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Beyond leadership by example: towards a flexible European Union foreign climate policy

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Content

Introduction: questioning the effectiveness of EU foreign climate policy[1]

For almost twenty years now, the European Union (EU) has very actively promoted internationally legally binding solutions to the daunting challenges posed by climate change. By virtue of being one of the world's key greenhouse gas (GHG) emitters, the EU was also among the central actors whenever major negotiation rounds were held in the 1990s on the set-up and development of the international climate regime. In the post-2012 regime debates kicked off in 2005, the Union again demonstrated a high level of engagement, especially prior to the crucial 2009 Copenhagen conference of the parties (COP). Via ambitious policy proposals and its own example of a regional climate regime, it attempted to "show the way" to other parties. Yet, the degree of activity that it has displayed throughout the years has regularly not resulted in favourable substantive outcomes. As the ongoing round of UN regime negotiations aptly illustrates, the Union has been and continues to be unable to effectively leave its mark on the climate regime.

In debates about its external climate activities, the ineffectiveness of EU policy actions has often been attributed to the international context it has to operate in (Purvis/Stevenson 2010; Egenhofer/Georgiev 2009). In the face of solid opposition from other, (prospectively) more significant emitters, notably the US and the major emerging countries (China, India), it is argued that there is not much the EU can do to influence global talks. After its suboptimal performance at the Copenhagen summit, many voices therefore demanded that it should instead concentrate (even) more on its internal policies. Essentially, the Union was advised to reinforce its leading-by-example approach through sustained climate and energy policies from the bottom up, and to step back from promoting a top down, legally binding approach (Geden 2010; Falkner et al. 2010).

This type of partial disengagement from the global climate policy stage may be an understandable reaction to the dynamics within the UN climate regime in the years 2009 and 2010. It is not, however, a realistic option for an EU that remains committed to solving the problem of climate change. There are two central objections to such a laissez faire approach. First, climate change is a global common good problem: either all (major) emitters tackle it or the carbon-friendly solutions adopted in some areas of the world will be offset by higher levels of pollution elsewhere. The challenges related to this "carbon leakage" impose continued EU external activity to strive for an internationally concerted solution. Hoping that it would suffice to demonstrate the feasibility of de-carbonising European societies to incite others to follow in the medium to long term may quickly turn out to be a fatal form of wishful thinking. Second, talks in the UN climate regime or in smaller governance arenas like the Major Economies Forum (MEF) will continue regardless of the EU's attitude and actions. If it does not want to jeopardize its reputation as a global player committed to multilateralism,[2] the Union will need to remain fully engaged. From both a problem-solving and a foreign policy perspective, it is thus beyond doubt that the EU must keep up its high level of engagement in global climate politics.

[1] The paper is partially based on a more comprehensive, longitudinal study of the EU's foreign climate policy (see Schunz 2010). In the study, several research interviews were conducted between January 2008 and March 2010, both with EU member state and Commission officials working in the climate change domain. The author would like to thank all interviewees for their cooperation.

[2] Its commitment to multilateral institutions has been demonstrated in documents like the 2003 Commission's communication on "effective multilateralism" and the European Security Strategy as well as in countless speeches by EU representatives held since then (European Commission 2003). Moreover, the Union has, notably in the very domain of climate change, a long track record of promoting multilateral solutions to global problems. Legally, the search for multilateral solutions to global problems is even imposed by the Treaty of Lisbon (Art. 21 TFEU).

If partial disengagement from processes of global climate policy-making is not an option, a second, in the past often politely overlooked factor of the EU's suboptimal performance needs to be inspected: the degree to which it is itself responsible for its ineffectiveness. If the Union simply has failed to obtain most of its substantive policy objectives, not just in Copenhagen, but also in previous rounds of talks on the UNFCCC, the Kyoto Protocol and the operationalization of the latter (Oberthür/Roche-Kelly 2008: 36; Van Schaik/Schunz forthcoming), this cannot be solely explained by other parties' apparent unwillingness to (i) undertake significant emission reduction efforts and/or (ii) bind themselves internationally to reduction targets (Purvis/Stevenson 2010). The Union's activities as such, i.e. *what* it has done and *how*, also contributed to constraining its impact. Yet, only after the Copenhagen conference the Union's missed opportunities to convey its messages internationally were attributed to its own flawed foreign policies. And they were, overall, rather moderate (see, e.g., Wurzel/Connelly 2010: 286-287). Some, notably from the non-governmental community, argued that the EU was probably too timid in defending its ambitious policy proposals, and seemed to imply that it may have been more successful, had it only gone farther in the promotion of its leading-by-example approach. Others pointed to the fact that it had primarily performed poorly in terms of its communication strategy, with a certain degree of cacophony at the end of the COP (Agence Europe 2010).

These piecemeal explanations for the EU's underperformance do not go far enough. The striking discrepancy between its undeniable long-term engagement in global climate politics and its track record of attempted, but failed leadership by example needs more profound explanation. Even more so, it raises the normative question of whether the Union's diplomatic resources in the area of climate change cannot - and should not - be deployed more effectively. This, in turn, means nothing less than reconsidering the Union's long-standing external climate policy. 2010/2011 might be the right moment for doing so, as both external and internal critical junctures seem to have been reached. Internationally, climate negotiations were virtually stalled after the Copenhagen summit, and COP 16 in Cancun achieved little in substance beyond the (momentary) revival of the moribund multilateral process as such. Domestically, the entry into force of the Lisbon Treaty enabled the creation of an EU External Action Service, which took up its work as of 1 December 2010 and provides incentives for the Union to modify the practical functioning of its climate diplomacy.

In trying to draw the lessons from the past, this paper discusses options for enhancing the effectiveness of the future EU foreign climate policy. This is essentially done from a foreign policy perspective, which acknowledges that climate change is nowadays a central foreign policy issue. Following a brief conceptual section that clarifies what is precisely meant when we speak of "European Union foreign climate policy", "climate diplomacy" and "foreign policy effectiveness", the EU's past performance in UN climate negotiations is critically assessed, highlighting the advantages and fallacies of its long-standing leading-by-example approach. Subsequently, the key part of the paper briefly examines the current external and internal contexts for the EU's foreign climate policy to ask whether and to what extent the positions the Union defends in contemporary global climate politics are in need of adaptation. On the basis of these considerations, I argue that the Union first and foremost needs to empower itself to conduct a more flexible, adaptive climate diplomacy. This implies that it has to decouple its external climate policy strategically to some extent from its internal policies and adopt a stronger "outside-in perspective" that asks what role other parties really want the EU to play on the global scene. This necessitates, firstly, a consideration of the Union's *strategic interaction with the environment* it operates in. Secondly, its *internal institutional set-up* for external action can be reformed to exploit synergies. In a concluding section, I discuss the benefits and costs of leaving current paths and identify potential obstacles on the way toward a reinvigorated EU climate diplomacy.

Conceptual bases: EU foreign climate policy, EU climate diplomacy and their effectiveness

Foreign climate policy and climate diplomacy are often talked about, regularly confounded, but seldom defined. When it comes to the EU, it is even more necessary to be precise, since the Union does not constitute a traditional (state) diplomatic actor.

Diplomacy has narrowly been defined as the "essential institution for the conduct of inter-state relations" (Jönsson 2002: 212). As such, it can be regarded as the active dimension of foreign policy, which is "that area of politics which is directed at the external environment with the objective of influencing that environment and the behavior of other actors within it, in order to pursue interests, values and goals" (Keukeleire/MacNaughtan 2008: 19). While the notion of foreign climate policy consequently refers to the definition and pursuit of climate-related interests (e.g. exploiting a first-mover advantage on clean energy technologies), values (e.g. promoting the precautionary principle as guideline for global action) and goals (e.g. imposing a global cap on greenhouse gas emissions) (Brauch 1996), employing the term diplomacy places the emphasis primarily on what a foreign policy actor does once it has defined its positions. Practically, climate diplomacy is thus above all at play in the context of UN climate regime negotiations, but also whenever bilateral exchanges between different parties and smaller fora such as the G-8, G-20 or Major Economies Forum deal with climate change-related issues.

On the basis of this conceptualization, the specificities of *EU* foreign climate policy can be unraveled. Being neither a state nor an international organization, the EU has its foreign policy regularly conducted by different actors in different issue areas, but always by genuine EU institutions (EU Council presidency, notably in the climate domain, Commission) on the basis of common positions. Yet, in a wider perspective, one can also speak of EU foreign climate policy when member states act explicitly in line with the Union's interests, values and goals. However, this is not usually the case, as EU member states pursue their own foreign policy agendas and bilateral relations with third countries, also in the climate (and the closely related energy) policy domain. Nonetheless, such a wide definition of EU foreign climate policy has the virtue of demonstrating already the potential for synergies in case of serious coordination efforts of diplomatic activities among EU members - an issue further addressed below.

When scrutinizing EU foreign climate policy from an effectiveness perspective, three analytical units require discussion:

1. *The EU's external climate policy positions: what are the "values, interests and goals" - expressed in concrete positions - the EU wants to defend in the global arena?*
2. *The EU's institutional set-up for foreign climate policy: who prepares and takes the decisions on behalf of the EU and how is its external representation organized?*
3. *EU climate diplomacy: what does the EU undertake to defend its positions and how?*

The third dimension requires an assessment of the Union's real activities vis-à-vis other actors and of the instruments it uses when attempting to defend its positions in the global arena (Brighi/Hill 2008). Instruments include purely diplomatic tools such as issuing demarches or declarations, visiting other countries, opening dialogues, but also economic measures of either an incentivizing (e.g. by concluding trade, cooperation or association agreements, reducing tariffs or providing aid) or constraining (imposing boycotts, delaying or suspending agreements, increasing tariffs, reducing aid etc.) nature (Smith 2003: 52-68). In essence, a comprehensive analysis of the EU's climate diplomacy requires the detailed unpacking of its strategic behavior, based on such tools, in global climate politics.

Using these concepts, it becomes possible to assess the effectiveness of the EU's foreign climate policy. Effectiveness is regularly defined in short as "doing the right things" to reach one's aims (Drucker 1966). It depicts "the match of the output of a given [foreign] policy to the output objectives of that policy" (Gysen et al. 2006: 99),

i.e. the relation between defined objectives (what an actor wanted to obtain) and attained objectives (what it did obtain). By contrast, efficiency is a closely related, but subordinate concept, which stipulates cost-benefit calculations (Drucker 1966). If the EU was effective by attaining its objectives in the area of global climate politics, one could, additionally, ask whether these objectives could have been reached by employing fewer resources. The purpose of this paper is to assess EU effectiveness in global climate politics, based on which it becomes possible to identify promising paths towards an EU climate foreign policy that promises greater chances of obtaining its goals.

From a normative perspective, effectiveness is often perceived as one of the two dimensions of legitimate political activity (*output* legitimacy - as opposed to *input* legitimacy, which relies on the participation of the governed in the definition of policy objectives via democratic procedures) (Scharpf 1999). Improved effectiveness in its external climate policy would thus not only enhance the EU's contribution to solving policy problems globally, but also represent a major means of enhancing its legitimacy as a global actor.

EU foreign climate policy revisited: an analysis of the leadership-by-example approach

Ever since the early 1990s, the EU has been driven by the aspiration to impose itself as a leader in global climate policies by pursuing a very active climate diplomacy approach.[3] The key characteristics of its overarching leitmotif throughout all major negotiation rounds can best be understood and scrutinized on the basis of a brief longitudinal examination of each of the three analytical categories of EU foreign climate policy outlined in the previous section (*institutional set-up, positions, diplomatic activities*).

Key features of the EU´s foreign climate policy

The *positions* the Union has defended in the global climate negotiations were consistently based on an approach that has been aptly characterized as "leading by example" or "directional leadership" (Gupta/Grubb 2000; Oberthür 2007; Runge-Metzger 2008). Based on both values and interests, the EU regularly operated with proactive, wide-reaching and often comparatively ambitious policy proposals, guided by the strong aspiration of adopting an international legal framework including reduction targets for key emitters (Van Schaik/Schunz forthcoming).

In the 1990s, the EU's overarching aim consisted of setting such legally binding emission reduction targets for industrialized countries, and exporting the regulatory model guiding EU environmental policy at the time, a command-and-control approach based on policies and measures (Jordan/Rayner 2010). When the focus on this regulatory approach met with the resistance of (notably) the US, which was promoting market-based, presumably more cost-effective flexible mechanisms (e.g. emissions trading), the Union changed course. From spring 1997 onwards, it proactively centered its position on an ambitious emission reduction target proposal of 15% by 2010 compared to 1990 levels (Yamin 2000). Reductions of this magnitude were

[3] This ambition was first formulated by the 1990 Dublin European Council when the European Community's leaders expressed under the heading "the environmental imperative" their "increasing acceptance of a wider responsibility (...) to play a leading role in promoting concerted and effective action at global level" (European Council 1990). It was later repeated in numerous policy documents.

justified with reference to the precautionary principle and a new EU climate change narrative: keeping global temperature increase at a, supposedly manageable, level of 2 degrees Celsius. Despite the criticism the EU received for its proposals from other developed countries ("unrealistic", "hypocritical"), especially for having no internal policies in place to comply with such a target, the Union's positioning did bear fruit. The pressure this ambitious proposal put on other industrialized countries allowed the EU (with its acceptance of 8% reductions) to gain some leverage over the targets adopted by the US (-7%, after an original offer of stabilization) and Japan (-6%) (Yamin 2000). In return, the Union had to accept all US demands regarding the flexible ways of reducing emissions.

In the period that followed, notably during the run-up to a new reform of the climate regime from 2005 on, the EU forged a reinforced version of the approach it had pursued in the 1990s. Using the 2 degrees Celsius target as a guideline, and backing up its policy proposals with references to the 2007 Fourth Assessment Report (FAR) of the Intergovernmental Panel on Climate Change (IPCC), it built its approach around comparatively ambitious targets of 20% reductions by 2020 (and 30%, if other industrialized countries were to adopt comparable reductions). This was paired again with a whole set of proactive policy proposals, many of them motivated by the ultimate goal of setting up a global carbon market, whose prototype would be the European Emissions Trading System (ETS). In an effort to make up for the criticism raised in the 1990s, the EU now demanded a greater effort also of major developing countries and based its own proposals on a wide-reaching reform of its internal climate regime (Oberthür 2009; Schunz 2010).

The EU's *climate diplomacy* has since the 1990s been guided by its ambition to position itself as a leader, almost to the point that possessing an adequate position for the global climate negotiations was congruent with having a diplomatic strategy (Schunz 2010). Practically, leadership by example implied "showing the way", i.e. going ahead of the crowd and demonstrating to others that (and how) decarbonization can be achieved. The central feature of such a strategy is timing: the EU elaborated its positions on key topics in the global talks very early to try to set the agenda even before other players had made up their minds. Subsequently, its strategy consisted primarily in promoting its policy proposals and existing internal policies as a model, which was explained to external partners over and over again.

In the 1990s, the Union's message was mostly spread within the UN climate regime. Only few bilateral relations were exploited, notably with the US or Japan. During this period, the EU's strategy relied almost exclusively on the quality and appeal of its proposals. In the 2000s, the Union broadened its diplomatic strategy in several respects: it extended its outreach, firstly, beyond the UN regime and, secondly, to other players than the US and Japan, notably after the 2001 withdrawal of the George W. Bush administration from the Kyoto Protocol negotiation process. Thirdly, it began to employ also a larger set of foreign policy instruments than before. To give a few examples, in 2004, the Union convinced Russia of ratifying the Kyoto Protocol by promising it support for its membership bid to the World Trade Organization (Douma 2006). In 2005, strategic partnerships around climate change and clean energy technologies were concluded with China and India to create opportunities for bilateral climate discussions with these countries. Yet, these instances of economic foreign policy remained not only an exception, but also did not lead to the desired progress in the post-2012 negotiations. As in the periods before, the EU's strategic focus in these talks remained the presentation and spreading of ambitious and proactive proposals primarily within the UN. Much less energy was spent on trying to impact on the other climate governance fora that emerged in the second half of the 2000s, notably the Major Economies Meeting/Forum, a US initiative bringing together the 17 largest global emitters, and the G-8+5. The Union did, however, start to undertake efforts to disperse its messages more widely also through classical diplomatic channels. From the mid-2000s on, Commission delegations and member state embassies joined together in local branches of the EU's Green Diplomacy Network, reinforced their activities to promote the Union's climate policy objectives in

a select number of key countries (US, China, India, Russia etc.) (Schunz 2009).

Institutionally, the mechanisms and procedures that were put into place for the Union's decision-making on and external representation of these positions have evolved considerably since 1990.

While decision-making has remained a matter of consensus among member states in the Environment Council, its preparation has been the task of an increasingly complex working group system. An Ad Hoc Working Group on Climate Change created in the mid-1990s has evolved into an ensemble of multiple thematically organized expert groups, which report to the Council Working Party on International Environmental Issues (WPIEI-CC). The WPIEI-CC proposes international negotiation positions to Coreper. Following a discussion by the Permanent Representatives, they are brought forward to the Council (Costa 2009).

The decisions reached in this complex institutional structure under the Environment Council were represented externally by different sets of actors (Schunz 2010). During the global talks that resulted in the Framework Convention, and thus prior to the 1992 Maastricht Treaty, EU representation resulted predominantly from ad hoc member state coordination. During the Kyoto Protocol negotiations in the mid-1990s, coordination and representation were ensured by an EU Troika, composed of the former, present and future Council presidency. In 2001, the Commission replaced the former presidency in the Troika. Finally, since 2004, an intricate representation system involving lead negotiators and issue leaders from any member state or the Commission supports the work of the Troika. The reasoning for creating this type of arrangement was two-fold. On the one hand, such a representation formula was thought to be able to overcome the pitfalls of the rotating presidencies by assuring greater cross-time continuity, giving the EU a sharper external profile in the UN climate negotiations; on the other hand, it was believed that resources would be used more efficiently when expert knowledge is pooled and tasks shared among the 27 (member states) + 1 (Commission). To that end, each lead negotiator and issue leader is backed up by a multinational team of specialists.

In sum, the mapping of the Union's foreign climate policy of the past 20 years displays a number of key features of the overarching leitmotif. The EU presented proactively a comprehensive set of policy proposals revolving around ambitious emission reductions targets. These proposals were explained widely, through an increasing number of channels and mostly with diplomatic, at times also economic foreign policy tools. Since the early 1990s, the patterns of decision-making and diplomatic activities have been consolidated, but never seriously altered. Only the institutional set-up of the EU's foreign climate policy did evolve over time. A greater role has been given to the Commission, even though the member states do retain full control over the Union's external climate policies.

The limits of leading by example

When it comes to assessing the effectiveness of the leading-by-example approach, a comparison of the EU's objectives and the results it has obtained with its diplomatic strategy can be usefully supplemented by an assessment of the virtues and limits of this approach.

The approach arguably did yield some successes over the years. The EU has been credited with keeping the topic of climate change on the international agenda during periods when the momentum seemed lost in the global climate regime. This was particularly the case in the early 2000s (Oberthür/Roche-Kelly 2008). After the US had withdrawn from the Kyoto Protocol ratification process in 2001, the future of the multilateral regime was endangered. The Union stepped in, reinforced its diplomatic activities, demonstrated to others its commitment to reducing emissions on the basis of the Protocol, and successfully obtained the continuation of the Kyoto Protocol ratification process. Leading by example through ambitious policy proposals may also have played a role in raising other countries' emission reductions ambitions. This was undoubtedly the case for the major industrialized countries' reduction pledges during the Kyoto Protocol negotiations in 1997, but may also have played a role for the key emerging economies in the late year 2009.

Finally, the Union has successfully advocated the setting of a temperature limit, defined in terms of maximum average mean temperature rise of 2 degrees Celsius. A reference to this temperature limit was agreed by all parties that accepted the 2009 Copenhagen Accord, and reiterated a year later at the Cancun COP 16. However, without translation into concrete policies and targets, the reference to this target remains largely a symbolic victory for the time being. This can also be said in general for the EU's successes, whether in terms of agenda-setting or keeping the discussions in the multilateral arena. At a meta-level, the EU has doubtlessly contributed to the maintenance and incremental evolution of the multilateral regime via its leading-by-example diplomatic strategy (Wurzel/Connelly 2010: 286-287). This has helped the EU to gain some positive recognition as a global player, certainly by much of the environmental non-governmental organization community, which frequently refers to the EU as a model, but also by parts of the wider (European) public. Yet, when it comes to detailed provisions of the treaties and agreements negotiated in the UN climate regime, the Union has been much less successful. An evaluation of the leading-by-example approach needs to part from this observation (Schunz 2010).

Examples from each major round of UN climate negotiations demonstrate the EU's suboptimal performance. The Union was unable to leave a sustained mark on the 1992 Framework Convention, which reflected largely US wishes for a vague umbrella treaty (Bodansky 1993). It proved incapable of co-determining the regulatory approach to the climate regime negotiated in the mid-1990s. The Kyoto Protocol exhibits a clear preference for market-based climate governance instruments favoured by the US to the detriment of command-and-control measures preferred (at that time) by the EU (Yamin 2000). The Union's leverage over the reduction targets of other industrialized countries also proved to have been a Pyrrhic victory. The major emitter US is not bound by its 7% reduction target, having never ratified the Protocol. The other industrialized countries obtained maximum flexibility in the fulfillment of their target obligations with the 2001 Marrakech Accords, but Australia, Canada or Japan will nonetheless not comply with them during the first commitment period. Finally, the EU was not only unable to obtain any of its key objectives with the 2009 Copenhagen Accord (e.g. regarding the magnitude of emissions target, the legal form of the outcome etc.), but also left a poor impression as a climate diplomat in the process of negotiating this agreement.

Obviously, EU attempts at "showing the way" have more often than not failed to deliver on the high expectations created when the Union stylized itself as global climate leader. The downsides of the strategy can best be understood when examining the less successful episodes of EU involvement in global climate talks in more detail.

Most importantly, the endgames of the various negotiation rounds revealed that "showing the way" does not qualify as a very elaborate diplomatic strategy. In Kyoto as well as in the early and late 2000s, the EU revealed its positions comparatively early and explained them at length during a negotiation process, but was unable to adapt them to the global negotiation context as the latter evolved. Since the EU had not defined fallback positions, its reactive and adaptive capacity proved suboptimal, notably during final bargaining sessions: the approach was simply too rigid. To adjust its stance, lengthy and often painful internal coordination in situ was needed. This problem had already been identified and criticized as "bunker" mentality for the 1997 Kyoto negotiations (Oberthür/Ott 1999). It re-emerged in 2000, during the talks on the operationalization of the Protocol when "the uncoordinated, reactive (...) style of European diplomacy" was criticized (Ott 2001a: 285). The EU spent "so much time negotiating with itself, and secondarily focusing on its position vis-à-vis the United States, that very little investment [wa]s made with respect to other countries" (Grubb/Yamin 2001: 274). Even after the reform of its system of representation, this observation remains true. Its approach, aimed at problem-solving at the global level, often simply overburdened negotiation partners that were either in different stages of preparation or behaving according to a different logic of action altogether.

This general observation can be made more concrete by invoking a few telling examples from

EU's activities before COP 15. Although it was announced openly in early November 2009 that the outcome of the Copenhagen summit would not be legally binding, the EU stuck to its ideal position, trying to uphold both the pressure on other players and the illusion that the negotiated outcome could still be binding, while remaining unprepared for alternative scenarios. In similar vein, the EU relied on wishful thinking in its normatively driven hope that the US would behave more flexibly in Copenhagen, even though the Obama administration had clearly communicated ever since early 2009 that its hands were tied by Congress. US climate envoys stated over and over again that they were not willing to repeat the "Kyoto mistake" of endorsing an international agreement that would stand no chance of adoption in the Senate. Finally, the Union was also unable to adopt an adequate posture vis-à-vis the emerging powers. Despite reinforced investments into the bilateral relations with China or India, these nations could not be convinced of taking on greater responsibilities under a binding framework. Rather than responding to the EU's science-based arguments, they were - like the US - fiercely defending their economic self-interests. This pattern of a mismatch between the expectations and behaviour of the EU and the BASIC countries is not exclusive to the domain of climate change. Rather, the EU's "normative disconnect with the emerging powers" can be found back in other policy areas (Holslag 2010; Afionis 2010).[4] In Copenhagen, it led to a situation in which the US and the BASIC determined the summit's outcomes largely without the Union.

The EU has thus, for over a decade and a half, organized its foreign climate policy around a leadership approach that primarily attempts to exploit the "power of example" to convince other parties of adopting a legally binding global climate treaty (Runge-Metzger 2008). Projecting its own model in this manner amounted predominantly to an inside-out-perspective on the climate negotiations, which had its clear limits: the EU's advocacy for a top down approach was strongly EU-centric, static and rigid, profoundly normative as opposed to realpolitik-driven, and - as illustrated for the Copenhagen summit - reliant on a good deal of unwarranted optimism or "wishful thinking". When the negotiation contexts evolved differently, the EU was incapable of reacting in an adequate manner. Precisely this inflexibility must be regarded as one key reason for the EU's poor performances in the major global climate negotiation rounds of the past.

To become a more effective player in future global climate talks, the EU should thus consider adopting a strategy that replaces or supplements this inside-out perspective by an outside-in view, which takes into account the socioeconomic and political realities in other parts of the world and allows for greater flexibility.

[4] The critique about a "normative disconnect" can certainly also be extended to the EU's relations with the US in the domain of climate change: the oft-invoked transatlantic value community clearly does not apply to this policy field.

Towards a reinvigorated EU foreign climate policy: options and building blocks

This section identifies a range of key building blocks for an alternative foreign climate policy for the next decade. This is explicitly done from a foreign policy perspective, which primarily intends to stimulate a debate about key components of the EU's future foreign climate policy.

The current external and internal contexts for EU foreign climate policy

From a historical perspective, current global and EU (climate) politics may qualify as a critical juncture for EU foreign climate policy. On the one hand, the global climate regime is, a year after the Copenhagen summit, and despite the relative success of COP 16 in Cancun, still in a state of flux. On the other hand, the EU's internal reforms stipulated in the Lisbon Treaty provide ample incentives for a different set-up of EU diplomacy. A discussion of both these contexts

provides the background to identifying possible adjustments to the EU's foreign climate policy.

The external environment

The current and near-term future external context - *global climate politics* - provides many restraints for EU foreign climate policy activity. It may, however, also hold some opportunities.

While the European Union had been among the central actors in past global climate negotiation rounds, the most recent round of post-2012 talks strongly demonstrates that the socioeconomic, political and institutional contexts for global climate policy-making have become less favourable.

One of the consequences of the rise of the emerging economies of Asia (China, India, South Korea, Indonesia), America (Brazil, Mexico) and Africa (South Africa) in economic, demographic and political terms is that the EU is de facto losing its clout in global affairs. The apparent risk of EU marginalization as a political actor becomes very tangible in a highly politicized domain such as climate change. In this key area of global politics, the Union is also losing leverage over negotiation partners in relative terms. While the GHG emissions in the emerging countries are rising steeply, they are undergoing more moderate increases in many industrialized countries, but not in the EU (-15 or -27). Here, a slight downward trend can observed. By the end of 2020, which is the medium-term time frame currently under discussion in the global climate negotiations, the EU's mitigation efforts will most probably have become much less important to global emissions than it has been for the past decades (Botzen et al. 2008).

This context is not bound to make the design of effective EU foreign climate policies much easier.The process is rendered even more complex by the unaltered political differences opposing the more progressive, climate risk-averse player EU to a phalanx of risk-takers led by the US and the major emerging countries. In the future, the Union will therefore need to take into account that major global players are, for the time being, not interested in a comprehensive legally binding global climate regime. This has been obvious for a while, and has become patently clear since the November 2010 mid-term elections in the US. The new political constellation in Congress makes it highly unlikely that far-reaching climate legislation will be adopted any time soon by the largest industrialized country emitter. This political context implies, too, that the EU has to redefine its role. There can be no leaders without followers. A different leitmotif will thus be necessary to adapt to the evolving context.

On top of these intricate socioeconomic conditions and political cleavages, the institutions that have developed around climate change policies at the global level are not bound to facilitate future EU foreign climate policy performance either.

Since 2007, the UN climate regime has been transformed into an extremely dense institutional labyrinth, in which negotiations have been conducted on two tracks: in an Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA), with the US as full party, and an Ad Hoc Group on Future Commitments for Annex I Countries under the Kyoto Protocol (AWG-KP), with the US as an observer only. This intricate institutional arrangement embodies the global power structures as they existed at the time of their creation. The Copenhagen Accord, which stipulates the set-up of even more institutions, but was not endorsed by the entirety of parties to the UNFCCC, contributed to the over-complexification of arenas for negotiating climate change. This clearly disadvantages a risk-averse actors like the EU, whose declared key interest lies in the rapid solution to the problem of climate change. By contrast, it favours those who seek to perpetuate the status quo.

The diplomatic challenge posed to the EU transcends by far the UN realm. Other governance fora have equally been created over the past few years, all addressing climate issues to some extent: the Major Economies Meeting/Forum, the G-8+5 and, most recently, the G-20. Already before the Copenhagen summit the US pursued a strategy which promoted agreements through these fora, which gather countries responsible for 80% of the globe's emissions. This has met with resistance of the major emitters from the developing world, but also, at least prior to COP 15, of the EU.

Altogether, an unprecedented global climate governance mosaic is emerging, and the key sites for future climate policy-making are currently deeply contested. For the EU, which has to date shown presence by being represented in all these fora, coping with this diversity constitutes a major challenge, but also an opportunity. The state of flux that global climate governance currently finds itself in could be a chance for leaving its mark on the negotiations. By co-determining in which forum to discuss climate change at the global level, the EU can facilitate its own attempt at building alliances. To do so in concrete terms, a first step would be to fully and coherently accommodate to this new climate change-specific world (dis)order, as further discussed in the following sections.

In sum, the socioeconomic, political and institutional contexts complicate the design of effective EU foreign climate policies. Yet, simply ignoring the described dynamics and pursuing a more-of-the-same approach will not help the Union to regain profile. A more stringent effort of structuring and adapting to these contexts will be indispensible. This does not only concern the substantive climate policy positions the Union is to defend in the future, but also its diplomatic strategy and behaviour as well as the institutional preparation for participation in a more diversified and complex global climate governance landscape.

The internal constellation

While the external context has a potentially restraining effect, the internal political and institutional contexts seem to provide some incentives for reinforced EU climate foreign policy, notably regarding its practical organization.

Politically, the year 2010 did not bring much news regarding the internal cleavages on climate change within the EU. Regarding the key pillar of the Union's positions, its target proposal, the clash between those member states in favour of making a unilateral 30% reduction bid and those who advocate the status quo was not resolved. In spring, the Commission and some of the historically more progressive member states, notably Germany, the UK and France, argued for stepping up the EU's efforts in this regard (Willis 2010). They were supported by many civil society actors and numerous voices from academia, but opposed, above all, by Italy and the Eastern EU members. In late 2010, the Environment Council effectively shifted a decision on this item to the European Council in spring 2011 (Council of the EU 2010: point 9).

Just like the issue of positioning remained unresolved, the EU's overall strategic readjustment to the post-Copenhagen context seems to be unaccomplished as of early 2011. For the time being, the Union has lowered its profile, dampened expectations and advocated greater pragmatism. Clearly, waiting for the COP 17 in Durban South Africa, is favored to allow for more far-reaching international responses. This type of a wait-and-see approach may be a deliberate attempt at better understanding how other actors will position themselves. It might also be an expression of a certain degree of disorientation. Finally, it may also have to do with the internal re-arrangements that come with the Lisbon Treaty. In any case, the EU's hesitant reaction deprives it of stronger agency in the ongoing negotiations, which is lamentable, as the Union may miss the opportunity of re-structuring the global talks.

As to the legal-institutional framework for European external action on climate change, the entry into force of the Lisbon Treaty on 1 December 2009 brought with it potentially significant changes, notably regarding the practical conduct of EU foreign policy.

On climate change per se, the new treaty does not provide for any ground-breaking innovations. Article 191 of the Treaty on the Functioning of the EU (TFEU) states that "Union policy on the environment shall contribute to the pursuit of the following objectives: (...) promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change". This has been interpreted as a formalization of previous institutional practice (Lieb/Maurer 2009: 89).

In terms of the EU's foreign policy, however, the treaty reform introduces many novelties. Most importantly, these concern the creation of new institutions. Procedural rules affecting the functioning of EU external activities, especially regarding its representation, were also altered.

The creation of the post of a High Representative of the Union for Foreign Affairs and Security Policy (HR) might mark the most prominent institutional novelty for EU foreign policy. The High Representative carries a double-hat: being a Vice-President of the Commission, she also presides the newly created Foreign Affairs Council formation and has to assure the coordination of EU foreign and security policy (Art. 18, paras 4, 3 TFEU; Wouters et al. 2008). To support the High Representative (Lady Ashton from the UK) in her functions, the creation of a European External Action Service (EEAS) composed of officials from the Commission and the member states was stipulated in Art. 27, para. 3 TEU. The Service was effectively set up through inter-institutional accords in July 2010, and is supposed to be operational from December 2010. Its work will be divided among six Directorates-General. While several departments work on the relations with specific world regions (e.g. Latin America) and countries, one of them is conceived as a thematic department "global and multilateral issues", in which cross-cutting themes like climate change are to be handled.

However, Ashton and her Service are, formally, only responsible for the CFSP at her level, which is that of a foreign minister. At the highest political level, the new President of the European Council shall "ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy" (Art. 15, para. 6 TEU). Moreover, Ashton will have to share tasks within the Commission. Connie Hedegaard, the Commissioner for Climate Action, will not want to leave it to the HR to represent the Union on issues related to climate change. Her new DG Climate Action possesses the necessary expertise as it is to combine the Directorate C "Climate Change" of DG Environment, DG Relex activities related to international climate negotiations and the climate-related activities in the DG Enterprise and Industry. Early in 2011, task-sharing arrangements between these players and levels still have to be determined, especially because Ashton considers climate change as one of the key priorities of her work (Rettman 2010). An issue that has been settled is the EU's representation at G-20 summits: Commission President Barroso and the President of the European Council agreed that the former will speak on behalf of the EU regarding climate-related issues (Pop 2010). For the UN climate negotiations as well as other outreach activities in the different governance fora, the current Troika system, supplemented by the lead negotiator and issue leader arrangement remains in place for the time being.

But this does not have to be the end of the story, as a struggle about the new procedural rules on who was to do what in the concrete representation of EU foreign policy illustrates. The new Treaty rules state that the "Commission shall ensure the Union's external representation, with the exception of the common foreign and security policy and other cases provided for in the Treaties", whereas the "High Representative shall conduct the Union's common foreign and security policy. He shall contribute by his proposals to the development of that policy, which he shall carry out as mandated by the Council" (Articles 17, para. 1 and 18, para. 2 TEU). Regarding the conduct of international negotiations leading to agreements, Article 218, paragraph 3 TFEU determines that the "Commission, or the High Representative of the Union for Foreign Affairs and Security Policy where the agreement envisaged relates exclusively or principally to the common foreign and security policy, shall submit recommendations to the Council, which shall adopt a decision authorizing the opening of negotiations and, depending on the subject of the agreement envisaged, nominating the Union negotiator or the head of the Union's negotiating team". A conflict developed around this provision when the signature of the letter for submitting the EU's target pledge had to be made under the Copenhagen Accord by 31 January 2010. The Commission appeared to consider, on the basis of Article 218, paragraphs 3 and 5 TFEU and Article 17, paragraph 1 TEU, that it would have to be the prime negotiator and representative of the EU outside the CFSP, and that it would also have to sign international agreements. Consequently, it claimed the signature of the letter to the UNFCCC Secretariat. The Council did not contest the possibility that the Commission may be appointed as sole negotiator of the EU regarding international environmental negotiations, but

pointed out that climate change remains a shared competence under the Lisbon Treaty (Art. 4, para. 1 TFEU). As a result, it argued that the duty of cooperating loyally continued to apply. Even if the member states could, by common accord, grant a mandate for negotiating international agreements to the Commission, the Treaty foresees - in the Council's view - by no means an automatic conferral of these rights to the latter (Kaczynski 2010).

Although the status quo - and thus the view of the Council - prevailed in this concrete instance, this conflict illustrates that the Lisbon Treaty reform provides incentives for a re-organisation of the EU's foreign climate policy, most importantly its conduct. Even if the political constellation outlined at the beginning of this section favours the maintenance of the current representation system, both a Commission and a High Representative takeover in EU foreign climate policy are in theory possible, with all the opportunities this brings with it (Van Schaik 2010; Kaczynski 2010). These opportunities will be explored further in the next section.

The EU's position for future global climate negotiations: decoupling internal climate policies and foreign climate policy positions

On the backdrop of the described external and internal contexts for EU foreign climate policy-making, it can be assessed whether the Union's objectives embodied in the positions it has expressed in the climate domain stand a reasonable chance of realization and to what extent they may need to be adapted and/or presented differently to allow for greater effectiveness.

Since the disastrous Copenhagen summit, the EU's overarching values and interests and, ultimately, key (long-term) goals regarding climate change have not changed. There is no reason to believe that they will change any time soon. Despite the well-known cleavages between leaders and laggards in the Union, the key interest in decarbonizing the European societies is strongly vested in the inalterable geographic, socioeconomic and energy-related conditions on the continent. Moreover, there is no reason to believe that the Union will, all of a sudden, collectively sacrifice long-standing views on precautionary action regarding climate change and other environmental issues. Hence, chances are slim that the core of the Union's positions on global climate politics is going to radically change. What probably has to change, however, if the EU wants to attain its climate objectives, are the *strategies* towards the necessary de-carbonization it promotes, within its borders and outside.

Regarding the external context, the Union will not leave a mark on the global debate through its habitual "overambitious" policy proposals designed to "show the way" (Afionis 2010). To date, the EU has regularly promoted positions that overburdened its negotiation partners, since they were (i) not in line with the values and interests of such major players as the US, China or India and/or (ii) not presented in a way that was suited to find compromises. In the face of this problem, it has been argued that the EU has either the option of withdrawing from the international talks and concentrating on the reinforced bottom up design of its own regime or of adapting a pragmatic wait-and-see approach in global climate politics (Geden 2010; Falkner et al. 2010). However, these two strategies represent rather two extreme poles on a continuum of options for future EU foreign climate policy positioning. The EU does not necessarily need to choose between them, but can rather re-design its foreign climate policy by pursuing a strategy that can do both: continue to reinforce its internal climate policies, based largely on existing positions, and provide for greater pragmatism and flexibility in the conduct of the corresponding foreign climate policy.

This would imply that the positions the EU adopts and the actions it undertakes *internally* do not necessarily have to be fully congruent with what it promotes and does in its *external* climate relations. Of course, this does not imply that the two dimensions of climate policy could be completely different or even unrelated, undermining the Union's credibility. Yet, the historical performance of EU foreign policy in global climate talks strongly suggests that they will need to be decoupled to a larger degree in the future in order to allow the Union to act more strategically on the global scene.

Internally, its overarching values and interests continue to impose further, maybe different and most certainly reinforced action to set up an effective climate change regime that achieves the desired energy transition. Arguments are being exchanged in political and academic circles about the best strategy for doing so (Egenhofer/Georgiev 2010, Spencer et al. 2010, Spencer/Korppoo 2010; Curtin 2010, Geden 2010). One key proposal is that the EU needs to move to a 30% emission reduction target by 2020. However, the primary subject of this paper is foreign policy. From a foreign policy perspective, these debates should not (fully) determine anymore the shape of what the EU does *externally*. Given the complex international context outlined above, it is rather argued that the EU's foreign climate policy would be more effective if it was characterized by a greater adaptive capacity. The EU needs to be able to act with a strategy that allows for flexible fallback positions. It also needs to operate with different time horizons, decoupling the internal medium- to long-term strategy for decarbonizing its societies, driven solely by its own values and interests, from the external strategy employed in the international talks, in which it confronts the values and interests of others, and to adapt to new situations and institutions in the short-term.

In practice, the Union needs to define the ultimate long-term objectives it desires to attain through its foreign climate policies and dissect the way to get there into smaller steps. Arguably, it has already completed much of the first part of this job through its positions for the post-2012 negotiations (above all its 20/30% reduction targets by 2020, 85-90% by 2050 and with the central role played by carbon markets). Yet, it has done so by sketching out its ideal outcome - namely the well-known comprehensive treaty - and assumed a linear trajectory towards this outcome. In the future, it has to prepare itself for different pathways toward reaching its aims, including the definition of intermediate objectives and the projection of various alternative scenarios in line with the evolving external context (e.g. all other players remaining reluctant to binding climate policies, some key players remaining reluctant etc.). Possessing a Plan B (, C and D) would enable the Union to behave in a manner that is comparable to that of other players, use tactical moves in its outreach and cope more easily, also in its public relations, with short-term failure.

Such a change in strategy means that while the top down, comprehensive global agreement the EU has argued for in the past can remain the final goal, the Union needs to translate its overarching objectives into intermediate milestones. How this could be achieved is discussed in the next sections.

Flexible EU climate diplomacy: strategic behaviour in practice

In practice, flexible EU climate diplomacy relying on an outside-in perspective requires three, closely connected key choices: firstly, the EU needs to select in which global fora to operate; secondly, it has to come to a common vision of which actors to approach; thirdly, it has to choose the type of instruments to do so. In short, the effectiveness of the Union's diplomatic strategy will depend essentially on whether it is capable of coherently using the right kind of (interlinked) instruments vis-à-vis the chosen actors in the different arenas. To discuss some of its options in this respect, a useful distinction can be made between an institutional/procedural fit and a policy fit between the EU's activities, on the one hand, and the external context on the other hand. A *procedural* fit can be achieved if the EU either actively shapes or skilfully adapts to the current processes of climate governance at the global level. A *policy fit* requires an optimal synchronization between the Union's actor-specific outreach and use of instruments, as well as the external context. In each case, the guiding question that is to be addressed is how the EU can respond to the external demands: what can it offer in terms of procedures and substance to obtain a match?

Procedural fit: how to bring the EU's offers in line with the external procedural and institutional demands

Regarding the notion of procedural fit, the Union will, on the one hand, need to choose which governance channels it wants its foreign

climate policy to operate through. Instead of opting by default for gearing its foreign climate policy toward the UN climate regime only, it should critically assess which arena really constitutes the most effective forum for the solution of the problems related to climate change *and* through which body the EU can most effectively pursue its own objectives. This might not necessarily be the UN at all times. The key sticking points of global climate talks and the identification of package deals acceptable to all major players might actually be more easily addressed in smaller circles such as the Major Economies Forum (MEF). Through choosing to privilege the one or other channel the EU can, to a certain extent, shape its external environment according to own needs. In past negotiations, it already demonstrated that its decision for the forum in which to discuss climate change at the international level has a certain weight. After the US withdrawal from the Kyoto Protocol ratification process in 2001, the EU strongly influenced the pursuit of talks under the UN. In the future, it will also co-depend on the Union whether negotiations will further be held within the United Nations or partially shifted into fora such as the MEF. If the EU decided to deviate from its long-standing position to favour the UN, this would almost certainly help the US to achieve its preference for further negotiations among major emitters, against the publicly stated will of the BASIC countries. If the Union stuck with its multilateral preferences, it would bolster its ties with the G-77/China and render decisive discussions under the MEF or G-20 less probable.

Besides determining in which fora global climate politics will be discussed, the current external climate policy context necessitates that the EU not only adjusts its internal preparation and coordination procedures to assure coherent presence in all governance arenas. Rather the EU also needs to more thoroughly choose the actors to reach out to, the levels at which outreach is most promising, and the timing for outreach activities.

Firstly, with respect to the *actors,* in the past the EU has focused very much on the United States, adding only more recently the major emerging powers to its key outreach partners. Given the persistent refusal of the US to act bindingly on climate mitigation, the strategy to invest heavily into relations with the Americans may have to be altered both procedurally and substantially. Also, the type of relations set up with the BASIC countries may have to be reconsidered. Finally, the context suggests that greater emphasis on relations with other, at first sight less central actors like the LDCs could be a promising investment. In the future, the EU will therefore need to look to new, smaller coalition partners to face the more powerful US and BASIC countries on an equal level.

Secondly, the EU needs to be sure about the *level* at which best to approach other actors. The identification of the most suitable access points is particularly crucial because it must allow for talks to be held at a level where they can transcend the pure exchange of positions. In the past, talks were almost exclusively held among environmental experts. Recently, the level of heads of state also came to play an important role. At both levels, the post-2012 negotiations have not been advanced. For the future, the EU will have to consider if the most suitable level for making progress in global climate negotiations does lie in between these two. This would imply consistently involving Environment (and/or Foreign Ministers) early on in global negotiation processes, an idea that was successfully implemented at the 2001 COP 6bis in Bonn (see Ott 2001b). While attempting to target the right level for speeding up global decision-making, the external governance context also demands for EU outreach to be further diversified *and* coordinated vertically across all societal levels. EU climate diplomacy can no longer afford to limit itself to traditional EU-third state exchanges, but may need to be directed to a larger extent at transnational actors or subnational entities. Given the limited knowledge about and acceptance of climate science in many countries outside of Europe, actions may, for instance, need to involve a broader use of public diplomacy measures. Climate diplomacy practiced in such broad terms can serve to enhance bottom up processes also in other countries. Arguably, the EU and its member states already do undertake actions of this type, for example by cooperating with states in the US, but it would be worthwhile investing more resources into a carefully selected set of promising relations of this type.

Thirdly, the question of *when* to approach other actors appears to be important, not only from a procedural point of view: the EU currently reaches out proactively through UN negotiation sessions, other climate governance fora and through diplomatic activities such as démarches before COPs. At the same time, it has displayed a recurring tendency to convene important internal meetings on climate change when it should really be in discussions with external partners. In parallel to COP 14 in Poznan and COP 15 in Copenhagen, but also during many other UN negotiation sessions, EU Environment Ministers or heads of state were meeting in Brussels to discuss the EU's internal or external positions on climate change. While this type of timing may regularly serve the purpose of creating the momentum necessary to forge decisions about its positions, it has a negative effect for the EU's external performance. From a foreign policy perspective, the Union thus needs to bring its internal meetings calendar better in line with the timing of the international climate negotiations.

Policy fit: how to bring the EU's offers in line with the external demands in political-substantive terms

While the notion of procedural fit helps to identify a number of ways in which the EU could improve its climate diplomacy by bringing it more in line with the institutional and procedural features of the external context, a policy fit perspective allows for concentrating, again with a view from the outside in, on whether it designs adequate policies vis-à-vis the demands of specific (groups of) actors.

In general terms, one of the main lessons from the EU's performance in global climate politics is that it needs to make a more sustained effort to understand other players' preferences and interests before fully positioning itself. Besides more systematically "thinking the other", the relationships with these actors need to take on a new quality and transcend pure technical, policy-oriented exchanges of positions. The EU needs to reason more in terms of politics than policy. Although the EU has tried to use economic and not simply diplomatic tools like bilateral partnerships in recent negotiation rounds, it has not yet effectively employed issue-linkage and conditionality. For the future, such intelligently conceived linkage seems to hold greater potential: if the Union manages to mainstream climate change into its development aid programmes and international trade negotiations, for example, leverage may be gained over other parties' positions on global climate politics (Curtin 2010; Purvis/Stevenson 2010). Other than the link between diplomatic and economic tools, the EU should also more systematically consider the use of coercive foreign policy instruments. During the post-2012 negotiations, it was reluctant to actively employ mechanisms like border adjustment levies, even as policy options. Although arguments have been advanced that the EU's current 20% reduction target for 2020 is comparatively low, providing an insufficient justification for employing such measures (Spencer et al. 2010: 4), the EU could consider using this tool as a more serious threat - and real policy option -, *if* it decides to step up its internal efforts again (cf. Curtin 2010; Gros/Egenhofer 2010; Biermann 2005, for a more critical view: Dröge 2008).

Policy fit can only be sensibly discussed if the EU's actor-specific foreign policy approaches and instrument use are considered together. Proposals are advanced on how to reach out to the most significant countries and coalitions in a potentially more effective manner in a medium- to long-term perspective.

First of all, the EU should reconsider its strategy vis-à-vis the *United States*. After attempts to adopt wide-reaching climate and energy legislation in Congress definitely failed in 2010, hopes that the US will come up with ambitious climate policy solutions any time soon seem out of place. It may therefore be more effective to think about proposing the reform of the global climate regime around a legally binding "agreement of the willing" involving other players (and that would be almost all major industrialized emitters, judging by the current constellation).[5] Such an agreement would arguably only become possible, however, if the (perceived or real) problem of carbon leakage to

[5] Such an option is even discussed, and demanded by some, in US foreign climate policy circles: see Loy 2009.

the US could be prevented. Two options for this exist. As a positive incentive, such a regime reform could centre on a carbon market, which could be made accessible only on the basis of the adoption of legally binding caps that are to some extent in line with the IPCC's 2°C scenario. If the US does not have those in place, it would be excluded from this market. It could be hoped that the forces driving the creation of regional carbon markets within the US would also feel compelled to exert pressure for the country to join into a global scheme. In that sense, an incentive would be provided for the US to undertake the actions necessary to "join the club" at a later stage. This option would obviously require the swift operationalization of an OECD-wide emissions trading scheme, which is currently, however, far off.[6] Alternatively, the EU and its partners could impose border adjustments on goods imported from countries that do not adopt comparable climate policies (e.g. ratify a global treaty or pass domestic legislation including emission reduction goals of comparable magnitude), creating another incentive for the US to negotiate on and join a global climate agreement. Such a move would presuppose that the Union really resorts to acting in a less risk-averse manner in foreign policy terms. The resulting approach would imply a more assertive representation of EU interests. If the Union can speak the same type of language as the US in its defense of national interests in the climate talks, more strategic behaviour becomes possible. A similar approach could be adopted vis-à-vis countries that have aligned their position to that of the US, such as Canada. In both cases, the EU will need to operate with a medium- to long-term perspective, as the short-term hopes for change in the US have been too often disappointed.

Regarding the *other industrialized players*, especially Japan, Australia or New Zealand, who were also largely marginalized during the final days of the Copenhagen summit, the EU should seek greater cooperation than in the past. As these countries defend positions that are, in many respects, more similar to those of the EU than to the positions the US administration can defend, ample common ground exists to forge the evoked coalition of the willing and pursue joint policy approaches despite diverging domestic contexts. Given the stalled situation in the US, it could be particularly worthwhile investing more resources into these relations in view of adopting a second commitment period of the Kyoto Protocol,[7] which would have the potential of easing relations with the developing countries. This consideration also applies to Russia, which played such a crucial role in the UNFCCC regime in 2004, when the Union managed to rally it behind the Kyoto Protocol. Given its privileged relationship and geographic proximity with the country, the EU should examine more intensely which incentives it could use to convince Russia to adopt more ambitious climate polices and join - symbolically and practically important - a broader coalition. A possible carrot for the Russians would be reinforced cooperation around energy efficiency. In the run-up to the Copenhagen summit, Russia already overtly aligned its position regarding its emission reduction target, albeit symbolically, with the EU (Rettman 2009). Similar moves by a country which considers itself as an emerging player in the climate regime could also put pressure on the other players from the emerging economy front (Brazil, China, India).

Vis-à-vis the latter, the EU tried to build trust and institutionalize relations through privileged partnerships in the more recent past, and it would be well-advised to reinforce these ties with each *BASIC* country separately in the future. In doing so, it needs to find a strategy of linking joint technological and economic cooperation projects to stronger political coordination. To date, this type of issue-linkage has not functioned very successfully. Partners have taken what the EU had to offer, but have given little in return. Moreover, instead of one-size-fits-all partnerships, the Union will have to take into account the differences between the four players, reasoning

[6] The creation of such a market is currently out of reach, given revived skepticism about carbon trading in countries like Japan or Australia (Maeda 2010; Adam 2010).

[7] Although Japan played a difficult role regarding this agenda item during COP 16 in Cancun, the Japanese negotiation position on this is certainly more flexible than it appeared, if the right incentives can be mobilized.

not only in policy, but also politics terms. The emerging countries differ not only with regard to their national conditions and emissions profiles, but also in their approach to the post-2012 negotiations. Brazil and South Africa were and are not on the same hard line as China and India in terms of both expectations of the developed world and preparedness to take on (legally binding) actions themselves (Dröge 2010; Curtin 2010). Both will host important environmental summits in the next years: COP 17 will take place in the South African city of Durban, and Brazil is to organize the 2012 "Rio+20 Earth Summit". From a foreign policy perspective, they will have a strong interest in making these conferences a success, and the EU could be a first-class partner to help them realize this objective. Further, if India can be brought to understand that its national conditions and interests fundamentally differ from those of China, the BASIC group may lose some of its unity, which complicates other than status quo-oriented discussions, displayed at COP 15 and thereafter.

Finally, with all the required outreach to these major emitters, the EU should not neglect the *Least Developed Countries (LDCs)* and the *Alliance of Small Island States* (*AOSIS)*. Both constitute potentially important partners for forging the above-mentioned "coalition of the willing". The Union will need to consider employing all available economic incentives, e.g. through mainstreaming climate change into development policy instruments, to gather stronger support from these countries (Curtin 2010; Peskett et al. 2009). Arguably, its economic and trade muscle still holds greater potential in this regard, but more and improved coordination of activities is needed. To target the right access points, the focus of these diplomatic efforts could be placed on the spokespersons of the various negotiation groups within the G-77/China. In Copenhagen, the Friends of the Chair group of 25 countries that negotiated during the last two days of the conference consisted essentially of the major emitters/G-20 plus a number of countries that represented, for instance, the African Group, AOSIS and the LDCs. It seems crucial that the Union addresses these countries to a larger extent and more systematically by including them into its overall strategic foreign climate policy approach.

Altogether, the EU needs to integrate all these country-specific approaches into one overarching strategy. To do so, it will probably have to think multilaterally while acting bilaterally, i.e. adopt an approach marked by "effective multiple bilateralism" (Keukeleire/Bruyninckx forthcoming: 13). Although it seems indispensible to resort to bilateral relations to build trust and ensure continuous exchanges, it does not make sense to address the US, e.g., without thinking about the impact certain positions and decisions would have on China or India, and vice-versa. The parallel treatment of several actors in a coherent manner may pose a major practical challenge. This is a challenge that the composite EU-27+1 cannot ignore, if it wants to become a more effective global climate policy player.

In synthesis, the EU's climate diplomacy could greatly benefit from a more flexible, diversified and coherent long-term strategic approach, which relies on an apt combination of bilateral strategies vis-à-vis different types of actors. To put such a revamped diplomatic strategy in place, two crucial conditions need to be fulfilled. Firstly, the EU needs to allow itself greater flexibility in global climate politics, in both its bi- and multilateral relations. Secondly, and closely linked to this, it needs to re-organise the institutional set-up of its climate diplomacy to allow for the implementation of this type of approach. This final aspect of a future EU foreign climate policy will be addressed in the next section.

The institutional factor: taking advantage of the European External Action Service

To conduct the type of flexible, adaptive diplomacy in the context of the rapidly evolving global climate governance outlined in the previous sections, the EU needs to prepare itself in institutional terms. Importantly, it will need to use its resources in a more efficient and effective way, exploiting synergies. The required reforms may necessitate a range of changes, some of them demanding greater efforts, other minor adjustments. Internally, the Lisbon Treaty provides for a set of incentives to make them. The current structures may, however, also prove

quite resistant to change. This section discusses possible adaptations to the institutional set-up of the EU's foreign climate policy regarding decision-making, coordination and representation.

The creation of the working group structure under the Environment Council and the system of lead negotiators and issue leaders, put into place in 2004, have provided the EU with greater continuity, giving it better visibility on the world stage. On this backdrop, it could be considered whether the Union's effectiveness could be further improved through a more unified system of representation by either the High Representative or the Commission. On the one hand, the Commission could claim to become the EU's key negotiator for climate issues, on the basis of Article 218, para. 3 TFEU and recent internal climate policy harmonization trends. For the time being, however, it is highly improbable that this scenario will materialize, as climate change continues to be a shared competence (Art. 4, para. 1 TFEU), and member states will want to defend their prerogatives. On the other hand, the newly created High Representative of the EU for Foreign and Security Policy could take over responsibilities for EU external climate policy. Since climate change has turned into a prime foreign policy issue on the agendas of many bi- and multilateral summits, there is a clear rationale for a stronger involvement of the HR and the External Action Service in the definition and defense of EU external climate policy. Although one could a priori assume that both scenarios would result in greater coherence in terms of communication vis-à-vis external interlocutors or internal information-sharing, neither of the two constellations would solve one fundamental problem: substantial coordination among the member states and between these and the Commission will continue to be required on this highly politicized topic (for a further discussion of the (dis)advantages of both possibilities: Schunz et al. 2009; Van Schaik 2010; Afionis 2010).

This is not to say that the input of the High Representative or the External Action Service could not enhance the effectiveness of the Union's climate diplomacy by playing a crucial supporting and coordination role in several respects.

Firstly, the EU needs to envisage a more effective link between internal decision-making on foreign policy positions and its representation in various climate governance fora. Although the Union is de facto not only represented in the UN, but acts also in other fora such as the Major Economies Forum or the G-20 and through bilateral contacts as well as its diplomatic network, the expert groups under the WPIEI are currently set up to reflect the organization of the UN negotiations. They follow a strictly thematic approach, mirroring the topics under discussion in the post-2012 talks conducted under the two AWGs. To assure greater coherence of its outreach, an opportunity should be created for discussing the EU's participation in all fora. This should ensure that information gathered by the Union's extensive diplomatic activities is consistently fed back into its decision-making and coordination processes so that it can coordinate its outreach horizontally and constantly adapt it to the evolving environment.

Greater coherence in outreach would, secondly, also necessitate greater vertical coordination of foreign policy activities. Recently, EU outreach has taken place at all levels, ranging from the technical (experts of deforestation or adaptation) to the political (environment ministers, diplomats). It needs to be assured that the information is centralized at one level, which has to be empowered to take follow-up decisions.

Both those actions demand a more concerted use of resources and clarity on the question of who does what within the EU. Pooling of resources through more coordinated activities is needed to exploit synergies, systematic stocktaking of existing outreach actions of the 27 member states and the Commission. This requires a number of practical arrangements: on the basis of coherent, yet flexible negotiation directives, an issue- and/or geography-based task-sharing among member states and the Commission could be developed. Outreach could then, for instance, be divided along the informal lines that already exist, i.e. through certain special partnerships between EU members and third countries (e.g. contacts between France and francophone states, Portugal and Brazil, Germany and Russia etc.).

All these adaptations of the EU's climate diplomacy require greater coordination between

the environmental negotiators in the WPIEI-CC and the respective unit of DG "Global and Multilateral Issues" in the new EU External Action Service. The EEAS could play a key role in two respects: it could not only represent the EU in fora outside the UNFCCC negotiations, but would also be well-placed to coordinate the activities between the WPIEI-CC experts and personnel from the member states' foreign ministries or embassies and Commission delegations that de facto already work on climate change without necessarily possessing specialist knowledge of the global climate negotiations. A further integration between experts of the subject matter and experts of foreign policy and diplomacy, if organized in an effective way, can only strengthen the Union's foreign climate policy. This is especially the case because the EU's key interlocutors from major players in all global climate governance fora regularly stem from the foreign ministries of those countries (e.g. in the US, India, also China). The advantage of having foreign ministers and diplomats in charge lies in their capacity to assure the design of coherent negotiation strategies and their due implementation. Unlike environmental experts, it is these actors' daily business to behave strategically, operate with (secret) fall-back positions and make use of globe-spanning networks of embassies. Moreover, as generalists, they are a priori used to adopting horizontal perspectives and identifying linkages between climate change and other foreign policy issues. More systematically integrating experts of diplomacy into the EU's foreign climate policy promises to put the Union on an equal footing with other major players in this regard, while retaining the strengths of its positions that result from the expertise of its environmental negotiators.

The key institutional solution for adapting EU diplomacy on climate change in this way would thus be to empower a central coordination body at the meso-level (above the level of the expert groups, below the Coreper and Environment Council) to centralize information and take the relevant decisions. Rather than creating a new entity, the most obvious solution would be to confide this function to the WPIEI-CC itself, whose advantage is that it provides an already up and running institutional structure that would solely require a set of adaptations to existing practice.[8] Centrally, the HR and the EEAS would need to be given a greater role in this structure.

In practical terms, diplomats from the EEAS and the member states could be invited into the WPIEI-CC or regular inter-institutional/-service meetings be organised for such indispensible exchanges. Coordination efforts would have to be made by the EEAS, which would also assume responsibility for much of the strategic outreach activities the Union undertakes outside and also in the UN. Furthermore, the WPIEI would have to obtain enough flexibility to be able to take decisions regarding operational adaptations to the EU's positions and, in close cooperation with the EEAS, outreach strategies.

At the political level, a similar arrangement could be created via regular joint sessions of the Foreign Affairs and Environment Ministers, which would be co-responsible for the EU's negotiation mandate for climate (and other environmental) negotiations (Van Schaik/Egenhofer 2003).

While these institutional adaptations seem inevitable in an external context with complex climate governance, it is key to the Union's future success in global climate politics whether the Union is capable of designing an adequate foreign climate policy strategy in the first place.

Concluding remarks: can the EU's foreign climate policy change path?

This paper parted from the assumption that the EU's foreign policy on climate change has for almost two decades relied on a leading-by-example approach that did not give the Union much leverage over the substance of global climate negotiations. An investigation of this approach reveals a number of reasons for its ineffectiveness, most importantly related to the

[8] This would, among other changes, require that the Expert Group on Further Action, which was set up to play a (limited) coordinating role between other expert groups, would need to cede this role to the WPIEI-CC.

inflexibility and inside-looking character of the approach. Consequently, the EU needs to empower itself to be a more flexible, adaptive foreign climate policy player. To that end, the EU needs to act more strategically by adopting a long-term perspective dissected into intermediate steps, applying newly designed bilateral strategies and reforming the institutional set-up of its climate diplomacy. The potential benefits of such an alternative approach seem considerable. Even more so, the current internal and external context might actually provide unique windows of opportunity for such a strategic shift. The international negotiations are in a state of flux, while the internal changes under the Lisbon Treaty provide incentives for institutional reforms.

The major question that remains, however, is whether the discussed options and suggested changes can realistically be enacted in the EU. Despite the apparent ineffectiveness of the leading-by-example approach, the latter is very strongly embedded in the EU's identity as a norm-driven actor in this domain of global politics. It has enjoyed extreme popularity in the EU's politico-administrative circles, especially with institutions and actors that have long monopolized this topic within the EU, including Environment Ministers and experts from the member states and the Commission's DG Environment (now DG Climate Action). Moreover, it has been supported by a majority of civil society actors, notably the European ENGO community. The costs for leaving existing paths may therefore be too high. To give but two examples, the fact that the WPIEI-CC is strongly anchored in the Environment Council might, firstly, pose problems for a reform aiming at a stronger role for diplomats from the EEAS in the design and conduct of EU foreign climate policy. Getting the environment experts to let others also deal with "their" topic will therefore probably necessitate not only institutional reforms, but also (a much harder) change in mentalities. Secondly, a more strategic behaviour might appear as if the Union gave up on its precautionary, value-driven approach demanding for urgent climate mitigation action - a change of course that may not meet with the approval of many stakeholders within Europe. Yet, more strategic action does not necessarily imply giving up on EU values, but perceives the realization of these values as final goals, not as goals - or means - by themselves. It can be counterproductive to demand too much in the short term if this jeopardizes the chances of ever reaching a global climate deal that meets one's aims and expectations. To attain a multilateral, legally binding solution to the problem of climate change, not each step on a longer way necessarily has to be legally binding and forged through multilateral cooperation. In other words, while conserving its identity as a value-driven actor through its long-term objectives, the EU could behave more pragmatically, providing for a greater match with other players - that are apparently not prepared to move much more at this stage - on the way toward getting there. Nonetheless, the components of an alternative foreign climate policy approach sketched out here might be regarded as not attractive enough, too risky and not in line with EU values.

As "strategy is ultimately about effectively exercising power" (Foster, quoted in Baylis et al. 2007: 5), the EU's maturation as a foreign policy player seems to hinge on precisely this reform decision. If the Union wants to compensate for the overall loss of clout due to its decreasing share in global emissions, it needs to employ its diplomatic resources more intelligently and effectively than it has in the past. This in turn requires a greater capacity to adapt strategically to the changing landscape of global climate governance, a capacity that seems to be generally weakly developed in the EU. The Union acts as if it was confident that it possesses "power in a narrow sense", which Karl Deutsch defined as "the priority of output over intake, the ability to talk instead of listen. In a sense, (...) the ability to afford not to learn" (1963: 111).[9] Yet, the EU's historical performance seems to suggest otherwise: in climate change as in other domains, if it really desires to durably leave its mark on global politics, this is the one thing it can really not afford.

[9] The quote continues: "When carried to extremes, such narrow power becomes blind, and the person or organization becomes insensitive to the present, and is driven, like a bullet or torpedo, wholly by its past."

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Acronyms

AOSIS	Alliance of Small Island States
AWG-KP	Ad Hoc Working Group on Future Commitments for Annex I Countries under the Kyoto Protocol
AWG-LCA	Ad Hoc Working Group on Long-term Cooperative Action under the Convention
BASIC	coalition of Brazil, South Africa, India and China
CFSP	Common Foreign and Security Policy
COP	conference of the parties
EEAS	European External Action Service
ENGO	Environmental non-governmental organization
ETS	Emissions Trading System
EU	European Union
FAR	Fourth Assessment Report
GHG	greenhouse gas
HR	High Representative for Common Foreign and Security Policy
IPCC	Intergovernmental Panel on Climate Change
LDCs	Least Developed Countries
MEF	Major Economies Forum
TFEU	Treaty on the Functioning of the EU
UNFCCC	United Nations Framework Convention on Climate Change
WPIEI-CC	Working Party on International Environmental Issues - Climate Change