generally the Council Presidency (or its representatives). The EU has also established a differentiated system of external policy coordination involving several expert groups under a Council working group in addition to the regular Council structures (COREPER, Council of Ministers). Through delegation of decision-making and negotiating authority to the expert level, the overall negotiating capacity of the EU increased and more time became available for outreach to the international partners (even though EU coordination still is consuming time). However, especially the European Commission has increasingly questioned current EU climate diplomacy arrangements after Copenhagen.

EU-internal factors correlate well with the improved performance of the Union since the early 1990s, but do not help us much in understanding the Copenhagen backlash. The EU very much improved its domestic climate policies especially in the 2000s and arguably made a major advance in the Copenhagen process with the adoption of the 'climate and energy package' in 2008/2009. This progress in domestic EU climate policy unified EU interests and enhanced the EU's international credibility. In addition, other internal factors (rise of energy security concerns, EU support for multilateralism, political and public support) also supported, on the whole, a heightened EU relevance and EU efforts to advance international climate policy. Furthermore, both the Commission and the member states increased their resource investments into the international negotiations considerably during the past two decades. While the increasing relevance and effectiveness of the EU reinforced each other in the 1990s and the early 2000s, there is no particular internal factor that could be held accountable for the Copenhagen backlash.

The evolving international configuration undercut EU normative/soft power during the Copenhagen process. Long-term shifts in the tectonics of international climate politics were reinforced by more short-term political developments. On the one hand, EU influence was undermined by its declining share in global GHG emissions, which resulted from its success in reducing its own emissions paired with emissions increases in other parts of the world. On the other hand, the reframing of the international 'game' as one of global action rather than mitigation in developed countries decreased the relative weight of the EU, as did the re-engagement of the US in 2009. Under the circumstances, the high-politics status of climate change contributed to players pursuing relative gains in the negotiations as much as absolute ones. Where unfavourable structural forces become dominant, EU soft power loses influence.

The failure of Copenhagen provided an additional lever for the European Commission in its pursuit of taking over the external representation of the EU. The primary trigger for the Commission's request was the entry into force of the Lisbon Treaty in December 2009 and thus unrelated to the Copenhagen backlash as such. However, the general dissatisfaction with the EU's performance in the Copenhagen process, and a growing perception that the international process is resource-intensive while delivering little result, have resonated to some extent with the Commission's request. Although no fundamental changes of arrangements for EU climate diplomacy have materialised yet, the declining EU leadership and the deadlock of the international process have reinforced the rationale and support for its demand.

It is doubtful, however, whether a reorganisation of the EU's climate diplomacy is in itself a promising recipe for regaining effective international EU leadership. There is no direct logical link between such a reorganisation and the major reasons for the EU's Copenhagen backlash, namely the structural loss of international influence and the EU's failure to adapt its political strategy timely to the changing international context. The major impediment to such an adaptation would appear to have been political interests, which were common among the Commission and the member states and which are unlikely to change as a result of a reorganisation. Granting a negotiating mandate to the Commission could, however, ensure some efficiency gains since member states may be relieved of following all items on the international negotiating agenda closely. Whether the European External Action Service will be able to strengthen (coordination of) EU diplomacy remains to be seen.

Overall, the analysis of the performance of the EU in the international climate change regime points to the importance of paying due attention to the international configuration in which the EU pursues its objectives. While putting its own house in order may be a necessary condition for the EU's success in international negotiations, it may not be sufficient if the international context is not suitable. Only by systematically distinguishing between different internal and external factors and conditions can we clearly identify the relevant problems and opportunities as a basis for improving EU performance and impact.

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References

- Birkel, K. 2009. We, Europe and the rest: EU discourse(s) at work in environmental politics. Unpublished Ph.D. dissertation. Nijmegen: Radboud University.
- Bodansky, D. 1993. The United Nations Framework Convention on Climate Change: a commentary. *Yale Journal of International Law* 18, no. 2: 451–8.
- Bodansky, D. 2010. The Copenhagen Climate Change Conference: a postmortem. *American Journal of International Law* 104, no. 2: 230–4.
- Bretherton, C., and J. Vogler. 2006. *The European Union as a global actor*. Second edition. London: Routledge.
- Damro, C. 2006. EU-UN environmental relations: shared competence and effective multilateralism. In *The European Union at the United Nations: Intersecting Multilateralisms*, eds. K.V. Laatikainen and K.E. Smith, 175–92. Basingstoke: Palgrave Macmillan.
- Dimitrov, R. 2010. Inside UN climate change negotiations: the Copenhagen conference. *Review of Policy Research* 27, no. 6: 795–821.
- Egenhofer, C., and A. Georgiev. 2010. Why the transatlantic climate change partnership matters more than ever. *CEPS Commentary*, 10 January.
- Falkner, R., H. Stephan, and J. Vogler. 2010. International climate policy after Copenhagen: toward a 'building blocks' approach. *Global Policy* 1, no. 3: 252–62.
- Groenleer, M.L.P., and L.G. van Schaik. 2007. United we stand? The European Union's international actorness in the cases of the International Criminal Court and the Kyoto Protocol. *Journal of Common Market Studies* 45, no. 5: 969–98.
- Gupta, J., and M. Grubb, eds. 2000. *Climate Change and European Leadership*. Dordrecht: Kluwer Academic Publishers.
- IPCC. 2007. *Climate change 2007. Fourth assessment report: synthesis report*. Geneva: Intergovernmental panel on climate change.
- Jordan, A., D. Huitema, H. van Asselt, T. Rayner, and F. Berkhout, eds. 2010. *Climate change policy in the European Union: confronting the dilemmas of mitigation and adaptation?* Cambridge: Cambridge University Press.
- Lacasta, N.S., S. Dessai, E. Kracht, and K. Vincent. 2007. Articulating a consensus: the EU's position on climate change. In *Europe and global climate change: politics, foreign policy and regional cooperation*, ed. P.G. Harris, 211–31. Cheltenham: Edward Elgar.
- Oberthür, S. 2011. Global climate governance after Cancun: options for EU leadership. *International Spectator* 46, no. 1: 5–13.
- Oberthür, S., and C. Dupont. 2011. The Council, the European Council and international climate policy: from symbolic leadership to leadership by example. In *The European Union as a leader in international climate change politics*, eds. R.K.W. Wurzel and J. Connelly, 74–91. London: Routledge.
- Oberthür, S., and H.E. Ott. 1999. *The Kyoto Protocol: international climate policy for the 21st century*. Berlin: Springer.
- Oberthür, S., and M. Pallemmaerts, eds. 2010a. *The new climate policies of the European Union: internal legislation and climate diplomacy*. Brussels: VUB Press 2010.
- Oberthür, S., and M. Pallemmaerts. 2010b. The EU's internal and external climate policies: an historical overview. In *The new climate policies of the European Union: internal legislation and climate diplomacy*, eds. S. Oberthür and M. Pallemmaerts, 27–63. Brussels: VUB Press 2010.
- Oberthür, S., and C. Roche Kelly. 2008. EU leadership in international climate policy: achievements and challenges. *International Spectator* 43, no. 3: 35–50.
- Ott, H.E. 2002. Global climate. *Yearbook of International Environmental Law* 12 (2001), 211–21.
- Rankin, J. 2010. A Union with one voice? *European Voice*, 6 May 2010, <http://www.europeanvoice.com/article/imported/a-union-with-one-voice-/67886.aspx> (accessed 20 January 2011).
- Skjærseth, J.B., and J. Wettestad. 2007. Is EU enlargement bad for environmental policy? Confronting gloomy expectations with evidence. *International Environmental Agreements* 7, no. 3: 263–80.

- Skjærseth, J.B., and J. Wettestad. 2008. *EU emissions trading: initiation, decision-making and implementation*. Aldershot: Ashgate.
- Spencer, T., K. Tangen, and A. Korppoo. 2010. The EU and the global climate regime: getting back in the game. Briefing Paper no. 55, 25 February 2010. Finnish Institute of International Affairs.
- van Schaik, L.G. 2010. The sustainability of the EU's model for climate diplomacy. In *The new climate policies of the European Union: internal legislation and climate diplomacy*, eds. S. Oberthür and M. Pallemarts, 251–80. Brussels: VUB Press.
- van Schaik, L.G., and C. Egenhofer. 2005. Improving the climate. Will the new constitution strengthen the EU's performance in international climate negotiations? *CEPS Policy Brief* no. 63, February 2005. Brussels: CEPS.
- van Schaik, L.G., and S. Schunz. Forthcoming. Explaining EU activism and impact in global climate politics: is the Union a norm- or interest-driven actor? Unpublished manuscript.
- Vrolijk, C. 2002. A new interpretation of the Kyoto Protocol: outcomes from the Hague, Bonn and Marrakesh. Briefing Paper No. 1, April 2002. London: Royal Institute of International Affairs.
- Yamin, F. 2000. The role of the EU in climate negotiations. In *Climate change and European leadership: a sustainable role for Europe?* eds. J. Gupta and M. Grubb, 47–66. Dordrecht: Kluwer Academic.