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Winter-break in Cancún: will the EU carry its leadership?

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ABSTRACT

This policy brief will analyze Europe's role in shaping climate change negotiations, the challenges faced by EU leadership after the 15th Conference of the Parties (COP 15), and whether it is still fundamental in order to reach an international agreement.

Since the 1990s climate change governance has increasingly become part of broader European foreign policy, and has pursued fundamental objectives both at the international (global leader) and national (European integration) levels. In order to substantiate its role, the EU has been leading-by-doing, connecting what was going on at home with what was being advocated at the international level, adopting proactive climate and energy policies.

COP 15 in Copenhagen represented a step backward in EU leadership, which was heavily challenged on many fronts. The EU played a marginal role in the Copenhagen Accord definition watching new actors (the U.S., BASIC and ALBA countries) become the protagonists of its elaboration. The EU's loss of soft power pointed out how much its leadership suffered from a lack of unified representation at the negotiations level, mainly caused by divergences in implementing domestic climate policy.

While the loss of European leadership should not be necessarily considered as permanent, this policy brief will question whether the EU's leading role will still be necessary in the future. The Copenhagen Accord has highlighted the appeal of having a portfolio of non-binding domestic commitments instead of an international binding agreement with targets and timetables. Will Europe be able to cope with this new possible option?

Policy Challenge _

During the last Conference of the Parties (COP15) of the UNFCCC - held in Copenhagen in December 2009 - European leadership was challenged. Negotiations were led by new actors - the U.S., Brazil, South Africa, India and China (so-called BASIC) and the Bolivarian Alliance for America (so called ALBA) - and the Copenhagen Accord (UNFCCC, 2009) did not suit European proposals. The Accord also seemed to pave the way toward a new agreement architecture, far from Europe's aspirations. Will Europe be able to regain its leadership position? Will its role still be necessary in a portfolio of domestic commitments architecture? Cancún should not only (hopefully) constitute a step forward in reaching a global agreement, it will also test Brussels' willingness and ability to be once more on the top of the wave.

Introduction

Since the 1990s climate change governance has increasingly received European attention, becoming part of the broader European foreign policy and therefore of the EU's pursuit of a role as a global actor and leader. Moreover, climate change represented an opportunity for European institutions to reinforce their legitimacy on the domestic level, becoming an important driver of European integration which in turn positively strengthened the EU's climate change position at the international level.

1. Europe: from leader to watcher___

Aspiration for climate change leadership has been a consequence of many - quite different dynamics. First, it has been a product of the EU as a normative power, a traditionally fervent supporter of multilateralism and international law as the backbone of global governance. Together with this, climate change became part of a domestic "multi-level competition" for leadership (Schreurs and Tiberghien, 2007), which created virtuous dynamics that enhanced the EU's proactiveness on the international stage. This competition particularly affected relationships among member countries (especially when they held the presidency of the European Council) and between European institutions.

Multilateralism and multilevel competition

Europe represents, in itself, a diplomatic success as a product of multilateralism and as a compromise among different interests. With regard to this, climate change emerged as a new area that offered the opportunity to provide an example¹.

As regards dynamics at the Member States level, competition mainly grew among Germany, the United Kingdom and France. Germany's leadership skills were mainly driven by the influence progressively acquired by the Green Party and on its domestic situation. In fact, the shutting down of many heavily polluting industries strengthened the country's chances of having major emissions cuts². The United Kingdom's leadership was due to rising public concerns about global warming, the sharp drop in emissions from the switch to natural gas for electricity, and the willingness to show policy leadership in areas where the independence of the country from the U.S. could be proved. France only recently assumed a leading stance, mainly because it realized that Kyoto can serve to buttress the role of the technocratic elites³; opinion because public became supportive; and finally because in the Parliament representatives used climate change spearhead major new initiatives. In addition, Austria, Belgium, Denmark, Luxembourg, The Netherlands and Sweden, have been important actors in calling for European leadership. These states have been crucial in internal negotiations and have often formed coalitions in support of aggressive action. Since their economic and political importance is limited, climate change became an area in which they could gain influence, especially when united (for more information see Schreurs and Tiberghien, 2007).

Finally, as concerns the institutional front, on the one hand, the European Parliament has

¹ As emblematically stated by José Manuel Barroso, President of the European Commission "50 years of Europe: Honouring the past, inspiring the future", Italian Senate, Rome, 23 March 2007. "This is the great European narrative for the twenty first century. We have created a new

and better European political order. Now we must use this experience to create a new and better global order".

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² In 2005, Germany assumed the lead announcing a goal of reducing emissions by 40% relative to 1990 levels by 2020. Since 2007 the Integrated Energy and Climate Program provides pertinent legislation and specific measures aimed at reaching the target (Germany Fifth National Communication, 2009).

³ These elites were playing up to their strength in the nuclear and automobile sectors.

picked climate change as a strategic issue through which it could gain more legitimacy and power relative to the Council and the Commission. On the other, the Commission has sought to respond to public opinion concerns with concrete outcomes, thereby showing its importance. In addition, it has used climate change to build the EU's foreign policy identity, especially relative to the U.S. Finally, the issue constituted a means to push forward EU integration empowering the Commission with new regulatory tools and monitoring powers.

From Kyoto to Bali

The EU has, over time, considerably improved its leadership record, which has been linked both to the EU's role at the international level and to advances in EU domestic climate and energy policies.

Europe was a fundamental actor in establishing the UN Framework Convention on Climate Change (UNFCCC) in 1992. After the American government decided to withdraw from Kyoto, the EU's diplomatic power was able to retain other countries (e.g. Russia), succeeding in making the Kyoto Protocol come into force in 2005. Again, Europe's guidance played a key role in the adoption in 2007 of the Bali Road Map, which laid the foundations for the negotiation of a post-2012 agreement.

EU: Working hard at home

In its fight against global warming, the EU has been leading-by-doing, therefore connecting what was going on at home with what was being advocated at the international level.

In order to meet its Kyoto target of 8% greenhouse gases (GHGs) emissions reduction by 2012 the EU has implemented a range of policies. One of the main examples of Europe as "climate pioneer" is the creation in 2005 of the world's first regional emissions trading system (the European Emission Trading Scheme - EU ETS). This multi-country, multi-sector trading system also represents a clear example of how climate change actions could work as a driver for integration among all the EU Member States.

With regard to this, the EU's leadership was also made possible thanks to the burden-sharing approach and the principle of differentiated obligations, which characterized its domestic climate and energy policies. This approach

allowed Member States to bear the burden of a common "European climate change responsibility" according to their level of economic development and their different energy systems. To give an idea, in the EU Climate and Energy package (COM(2008) 30 final), all new Member States were deliberately given easier renewable energy targets than old Members, since they were burdening higher costs for renewables and their economies were more energy-intensive.⁴

The above-mentioned Climate and Energy package constitutes another example of the European vanguard approach. In March 2007, the EU made autonomous commitments by 2020: (i) to reduce its GHG emissions by 20% from the 1990 level (increasing to 30% in case of comparable commitments by other major economies); (ii) to increase the share of renewable sources in the energy supply to 20% (with the 10% contribution of biofuels in transport); and (iii) to save 20% on the projected energy consumption (COM(2008) 30 final). This package allowed the EU to come to COP 15 with a proposal which was designed to encourage ambitious commitments from other countries in order to achieve the 2°C long-term target, according to the IPCC5.

However, the Conference represented a warning shot for EU climate change leadership, delivering only a non-legally binding informal agreement, namely the Copenhagen Accord, and presenting new actors in the climate change arena. Both elements were symptomatic of a loss in EU power.

The Copenhagen Accord and European Disaccord

It is widely recognized that the EU played a marginal role at the summit, especially in the definition of the Copenhagen Accord. The EU was not able to attract global consensus and, as a consequence, the agreement only partially

⁴ Additional example: as regards the 20% reduction target, the Directive 2009/29/EC proposed to compensate Eastern European countries with auctioned allowances for their earlier efforts to reduce CO2 emissions after the collapse of their heavy industries, which followed the fall of the Soviet Union.

⁵ The IPCC (2007) finds that using the best estimate climate sensitivity, reaching a warming of 2.0°C to 2.4°C requires stabilizing CO2 emissions in the range of 350-400 ppm CO2, or 445-495ppm CO2-eq. For a 450 CO2-eq target, Annex I countries need to hit a target of 25% to 40% below 1990 levels by 2020 (Gupta et al. 2007, Box 13.7).

mirrored the EU's position. The list of EU objectives not achieved is long. To start with, efforts to reach a global, comprehensive and operative agreement were replaced by non coordinated and informal domestic pledges, in its vision discrepant to the ambitious and globally agreed long-term goal of 2°C. Second, aviation and shipping emissions were not (Lund, 2010). mentioned Third, monitoring, reporting and verification (MRV) procedures were agreed upon, there was no definition of an international regulation able to build trust in domestic actions (Curtin, 2010). Finally, the section on technology and financial transfers looked unclear and, more importantly, no mention was made of emissions trading⁶. In particular, the absence of any language on reforming the Clean Development Mechanism (CDM) and the lack of specificity concerning carbon finance mechanisms in general have led to doubts even about the EU ETS (Koch-Weser, 2010), also in light of the uncertainty about a second period for the Kyoto Protocol⁷.

EU watching new actors in the climate policy arena

For the first time, international negotiations are witnessing a new multi-polar context with a large number of strategic actors and alliances. This is also defining a change of leadership. In fact, the coalition behind the Copenhagen Accord included key emerging economies (BASIC), which were able to muster a united front and to speak with one voice, and the United States.

ALBA also represented a new actor in climate change negotiations. The Alliance is heavily characterized by an anti-U.S. and North-South divide rhetoric. ALBA assumed an obstructive stance towards the Accord, and some of its member countries (Bolivia, Venezuela, Cuba and Nicaragua) were also responsible for the non-legally binding character of the agreement.⁸

A common opposition to Europe's agenda emerged and, under these new circumstances, the EU appeared to be not only disorientated but also at the margin, losing its primacy position as a perceived leader which mainly shifted in favour of the U.S. and partially to China. The EU will therefore have to shape its future strategy according to this new context, clearly defining its stance towards the U.S., the BASIC, and those newly emerged obstructive countries. Particularly, since the EU has led with objectives that were precisely what the U.S. was rejecting, Brussels will have to develop an effective approach to get Washington on board.

EU: multiplicity vs leadership

EU leadership is also challenged by a deficiency affecting its negotiations stance, which is characterized by the lack of a unified representation. This is due to the EU's particular nature (a multiple actor) and to the "mixed competences" of both the EU/EC and its Member States in managing the EU's external policy on climate change. As a consequence, both the European Community and the individual Member States are represented in international climate negotiations and, even though they largely act jointly and are recognised as unique actor, national representatives could express different and contrasting opinions. The absence of domestic coordination fundamentally weakens - as re-emerged in Copenhagen - EU negotiating capacity and credibility, both of which require speaking with one voice. Moreover, securing Europe's unity will be fundamental in the new context, where new actors are likely to try to divide the EU with potentially centrifugal issues and forces. Together with this, countries have to negotiate and renegotiate the official EU position, slowing down the normal path a country's decision would have taken and affecting a clear EU position at the international negotiation level.

As regards the burden-sharing approach, although differences were over time taken into account, they still resurface affecting the definition of a unique European climate and energy framework and its stability. New and old Member States often have opposite positions on key issues and, for instance, when the European Commission (COM (2010) 265) pointed out that the recession has made the 30% target easier and relatively cheaper, reactions were emblematic. On the one side, Germany, France

6 The Copenhagen Accord only defines the importance of

markets in preventing deforestation and in reducing costs and mobilizing clean technologies (Paragraphs 6 and 7). ⁷ Without US and China participation in the second period the EU will withdraw from it (Lund, 2010). For additional information see Davide M., Favero A. and C. Rogate, "Moving towards Cancún", FEEM Policy Brief, forthcoming.

information see Davide M., Favero A. and C. Rogate, "Moving towards Cancún", FEEM Policy Brief, forthcoming.
8 For additional information see Davide M., Favero A. and C. Rogate, "Moving towards Cancún", FEEM Policy Brief, forthcoming.

and the UK, endorsed moving towards more ambitious targets⁹; on the other side, the Central and Eastern Europe new Member States were definitely against the new proposed goal (Clipore Annual Report, 2009), even if they were entitled to expect commensurate extra financial aid. Since the higher emission reduction potential for moving from the 20% to a 30% target lies in the poorer Central and Eastern Member States, the outlined differences might complicate the burden-sharing issue, strengthening divisive forces.

2. What Europe at Cancún? Criticalities and solutions

The first challenge for the 16th Conference of the Parties (COP 16) in Cancún (29 November - 10 December 2010) is to turn the Copenhagen Accord and related decisions into a working architecture on adaptation, mitigation, technology and finance.

Starting from Copenhagen

The starting point should be the two elements of success in Copenhagen. The first relates to the emission reduction commitments that have been informally extended to non-Annex I countries. The second refers to the proposed allocation of financial transfers from developed to developing countries.

With regard to the former, by the end of January 2010, many developed and developing countries, representing more than 80% of global GHG emissions, had put forward their targets and actions¹⁰. This is the first time that developed countries shared "climate change responsibility" with the developing world. However, only the EU has adopted the legislation required to guarantee delivery of its 2020 objective¹¹.

With regard to financial transfers, developed countries committed to support developing

countries with US\$ 30 billion for the period 2010-2012 and, conditional to transparent mitigation actions, to mobilize US\$ 100 billion dollars a year by 2020. Indeed, it is crucial for the EU to deliver € 2.4 billion for 2010¹² in a credible way to support the priorities of developing countries. More recently, the final document of the last EU Environmental Council (Council of the EU, 2010) re-stressed the fundamental importance of delivering fast-start funding both for addressing urgent adaptation and developing countries' capacity-building needs and for building a reliable MRV system.

The EU within a new architecture

The Copenhagen meeting showed again how a global conference with 192 parties could not provide any substantive breakthroughs. On the horizon, a possible alternative may consist of parallel domestic efforts like the ones emerged in Copenhagen and outlined by academics (see above all Stavins, 2009)¹³.

This architecture greatly differs from the universal, legally binding and operational agreement the EU has been advocating. What would be Europe's role in a fragmented architecture? Would its leadership still be necessary?

Whether a future agreement consists of a portfolio of domestic commitments and whether not too far from Europe's proposal (e.g. with a common framework, common procedures and national schedules attached), Europe's leadership will still be crucial. In fact, Copenhagen left some important gaps that will have to be addressed and filling them could bring the EU back on its leadership track.

European leadership again on the top a. Leading by doing

The EU could still play an important role through its directional leadership, at least in relation to those issues where it is in a forefront position.

First, market-based instruments should be included in a common framework. Indeed, a

⁹ Euractiv: "Pay Eastern Europe to cut emissions and move to 30%", 26 July 2010.

¹⁰ Industrialised countries listed their mid-term targets to cut emissions: http://unfccc.int/home/items/5264.php
Developing countries communicated information on their nationally appropriate mitigation actions: http://unfccc.int/home/items/5265.php

¹¹ In other developed countries, like the U.S., legislation is still under discussion, while many developing countries remain reluctant to include their domestic actions into an international framework.

¹² World Resource Institute (2010). "Summary of Climate Finance Pledges Put Forward by Developed Countries."

¹³ For additional information see Davide M., Favero A. and C. Rogate, "Moving towards Cancún", FEEM Policy Brief, forthcoming.

well-functioning carbon market could be an excellent driver for low-carbon investments, making it possible to achieve global mitigation objectives in a cost-efficient manner. In addition, if well-designed, it can create important financial flows to developing countries. In this context, the EU ETS could serve as a model for a future international market, since the 30 states involved constitute a heterogeneous example of sovereign countries (Olmstead and Stavins, 2010). Particularly, many of the problems encountered and already addressed by the EU ETS may be similar to those that will emerge in the future on the international level. A concrete step in this direction is both to link compatible domestic cap-and-trade systems to develop an OECDwide market by 2015 and to reform CDM (COM(2010) 86).

Second, common measures to eliminate carbon leakage and competitiveness risks should be outlined. If from one side, climate actions have been envisaged by many countries as an economic opportunity: the "Green New Deal", especially after the financial crisis¹⁴. On the other side, the presence of regional differences in climate mitigation policies has given more importance to competitiveness and leakage concerns. The EU could act again as a positive example. It has already proposed to address these issues by (i) giving support to energyintensive industries via free allowances; (ii) adding to the costs of imports to compensate for the advantage of avoiding low-carbon policies; (iii) taking measures to bring the rest of the world closer to EU levels of effort (COM(2010)265).

Regardless of the international context the EU should spur its climate and energy performance in order to reach its 2050 targets¹⁵. A technological transformation is needed and the EU should start investing now in new infrastructures, R&D projects, in capacity building, along with adopting the legislation necessary to implement the transition to a low carbon society.

¹⁴ Shifting to clean energy technologies represents a huge opportunity for the European economy after the financial crisis. It will create new jobs and be an answer for European energy security (Lund, 2010).

b. Creating a momentum

While the new scenario would not correspond to the EU's proposal - which is at the core of its leadership - European ambition will still be needed. In fact, the EU was and could be fundamental in keeping the momentum in international negotiations by proposing and pressing for more ambitious outcomes, setting a high level of expectations, mobilizing support for international solutions, and possibly contributing to a more collaborative spirit among participants.

As recognized by Europe itself, while the Copenhagen Accord fell short of the lines of its will, Brussels's pressure to set a robust and legally binding global agreement served in keeping the momentum of negotiations. This helped to eventually reach an agreement, which the EU also acknowledges as a progress in the fight against global change (Lund, 2010).

Therefore, the EU will still be a fundamental actor in making negotiations proceed¹⁶, but the first steps taken in this new scenario already pointed out some risks the EU will have to avoid. Brussels will have to be careful to send clear and consistent messages to the international community concerning the level of ambitiousness it is pursuing and expects from negotiations. Otherwise, its credibility and its ability to impose pressure will be at stake.

Europe's practical solutions

a. One European voice, one global voice

Regardless of the architectural structure a climate change agreement will assume, speaking with one voice will be a *conditio sine qua non* for European leadership.

The Lisbon Treaty - with the establishment of a High Representative and the European External Service - while not eliminating the importance of national foreign services, should improve the persuasive power of European diplomatic efforts and protect against divisive forces, especially after the rise of new actors in the international climate arena. The COP16 will constitute the first test for presenting the EU speaking with one voice, a chance that should not be missed. In the last years EU climate policy increased its

¹⁵ EU has the objective to reduce emissions by 80-95% by 2050. The targets – already mentioned by the G8 leaders in the L'Aquila meeting (July 2009) - would be included in a 2050 roadmap for a low-carbon economy, which the Commission will set out in spring 2011. Euractiv: "Commission plans climate targets for 2030, 2050", 15 September 2010.

¹⁶ UN Secretary General recently and effectively stated that when the train has "hit the buffers" in the climate change talks, "Europe can be the locomotive, driving it forward". Climate L-org, "UN Secretary-General Travels to Marrakesh and Strasbourg", 11 October 2010.

coherence, for example with the establishment of a climate DG and, more recently, with the key themes of the 2020 strategy (to replace the Lisbon one) implying synergies with a stronger climate policy. At the Cancún negotiation table, the EU should indeed capitalize on domestic achievements to reinvigorate its leadership.

b. Bridging the gap between developed and developing countries

Since the EU is a product of multilateralism in itself, and has historical connections with many developing countries, it is a natural candidate for bridging the gap between developed and developing countries. Europe, in order to take back its leadership, will have to define its stance towards the U.S., BASIC, and newly emerged obstructive countries which, in one way or another, led to the outcome of the Copenhagen Accord.

In defining its international climate policy post-COP15 the EU has already implicitly reaffirmed the (strategic) power of diplomacy and persuasion in driving its relationship with other countries of the world (COM(2010)265). This renewed effort will be possible through active engagement of the Commission and the European External Service, which will serve as Europe's diplomatic missions abroad. The Lisbon Treaty should then make it easier for the EU's international climate policy to have broader outreach, not only in relation to the U.S. and BASIC countries but also to the rest of the world, playing an important role in divergences between developed and developing worlds.

c. Proposing a "plan B"

Recognizing how different and often irreconcilable interests among countries are, the EU - while keen to adopt a legally binding agreement in Cancún - has already proposed a "plan B" in order to avoid a vacuum in the outcome of the meeting.

The "plan B" implies that the EU will sustain a less ambitious, but presumably more realistic, step-by-step approach to further the negotiations at the global level (COM (2010)86). Reducing the ambitiousness of the outcome, the EU would continue to lead in the road toward a global agreement without losing an important step. Such an approach implies that the EU will abide by its commitments, but

will also require parallel moves from other industrialised nations.

Particularly, the EU made clear that it will not accept anything less than the full adoption in Cancún of a balanced and comprehensive package, calling for moving forward on the Copenhagen Accord basis (Lund, 2010). Nevertheless, Europe's position on the COP16 outcome has been contradictory, since on other occasions it called only for the adoption of a less ambitious set of concrete decisions¹⁷, therefore undermining its ability to keep the negotiations momentum.

However, under the step-by-step approach, Cancún could be envisaged as an important step, with substantial results building on the balance found in the Copenhagen Accord. After the Tianjin talks (4-9 October 2010), even the UNFCCC Executive Secretary, Figueres, stated that "Mexico will not deliver a comprehensive agreement on climate change this year" 18. While the COP 16 seems already destined to end without any chance of reaching a comprehensive agreement, the opportunities offered by the Conference should not be missed, although the final result could be postponed to the future. Hopefully, in South Africa at the end of next year.

Conclusion

Since the 1990s Europe has been a fundamental actor in establishing an international response to climate change. Its governance has increasingly received European attention, becoming part of its broader foreign policy. Additionally, the fight against global warming constituted an opportunity for Brussels institutions to reinforce their legitimacy on the domestic level, thereby becoming an important driver of integration.

¹⁷ Runge-Metzger Artur, Director European Commission, DG Climate Action proposed a step-by-step approach with a set of concrete decisions in Cancún which includes (i) tangible co-operative action/partnerships on adaptation, capacity building, reducing emissions from deforestation and forest degradation, technology transfer; (ii) rules for monitoring, reporting and verification, land use, land use change and forestry and financial governance. Presentation "Between a rock and a hard place: The prospects for international & EU climate change policies" for the ISLTC Annual Meeting, Sintra, 18 June 2010.

¹⁸ International Centre for Trade and Sustainable Development, "Bridges Trade BioRes - Tianjin Climate Meeting Delivers Little", 11 October 2010.

Nevertheless, COP 15 last year in Copenhagen, represented a warning shot for EU leadership. The definition of a non-legally binding informal agreement and the presence of new actors in the climate change arena were symptomatic of a loss in EU power.

If it is true that the EU's role as "climate pioneer" has been questioned after Copenhagen, then Cancún should offer the opportunity to show how Europe can still be a leader.

In fact, even if a legally binding agreement will not succeed in Cancún, Europe should lead in guiding international efforts towards an ambitious and realistic direction. This could be done both by providing some examples in those areas where it takes a vanguard position and by proposing alternative solutions and creating momentum in the negotiation process. Finally, the Lisbon Treaty should improve the persuasive power of Brussels facilitating European climate policy's broader outreach.

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