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A three-level game analysis of the EU's behaviour at the 2015 Paris international climate negotiations (COP21)

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This work is substantially my own, and where any part of this work is not my own, I have indicated this by acknowledging the source of that part or those parts of the work.

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Abstract

The EU has been a rare example of a consistent global leadership on climate change. At a time when governments around the world are reluctant to face the challenges of climate change mitigation, the EU was widely praised for helping to push states towards an ambitious Paris Agreement. This thesis asks what influenced the EU's behaviour at the 2015 Paris international climate negotiations (COP21). To answer this it undertakes an inductive case study of COP21 and the intra-EU negotiations that led up to it. It focuses on the EU's positions on climate mitigation proposals and more specifically greenhouse gas reductions. The thesis argues that the three-level game, incorporating national, supranational (EU), and international (UNFCCC) negotiating games, is superior to other theoretical frameworks for explaining the EU's behaviour. It shows that EU member states adopted positions based on political pressures at a national level, but also took into account how they would be received at a supranational level and how they could effect the international negotiations. Ignoring any one of the levels leads to an incomplete analysis of the factors influencing EU climate policy. Throughout the thesis I develop the three-level game, building on Putnam's two-level game, as a framework for analysing the EU's behaviour in international climate negotiations and challenge the mainstream, EU-centric explanations for EU climate policy.

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Notes on Measurements

Greenhouse gas emissions measurements

All percentage greenhouse gas emissions reductions referenced are assumed to be percentage reductions from 1990 levels unless otherwise stated.

Global warming measurements

All degrees celsius (°C) warming measurements referenced are assumed to be above pre-industrial levels.

1. Introduction

On the 14th December 2015 Miguel Arias Cañete, the European Union's Commissioner for Energy and Climate Action, told the gathering press at the 21st Conference of Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) in Paris that the conference result was "a major win for Europe and its allies."[1] Cañete was not far from the mark. The Paris Agreement reflects many of the EU's key priorities. It is a legally binding, universal agreement with 195 parties at all stages of their development process. It also references keeping global warming to at least below 2°C, but preferably below 1.5°C, includes strong accountability and transparency measures, and a five yearly review of parties' nationally determined commitments. These wins are puzzling as the EU is often viewed as an ineffective actor on the international stage, too caught up with internal coordination to negotiate effectively.[2] Moreover, in international climate negotiations we have become accustomed to ambitious actors being rebuffed by intransigent major greenhouse gas (GHG) emitters. Yet against the odds the EU, which went into the Paris negotiations with one of the most ambitious intended nationally determined commitments (INDCs) and one of the most demanding list of negotiating aims, was fairly successful.[3]

This thesis asks what influenced the EU's behaviour at COP21. It argues that the EU's behaviour is best understood with reference to a three-level climate negotiation game. At a member state level, governments are influenced by a range of political and economic factors to take particular positions on climate negotiations. At an EU or supranational level, member states compete to have EU policy reflect their preferences. The EU takes a negotiating mandate from its member states to international negotiations and attempts to achieve an

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[1] Miguel Arias Cañete. *Historic climate deal in Paris: speech by Commissioner Miguel Arias Cañete at the press conference on the results of COP21 climate conference in Paris* SPEECH/15/6320. Brussels: European Commission, 2015.

[2] Louise Van Schaik, "The sustainability of the EU's model for climate diplomacy," The new climate policies of the European Union: internal legislation and climate diplomacy (2010): 269.
Stavros Afionis, "The European Union as a negotiator in the international climate change regime," International environmental agreements: politics, law and economics 11, no. 4 (2011): 346.

[3] Sebastian Oberthür and Lisanne Groen, "Explaining goal achievement in international negotiations: the EU and the Paris Agreement on climate change," Journal of European Public Policy 25, no. 5 (2018): 714-16.

outcome that closely resembles that mandate. At each level negotiators are aware of what may happen at other levels of the game and so adjust their negotiating aims, sometimes scaling their ambition up in the hope of incentivising other actors to take more substantial action, sometimes scaling their ambition down to achieve compromises and avoid being ignored at other levels of the negotiations. The outcomes at any given level cannot be fully explained without reference to the dynamics at other levels.

This thesis makes a number of contributions to the literature on EU policymaking and international climate negotiations. It develops the three-level game, building on Putnam's two-level game, as a framework for analysing climate policymaking and negotiations.[4] Where the three-level game has been applied to EU climate politics before it has typically only been a passing reference by scholars.[5] Moreover, it has not been applied to the Paris negotiations. It also attempts to bridge the gap between EU climate policymaking literature and international relations (IR) scholarship on the EU in international climate negotiations by drawing on both to explain the EU's behaviour in Paris. While connections between the two literatures have been recognised, particularly in debates about EU 'actorness', the two literatures remain relatively compartmentalised, where in fact they have many complementary features. Finally, this thesis adds to existing literature on the outcome of COP21.

Having situated the thesis in academic literature above, this chapter will explain why it is worthwhile studying EU climate politics before discussing the research approach and outlining what later chapters will discuss.

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[4] Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," International Organization 42, no. 3 (1988).

[5] Loren R. Cass, "The Indispensable Awkward Partner: The United Kingdom in European Climate Policy," in Europe and Global Climate Change: Politics, Foreign Policy and Regional Cooperation, ed. Paul G. Harris (Cheltenham: Edward Elgar, 2007).
Paul G. Harris, Europe and Global Climate Change: Politics, Foreign Policy and Regional Cooperation (Cheltenham: Edward Elgar, 2007).

Why study EU climate policy?

Climate change is one of the greatest threats governments face globally. However few countries have consistently advocated for ambitious action to address climate change. The EU has been a rare example of consistent global leadership on climate change.[6] In 2019 Germanwatch (an environmental NGO) ranked the EU 16th on its Climate Performance Index, and gave it a mark of 96.8 out of 100 for its international climate policies.[7] The EU has also been one the three most recognised 'leaders' (alongside the US and China) in all of Parker, Karlsson and Hjerpe's annual surveys of conference of parties to the UNFCCC Conference of Parties (COPs) attendees between 2008 and 2015.[8]

This leadership has continued despite significant set backs in international climate negotiations. After the US announced it would not ratify the Kyoto Protocol, the EU continued with the ratification process and undertook intensive lobbying to convince other countries to ratify the Protocol, culminating in a deal with Russia to support its bid for WTO membership in exchange for ratification of the Protocol.[9] This brought the Kyoto Protocol into force. After a disastrous COP15 in Copenhagen in 2009, where EU officials were literally locked out of the final agreement negotiations and the accord was rejected by the COP plenary, the EU stepped up in Durban in 2010, offering to unilaterally commit to a second Kyoto Protocol commitment period in exchange for launching negotiations for a new "legally binding agreement that

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[6] Sebastian Oberthür and Claire Roche Kelly, "EU leadership in international climate policy: achievements and challenges," The International Spectator 43, no. 3 (2008): 35.
Rüdiger K.W. Wurzel, Duncan Liefferink, and James Connelly, "Introduction: European Union climate leadership," in The European Union in International Climate Change Politics: Still Taking a Lead?, ed. James Connelly, Duncan Liefferink, and Rudiger Wurzel (New York, N.Y.: Routledge, 2017).
Charles F Parker, Christer Karlsson, and Mattias Hjerpe, "Assessing the European Union's global climate change leadership: from Copenhagen to the Paris Agreement," Journal of European Integration 39, no. 2 (2017): 239.

[7] Germanwatch, *Country Scorecard: European Union (28)*, <https://www.climate-change-performance-index.org/sites/default/files/documents/european_union_28_scorecard_ccpi_2019_0.pdf>, accessed 9 September 2019.

[8] Parker, Karlsson, and Hjerpe, "Assessing the European Union's global climate change leadership: from Copenhagen to the Paris Agreement," 245.

[9] Wurzel, Liefferink, and Connelly, "Introduction: European Union climate leadership," 6.

included all major emitters" to conclude in 2015.[10] Prior to COP21 the EU undertook an unprecedented diplomatic campaign to raise ambitions leading up to the conference, and ultimately secured a deal that closely resembled its negotiating goals.[11] That record of achievement sets the EU apart from other actors.

Given the urgency of addressing global climate change, political science research should try to provide insights concerning what will cause states to take action on climate change. To that end, any actor with a track record of climate leadership like the EU's is worthy of attention because of the potential insights that research may bring about how to catalyse global climate action.

Research design

Discussing the EU's behaviour in UNFCCC negotiations presents a logistical challenge. There are 28 member states in the EU and a bewildering array of sub-state actors involved in the climate politics of each member state. Tracking each one's behaviour would be impractical. Consequently, this thesis does a number of things to sharpen the analytical focus. Firstly, it focuses on a case study of COP21. This was one of the highest profile COPs, so there is a rich array of political statements, news reports, conference summaries and academic writings on the conference that allow the thesis to assess the impact of different factors on the negotiations effectively. The case study itself tracks three inter-related negotiations: EU level negotiations over the EU's 2030 climate and energy targets, which became the EU's INDC at the summit; EU negotiations over the EU's negotiating mandate for COP21; and the international negotiations at COP21. The agreements about the EU's INDC and negotiating mandate influenced how the EU behaved at COP21 and consequently are included in the

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[10] Karin Bäckstrand and Ole Elgström, "The EU's role in climate change negotiations: from leader to 'leadiator'," Journal of European Public Policy 20, no. 10 (2013): 1381.

[11] John Vogler, "Global Climate Politics: Can the EU be an Actor?," in The European Union in International Climate Change Politics: Still Taking a Lead?, ed. James Connelly Rudiger K.W. Wurzel, Duncan Liefferink (London: Routledge, 2016), 26-27.
Oberthür and Groen, "Explaining goal achievement in international negotiations: the EU and the Paris Agreement on climate change," 714-15.

thesis. These three sets of negotiations span a time period from around January 2014 to December 2015.

Case study methodologies emphasise explaining a small number of occurrences in great detail rather than aiming to infer causal relationships from a larger number of less-closely examined occurrences. According to Yin, case studies can investigate an occurrence "in depth and within its context, especially when the boundaries between the phenomenon and context may not be evident."[12] He also believes that they can provide insights into situations where there are "more variables of interest than data points".[13]These strengths have made case study research a popular methodology in climate politics literature.

Steinberg and VanDaveer observe that environmental problems involve "a bewildering and often unintelligible array of social relationships."[14] Klinsky similarly notes studies involving climate change are confronted with the problem's "boggartness" (a reference to the shapeshifting monster from Harry Potter). Different social, economic and political concerns appear depending on what angle you look at the problem and the context in which you situate it.[15] In research conditions like these, the power of case studies to situate events within context, explore multiple explanations for policy outcomes, and establish causality where there are many concurrently operating variables, becomes particularly useful.

Singular case studies are often critiqued for lacking the "comparisons necessary for addressing larger issues of causality and theory generalisation."[16] This is not a primary concern for this thesis. It aims to assess the suitability of the three level game model for explaining the

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[12] Robert Yin, Case Study Research: Design and Method, 5th ed. (Thousand Oaks: Sage, 2014), 16.

[13] Yin, Case Study Research: Design and Method, 17-19.

[14] Paul F. Steinberg and Stacy D. Vandeveer, "Comparative Theory and Environmental Practice: Toward Doubly Engaged Social Science," in Comparative Environmental Politics: Theory, Practise and Prospects, ed. Paul F. Steinberg and Stacy D. Vandeveer (Cambridge, Mass.: MIT Press, 2012), 379.

[15] Sonja Klinsky, "Not Just a Case Study: Strategies for Researching Climate Change Politics," in A Research Agenda for Global Environmental Politics, ed. Peter Dauvergne and Justin Alger (Cheltenham: Edward Elgar, 2018), 126.

[16] Mark Purdon, "Advancing Comparative Climate Change Politics: Theory and Method," Global Environmental Politics 15, no. 3 (2015): 8.

EU's behaviour during the COP21 negotiations using an inductive, single case study research method. While I would argue that many of the negotiating patterns and influences uncovered by this thesis may be useful for analysing other EU negotiations, gaining a greater understanding of the EU's behaviour at this important international climate conference is an independent benefit of this research.

The second feature designed to improve its analytical focus of this thesis is that it tracks specific EU member states throughout the process: France, Germany, the UK and Poland. These do not constitute formal case studies, but rather are running touchstones through the thesis. These countries were selected after exploratory research because they were highly active players in EU negotiations leading up to COP21, both in advocating for aggressive and more restrained climate action. This thesis does not claim that they are perfectly reflective of EU member state behaviour in climate negotiations (given the enormous differences between EU member states it is unclear that any combination of states would be perfectly representative of that). Instead they are used to illustrate the way that national, supranational and international factors are connected in international climate negotiations, and influence states to take both pro- and anti-climate action stances.

The third feature of this thesis is that it limits discussion to mitigation policies, specifically policies for reducing GHG emissions, and accountability measures designed to ensure those reductions occur. There are many issues discussed in international climate negotiations: climate finance, adaption, and technology transfers to name just a few. However, for the sake of clarity, this thesis is limited to mitigation policy discussions, while acknowledging those discussions exist within a broader context that includes other issues.

The fourth important methodological feature of this thesis is that it predominantly analyses the actions of political elites, specifically EU commissioners, member state ministers, prime ministers, heads of state, and senior negotiators. This is firstly because they are the ones making the decisions in negotiations and voting in the EU Council (the Council) and UNFCCC. Hence, these actors are at the heart of the climate negotiations process. Secondly, as Eckersely argues

"the text and talk of the political executive … serves as the linchpin between domestic politics and international diplomacy; [it] enjoys a privileged platform from which to narrate the meaning of national identity, national interests, and international responsibilities and role conceptions; and provide the primary cues for media reporting on national and international climate politics."[17]

To the extent that states look to gauge each other's motives and negotiating positions, they are likely to look to the signals given by political executives and lead negotiators. For that reason, they deserve attention.

Thesis outline

This thesis will proceed as follows. Chapter two explains what the three-level game is and why it is superior to the dominant theories of EU policymaking (liberal intergovernmentalism and multi-level governance). It also refutes constructivist critiques of rationalism. Chapter three discusses the EU-level negotiations over the bloc's 2030 climate and energy targets. It argues that member states balanced domestic pressures against a desire to prompt non-EU states to be ambitious at COP21. This informed the compromises made. Chapter four examines the negotiations over the EU's negotiating mandate for COP21. It looks at the various inclusions and exclusions from the mandate, arguing that they were influenced by both the political constraints on member states and EU concerns about how its actions would influence international negotiations. Chapter five analyses the EU's behaviour during COP21. It particularly explains how the EU's ability to engage in climate diplomacy, build alliances, compromise and negotiate effectively all depended on EU factors, as well as showing how the international environment helped the EU reach its preferred outcomes at COP21. Chapter six summarises research findings and presents avenues for future research.

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[17] Robyn Eckersley, "National identities, international roles and the legitimation of climate leadership: Germany and Norway compared," Environmental Politics 25, no. 1 (2016): 182.

2. Theoretical Review of the Three-Level Game

This chapter explains why the three level game is the most appropriate theory to use for analysing EU and international climate negotiations. It begins by outlining Putnam's two-level game, before explaining why it needs to be augmented to a three-level game to analyse a supranational entity. It then operationalises the three-level game, explaining what the 'rules of the game' are at the EU and international levels by drawing from IR and EU policymaking literature. The chapter next demonstrates why EU-centric theories, particularly liberal intergovernmentalism and multi-level governance should not be the starting points for this thesis. Finally, it rebuts constructivist critiques of rationalism.

Putnam's Two-Level Game

Putnam's two-level game is a rationalist account of how international agreements are made and why some parties may have more negotiating leverage than others. Putnam suggests that negotiators are simultaneously playing two 'games' during international negotiations. The first is a domestic game. The negotiator must try to maximise the domestic appeal of any deal because it will have to be approved by domestic institutions, and political leaders who want to be re-elected. The second is an international game. The negotiator must agree to some of the other party's demands, or else they will walk away from the negotiations and leave the negotiator with nothing. Every move they make has consequences for both games, and "moves that are rational for a player at one board ... may be impolitic for that same player at the other board."[18]

The range of agreements acceptable to a negotiator is their "win-set". In order to reach an agreement, negotiators must reach a compromise that falls within both win-sets. Putnam claims that, all else being equal, a negotiator with a smaller win-set can extract more favourable terms than one with a larger win-set. A negotiator's domestic win-set is determined

[18] Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," 434.

by the domestic ratification requirements of that state, the preferences of powerful domestic actors, and how many possible coalitions there are that would allow a negotiator's deal to be ratified.[19]

Win-sets can change through negotiations. Assuming that the costs of not reaching a deal are high, a skilled negotiator can realign their potential coalitions of domestic interests by threatening that they must accept position x because no better position will gain international approval, while simultaneously persuading the other negotiator they must accept position x because no better option will gain domestic approval.[20] This allows them to gain the most favourable deal possible.

Expanding the two-level game

Despite the strengths of the two-level game, it has two problems when applied to EU climate policy. The first is that the two-level framework "may lead observers to overlook other important levels of political analysis" that do not fall into the strict boxes of the domestic or international games.[21] To avoid this, the theory should be expanded to a 'three-level game' incorporating a supranational negotiation level. Putnam acknowledges the possibility of multi-level games, citing the European Community as an area of study that could benefit from that approach.[22] Owen and Walker utilise three levels of analysis in their study of the causes of the 'leave' vote in the Brexit referendum and subsequent negotiating tactics of the May government.[23] Collinson's analysis of EU trade policy-making explicitly utilised a three-level

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19 Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," 437-43.

20 Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," 452-53.

21 Anthony R. Zito, Creating Environmental Policy in the European Union (Basingstoke: Palgrave Macmillan, 2000), 15.

22 Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," 449.

23 Erica Owen and Stefanie Walter, "Open economy politics and Brexit: insights, puzzles, and ways forward," Review of International Political Economy 24, no. 2 (2017).

game framework, with international, EU and domestic games discussed.[24] Regarding climate politics, Cass utilised the three-level game in his analysis of Britain's climate policy. He argued "successive British governments strategically manoeuvred in … a 'three-level game' to pursue what were perceived to be British national interests" in international climate negotiations.[25] My analysis will follow in adopting a three-level game framework.

The second problem is that the two-level game is a metaphor for the interactions between levels of negotiations rather than an explicit theory about negotiation behaviour. It depicts a stylised negotiation between two states to highlight how negotiators must simultaneously pay attention to their domestic constituents and other states' interests. While the two-level game outlines general factors that influence a negotiator's win-set, it provides little guidance about what factors may be influential in any given situation. Putnam instead says "[f]ormal analysis of any game requires well-defined rules, choices, playoffs, players, and information".[26] Clearly, the three-level game utilised to analyse EU climate policy needs to have more specific hypotheses.

One avenue suggested by Putnam for adding sufficient analytical teeth to the two-level game is to augment it with insights from other IR and policymaking literatures.[27] Collinson showed this approach works by integrating the two-level game with issue-systems frameworks in her work on EU trade policy.[28] The rest of this chapter will outline what the specific 'rules of the game' are at the EU and international levels, before explaining why this augmented three-level game framework is superior to other frameworks for understanding the EU's climate negotiation behaviour.

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[24] Sarah Collinson, "'Issue-systems', 'multi-level games' and the analysis of the EU's external commercial and associated policies: a research agenda," Journal of European Public Policy 6, no. 2 (1999): 217.

[25] Cass, "The Indispensable Awkward Partner: The United Kingdom in European Climate Policy," 65.

[26] Putnam. "Diplomacy and Domestic Politics: The Logic of Two-Level Games.": 435.

[27] Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," 435, 42.

[28] Collinson, "'Issue-systems', 'multi-level games' and the analysis of the EU's external commercial and associated policies: a research agenda," 215.

The rules of UNFCCC negotiations

Negotiators face particular challenges in UNFCCC forums. The UNFCCC requires that "Parties shall make every effort to reach agreement on any proposed amendment to the convention by consensus" with a three-fourths majority vote used only as "a last resort".[29] Backstrand and Elgstrom note that in forums with consensus rules "a 'reformist' actor that demands change has much less bargaining power than a 'conservative', status quo-oriented player", who typically benefits from the status quo and lose less if negotiations fail.[30]

Putnam suggests that "more self-sufficient states with smaller win-sets make fewer international agreements and drive harder bargains in those that they do make."[31] In climate negotiations the better way to conceptualise how 'self sufficient' an actor is, is to ask how much capacity an actor has to mitigate climate change, and how reliant are they on other actors making changes. Wurzel, Liefferink and Torney argue "an actor's relative contribution to a particular environmental problem and/or its ability to offer solutions … provide it with structural power" in negotiations.[32] Put more simply, whether a party is a large emitter (in net terms) and whether it has the capacity (capital) to invest in mitigation efforts effects how important securing that actor's cooperation is in negotiations. Backstrand and Elgstrom term this 'issue-specific power'.[33] These determinants of issue-specific power are the same at the EU and international levels, something that would be insufficiently addressed by a framework that focused solely on either EU-level or international-level influences on climate agreements.

Coalitions are also particularly important in climate negotiations. In general, coalitions are mechanisms for spreading an actor's view more widely. This is particularly important for

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[29] UNFCCC, 'United Nations Framework Convention on Climate Change', Article 15.3.

[30] Bäckstrand and Elgström, "The EU's role in climate change negotiations: from leader to 'leadiator'," 1373.

[31] Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," 443.

[32] Rüdiger K.W. Wurzel, Duncan Liefferink, and Diarmuid Torney, "Pioneers, leaders and followers in multilevel and polycentric climate governance," Environmental Politics 28, no. 1 (2019): 9.

[33] Bäckstrand and Elgström, "The EU's role in climate change negotiations: from leader to 'leadiator'," 1372.

ambitious actors in negotiations who need to convince other actors to support their proposal.[34]

But additionally at the UNFCCC, because negotiations are often structured around brokering deals between a small number of negotiators who represent major groupings of states, failure to join a major group could lead to a party's views being excluded from key negotiations.

Importantly, all of these considerations can be absorbed into the three-level game. They constitute the 'rules' of the international level of climate negotiations. The three-level game does not rule them in or out as influences, it simply says that states will respond rationally to considerations of issue-specific power, the voting rules in the UNFCCC, and the heightened importance of coalition building. The next section will outline the additional, unique challenges the EU faces at the UNFCCC.

EU actorness

The EU is party to the UNFCCC as a Regional Economic Integration Organisation (REIO). REIOs do not have voting rights.[35] EU member states, by convention, ratify or reject climate agreements jointly, but there is no guarantee they will into the future. Scholars argue that other actors take the EU seriously because it displays a contingent form of 'actorness'. Groen and Niemann define actorness as "the ability to function 'actively and deliberately in relation to other actors in the international system'" in a way broadly comparable to how states engage with the international system.[36] Criteria for actorness vary. Vogler suggests an actor should have 'autonomy' (it is seen as a distinct entity, not a vessel for other states), 'volition' (the

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[34] Oberthür and Groen, "Explaining goal achievement in international negotiations: the EU and the Paris Agreement on climate change," 713.

[35] The EU is the only REIO in existence. Vogler, "Global Climate Politics: Can the EU be an Actor?," 23.

[36] Lisanne Groen and Arne Niemann, "The European Union at the Copenhagen climate negotiations: A case of contested EU actorness and effectiveness," International Relations 27, no. 3 (2013): 309.

intention to act), negotiating capacity, and instruments to change others' behaviour.[37] Groen and Niemann add that an actor's goals and tactics should be coherent.[38]

Actorness is also constructed relationally, that is to say, while the above metrics are important factors to consider, they are difficult to assess objectively. Instead, negotiating parties tend to form opinions on the legitimacy of an actor based on what they see in negotiations. Vogler notes

> "the EU is constructed as an actor in day-to-day accounts of international climate negotiations … On occasions the attribution of 'actorness' to the Union has gone well beyond the strict letter of international law."[39]

If other actors believe that the EU is responsible for its actions, it matters little whether it is EU officials or member states' representatives signing off on actions. They only have to believe that when they strike a deal with the EU, the EU will bring its member states with it.

However, these are shaky foundations for actorness. In order to keep up the illusion, the EU has to focus on uniting its member states so they present one coherent message in negotiations. This requires time consuming, on-site coordination meetings, which can mean "little time and resources are left for outreach to, and negotiations with, their partners (or opponents) in the negotiations."[40] Moreover, there are significant consequences for the EU's negotiating ability if it cannot stay united. Other parties can divide the EU, it can make the EU's messages seem incoherent, and it reduces the EU's credibility.[41]

The important takeaway from the actorness debate is that EU actorness at the international level is contingent on preference aggregation at an EU level. Any theory that adequately explains what influences EU behaviour at UNFCCC negotiations needs to take these multi-level

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[37] Vogler, "Global Climate Politics: Can the EU be an Actor?," 20.

[38] Groen and Niemann, "The European Union at the Copenhagen climate negotiations: A case of contested EU actorness and effectiveness," 312-17.

[39] Vogler, "Global Climate Politics: Can the EU be an Actor?," 30.

[40] Van Schaik, "The sustainability of the EU's model for climate diplomacy," 269.

[41] Bäckstrand and Elgström, "The EU's role in climate change negotiations: from leader to 'leadiator'," 1374.

dynamics and contingencies into account. It must explain how EU preferences are aggregated and why member states stick to that agreement. This is where the three-level game functions better than other models. It explicitly shows how actions at an international level depend on actions at the EU and domestic levels, and vice versa, so can better engage with EU actorness in UNFCCC negotiations.

Formulating EU policy and international negotiating mandates

In order to set out the 'rules' of the EU level game, it is worth briefly examining what EU institutions are involved in making climate policy, before this chapter demonstrates why EU-centric theories are insufficient for explaining EU behaviour in climate negotiations. There are four main EU policymaking bodies. Firstly, the European Commission (the Commission), which roughly corresponds to an EU bureaucracy. Secondly, the European Parliament (the Parliament) elected directly by EU citizens. Thirdly, the Council of the EU (the Council), made up of ministers from the member states. The Council is the key decision-making body within the EU and the direct interface between national governments and the EU.[42] While there is technically only one Council of the EU, its make up and name changes according to the issue being discussed. For climate policy the most important councils are Council of Environment Ministers, and the Council of Energy Ministers.[43] Finally, the European Council, made up of the heads of state or heads of government of the member states. The European Council shapes and 'directs' EU policy, but does not have legislative power.[44]

Environmental issues are issues of 'joint competence' within the EU. This means that EU institutions, and member states can both enact environmental policy. This does not, however,

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[42] Claire Dupont and Sebastian Oberthür, "The Council and the European Council: Stuck on the Road to Transformational Leadership," in The European Union in International Climate Change Politics: Still Taking a Lead?, ed. James Connelly, Duncan Liefferink, and Rudiger Wurzel (New York, N.Y.: Routledge, 2017), 66.

[43] Dupont and Oberthür, "The Council and the European Council: Stuck on the Road to Transformational Leadership," 67.

[44] Rüdiger K.W. Wurzel, Duncan Liefferink, and Maurizio Di Lullo, "The European Council, the Council and the Member States: changing environmental leadership dynamics in the European Union," Environmental Politics 28, no. 2 (2019): 252, https://doi.org/10.1080/09644016.2019.1549783.

include energy policy which is the sole competence of member states.[45] Consequently, the EU

can issue directives enforcing environmental standards and create EU-wide initiatives, but

member states can also create their own policies, such as the UK adopting an emissions

trading scheme. Joint competency also means the EU is represented in international

negotiations by the Council President (a role that rotates amongst EU member states on a six-

monthly basis) and the Commission jointly.[46]

When an EU level policy (like the EU's 2030 Climate and Energy Package) is being developed

the process begins with the Commission formulating a policy proposal, either of its own

volition or having been asked to by the Council or European Council. The proposal is

submitted to the Council and the Parliament under "ordinary legislative procedures".[47] This

means both bodies must agree to adopt the policy and any amendments to it for it to enter into

law. The Council votes require a qualified majority of 55% of member states, representing 65%

of the EU's population to pass. There are also heightened requirements for a blocking minority

in Council. "To limit the possibility of larger states joining together to stop proposals, a blocking

coalition must include at least four Member States representing at least 35% of the EU's

overall population."[48] In general, this makes it hard to veto a climate proposal. However, the

Council must decide unanimously on issues of member state sole competence, including

proposals effecting member states' energy mixes.[49] Here a single state can be a veto player.

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[45] Claire Dupont, Sebastian Oberthür, and Katja Biedenkopf, "Climate Change: Adapting to Evolving Internal and External Dynamics," in Climate Change: Adapting to Evolving Internal and External Dynamics, ed. Camilla Adelle, Katja Biedenkopf, and Diarmuid Torney (Basingstoke: Palgrave Macmillan, 2018), 109.
Dick Leonard and Robert Taylor, The Routledge Guide to the European Union (Abingdon: Routledge, 2016), 200-01.

[46] Vogler, "Global Climate Politics: Can the EU be an Actor?," 22.

[47] Consolidated Version of the Treaty on the Functioning of the European Union (TFEU) OJ C 326, 26 October 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>, accessed 16 September 2019, Article 192(1)

[48] European Parliament. *Changed rules for qualified majority voting in the Council of the EU.* European Parliament. December 2014. <https://www.europarl.europa.eu/RegData/etudes/ATAG/2014/545697/EPRS_ATA%282014%29545697_REV1_EN.pdf>. Accessed 30 July 2019.

[49] TFEU Article 192(2c).

Despite having formal equality between the Parliament and Council in the legislative process, the Council has become a significantly more important body for climate policy. The Parliament has been constrained by the dynamics within the Council. Eastern member states have become more assertive in blocking climate policies, or have only been willing to support compromise versions of legislation. Consequently, the Parliament, which is typically regarded as a pro-climate actor because of its strong Greens presence, has often had to choose between implementing compromise legislation or no legislation, rather than advancing an independent, ambitious agenda.[50]

These Council dynamics have also stymied the Commission. The Commission is not a legislative body. It cannot force other EU bodies to adopt a proposal. When the Council or Parliament are deadlocked the Commission typically becomes more transactional, weakening aspects of its proposals in an attempt to secure a compromise, and it has to accept compromise agreements negotiated by the European Council (which often has to mediate disputes between member states that were unresolvable at a ministerial level). While these agreements can undermine key parts of the Commission's proposal, it is the only way the Commission can secure a guaranteed win in highly politicised circumstances.[51]

Additionally the Council is the most important body for developing EU mandates for climate negotiations. It develops and ratifies the EU's negotiating strategy, with input from the Commission. This does not require Parliamentary approval. During COPs, the EU convenes on-site coordination meetings, where member state negotiators (typically ministers or their delegates), with the Commission's assistance, adjust the EU's negotiating stance.[52] In theory the Parliament should also oversee negotiations, but despite continually asking to be included

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[50] Charlotte Burns, "The European Parliament and Climate Change: A Constrained Leader?," in The European Union in International Climate Change Politics: Still Taking a Lead?, ed. James Connelly, Duncan Liefferink, and Rudiger Wurzel (New York, N.Y.: Routledge, 2017), 57.

[51] Wurzel, Liefferink, and Di Lullo, "The European Council, the Council and the Member States: changing environmental leadership dynamics in the European Union," 253.

[52] Van Schaik, "The sustainability of the EU's model for climate diplomacy," 261.

in EU negotiating meetings for COPs (which it sends delegations to), the Parliament is consistently excluded by the Council and Commission.[53]

Given the importance of the Council for both policymaking and negotiation mandate formation, the dynamics between and within member states will matter enormously. The three-level game is well placed to analyse them in a wholistic way.

The general limitations of integration theories

Given the complexity of the EU policymaking process one might ask why not base this thesis around EU level theories. The problem with EU-centric theories is that they are predominantly theories of integration (with the possible exception of multi-level governance (MLG) which will be examined later).[54] They seek to explain why the EU exists as an entity and why its powers have (or have not) expanded vis-a-vis member states. The integration process is not a concern of this thesis. Moreover, EU theories have been generally "criticised for not paying enough attention to external [international] factors". EU theory still broadly treats the EU as a 'closed system'.[55] It has not developed adequate mechanisms to connect international events and EU decisions. Furthermore EU-centric theories are not designed to explain the EU's behaviour internationally. But even assuming these theories can tell us something about day-to-day EU policymaking and international behaviour, this chapter will examine the major theoretical schools and show why they are sub-optimal bases for explaining how the EU behaves in international climate negotiations.

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[53] Burns, "The European Parliament and Climate Change: A Constrained Leader?," 61.

[54] George Pagoulatos and Loukas Tsoukalis, "Multilevel Governance," in The Oxford Handbook of the European Union, ed. Erik Jones, Anand Menon, and Stephen Weatherill (Oxford: Oxford University Press, 2012), 62.

[55] Elin Lerum Boasson and Jørgen Wettestad, EU Climate Policy: Industry, Policy Interaction and the External Environment (New York: Routledge, 2016), 26.

Intergovernmentalism's shortcomings

Liberal intergovernmentalism (LI) is perhaps the dominant theory in EU integration and policymaking literature.[56] It draws heavily from political economy and negotiation theory. Moravcsik, the founding father of LI, described it as having three premises: "the assumption of rational state behaviour, a liberal theory of national preference formation and an intergovernmentalist analysis of interstate negotiations."[57] It does not treat state preferences as a given but believes they emerge through domestic contestation. LI further suggests the most active interests at a domestic level are those that stand the most to lose from any EU level agreement. This loss is generally characterised as economic loss.[58] Moravcsik never explicitly rules out non-economic motivations, however LI has developed into a theory that typically portrays a state's interests as being "shaped by the national conditions that reflect the economic interests of the economically dominant national constituents."[59] Additionally, these dynamics are replicated in inter-state bargaining. Within the EU the states most actively pursuing a deal are those that have the most to gain, while those who are least advantaged by it have the least incentive to agree.[60] LI is not a theory that explains how the EU or its member states bargain with non-EU actors. This is a significant weakness in the framework when applied to studies of climate negotiations.

LI draws heavily from Putnam's two-level game. Moravcsik concedes that "[f]rom the very beginning, much [European Community] decision-making has been difficult to explain except

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56 Mark Pollack, "Realist, Intergovernmentalist, and Institutionalist Approaches," in The Oxford Handbook of the European Union, ed. Erik Jones, Anand Menon, and Stephen Weatherill (Oxford: Oxford University Press, 2012), 11.

57 Andrew Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," Journal of Common Market Studies 31, no. 4 (1993): 480.

58 Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," 481-83, 88.

59 Boasson and Wettestad, EU Climate Policy: Industry, Policy Interaction and the External Environment, 9-10.

60 Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," 487.

as a two-level game."[61] Putnam and Moravcsik both agree about state preferences being contested and identify very similar factors that influence states' bargaining power in international negotiations, including range of possible deal-ratifying coalitions at a domestic level, the ability to make side deals, the intensity of interests, and the costs of no-deal.[62] This raises the question why use the spinoff theory rather than the original if the difference is so marginal? Using LI might be justified if its assumptions about the EU game's 'rules' are better, however there are a number of problems with LI's assumptions.

LI has become somewhat reductionist in its reasoning, assuming that economics are the key drivers of substate actors', and consequently, governments' actions. Constructivists have strongly critiqued this saying that norms and ideational factors impact actors' behaviour, not just economic considerations.[63] Constructivist critiques also critique LI's rationalist ontology. We will return to constructivist critiques of rationalism shortly, but suffice it to say this is a problem with LI not rationalism generally. This is evidenced by rationalists noting similar problems. International political economy theories "have long recognised that domestic politics create[s] incentives for governments to pursue policies that are suboptimal from an economic perspective" because politicians' first duty in democracies is to be responsive to voters, who do not always prioritise material interests.[64] Hiscox suggests voters often balance economic considerations against non-material considerations and even if voters care about economic issues, they often have incomplete views of the world so make choices that do not benefit their economic interest.[65] Moreover, economic and foreign policy are complex. Opinion polling data shows that poll responses about complex policy issues vary wildly depending on their

[61] Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," 515.

[62] Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," 480-91.
Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," 430-52.

[63] Mareike Kleine and Mark Pollack, "Liberal Intergovernmentalism and Its Critics," Journal of Common Market Studies 56, no. 7 (2018): 1496-97.
Thomas Risse, "Social Constructivism and European Integration," in European Integration Theory, ed. Antje Wiener and Thomas Diez (Oxford: Oxford University Press, 2009), 147.

[64] Owen and Walter, "Open economy politics and Brexit: insights, puzzles, and ways forward," 185.

[65] Michael J. Hiscox, "The Domestic Sources of Foreign Economic Policies," in Global Political Economy, ed. John Ravenhill (Oxford: Oxford University Press, 2008), 97, 120-21.

phrasing, even if the question's core meaning stays the same. This suggests that how a policy is framed matters more than its objective economic impact.[66] LI is right to make states a central part of the picture, but is wrong to characterise their motives as being purely economic and is limited in only theorising about intra-EU bargaining.

Multilevel dynamics but not governance

Supranationalist theories stand in opposition to LI. They suggest that EU institutions are 'genuinely autonomous' of member state actors and can exert independent influence on the policymaking process that determines EU policy outcomes.[67] The supranationalist framework most commonly applied to EU climate policy is MLG. MLG's core premise is that national governments are losing their governance functions to subnational and supranational bodies.[68] Many traditional functions, like the regulation of goods and capital, have been usurped, and there are a plethora of new public and private entities with governance functions.[69]

MLG has some strengths compared to other EU-centric theories. For one it is not an integration theory, it is a "middle-range … theoretical approach that accounts for the day-to-day workings of European integration and the EU."[70] It is also more attentive to inter-level connections between sub-state actors, EU actors and national governments, and the range of directions in which influence can flow. MLG scholars have made some important findings that allow us to better understand the 'rules' of the EU-level game. Zito highlights the wide range of actors that have inputs into the EU policymaking process, suggesting each can act as an access or veto point depending on circumstances. Consequently, actors seeking to make

[66] Hiscox, "The Domestic Sources of Foreign Economic Policies," 121-22.

[67] Wayne Sandholtz and Alec Stone Sweet, "Neo-Functionalism and Supranational Governance," in The Oxford Handbook of the European Union, ed. Erik Jones, Anand Menon, and Stephen Weatherill (2012), 20-24.

[68] Ian Bache, Ian Bartle, and Matthew Flinders, "Multi-Level Governance," in Handbook on Theories of Governance, ed. Christopher Ansell and Jacob Torfing (Cheltenham: Edward Elgar, 2016), 487.

[69] Pagoulatos and Tsoukalis, "Multilevel Governance," 66.

[70] Pagoulatos and Tsoukalis, "Multilevel Governance," 62.

changes in the EU often need to build 'entrepreneurial coalitions' of actors who occupy

different potential access/veto points, to minimise the chance of action being stymied.[71]

Schrueurs and Tiberghien explored how climate policy has benefited from 'multi-level

reinforcement'. EU's climate policy has not been contingent on one ambitious actor but

instead, at different times, has developed through "the actions … of a group of pioneering

states … the European Parliament and European Commission".[72] Multi-level reinforcement is a

key feature of EU policy negotiations.

However, MLG has a number of significant flaws. MLG scholars acknowledge its hypotheses

do not hold true across all policy areas. As Pagoulatos and Tsoukalis note:

> "policy areas traditionally branded as 'high politics' (foreign policy, economic policy)
>
> remain the least susceptible to MLG, [instead] subject to a prevailing logic of government
>
> interest and the dominant role of state and institutional actors … characterised by a
>
> formal layering of authority and far more limited involvement of non-state actors."[73]

International climate negotiations, as a foreign policy issue, are subject to this caveat.

Additionally, because UNFCCC forums only allocate votes to nation-states, for the EU to have

any power at the UNFCCC it needs its member states, who hold the voting rights, to cooperate

with it.[74] Hence states are more important in climate politics than MLG classically depicts.

MLG also typically 'brackets off' international factors.[75] Schreurs and Tiberghien come close to

acknowledging them, saying the EU is both an "arena for member states to negotiate with

each other and an actor in its own right in international climate negotiations", but they do little

to incorporate international dynamics into their theory.[76] Historically MLG scholars have paid

"little attention to the external environment, but the very idea of multi-level entrepreneurship

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[71] Zito, Creating Environmental Policy in the European Union, 10-11, 172.

[72] Miranda A. Schreurs and Yves Tiberghien, "Multi-Level Reinfocement: Explaining European Union Leadership in Climate Change Mitigation," Global Environmental Politics 7, no. 4 (2007): 22.

[73] Pagoulatos and Tsoukalis, "Multilevel Governance," 68.

[74] Van Schaik, "The sustainability of the EU's model for climate diplomacy," 261.

[75] Andrew Jordan et al., "Understanding the Paradoxes of Multi-level Governing: Climate Change Policy in the European Union," Global Environmental Politics 12, no. 2 (2012): 45.

[76] Schreurs and Tiberghien, "Multi-Level Reinfocement: Explaining European Union Leadership in Climate Change Mitigation," 24.

points to the possibility that EU actors may use global arenas" to reshape supranational dynamics.[77] This failure to properly engage with the international level is a significant shortcoming for MLG which the three-level game avoids.

Defending rationalism against constructivist critiques

Constructivism provides a distinctly different way to analyse the EU's climate negotiation behaviour. Constructivists reject core assumptions of rationalism. They argue that:

> "the interests of actors cannot be treated as exogenously given or inferred from a material structure. Rather, political culture discourse and the 'social construction' of interest and identities matter."[78]

The social structures, norms and values around actors regulate their behaviour, but simultaneously individual's interactions with those norms and values determine their meaning.

Constructivists have made significant contributions to debates about why the EU is an ambitious climate actor. Grippner, Morseletto, Biermann and Pattberg have discussed how keeping global warming below 2°C above pre-industrial levels became a norm in the EU and has come to guide the EU's internally adopted and externally advocated climate policies.[79] Van Schaik and Schunz's argue that the EU is a 'norm-driven' actor that has internalised three key pro-environmental norms which drive its behaviour: multilateralism, sustainable development, and a precautionary principle.[80] Skovgaard argues the EU's adoption of a 20% to 30% GHG reduction target in 2009 resulted from EU actors being 'entrapped' by previous commitments that the EU would be a global leader on climate change, and the precedent of previous strong

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[77] Boasson and Wettestad, EU Climate Policy: Industry, Policy Interaction and the External Environment, 7-8.

[78] Risse, "Social Constructivism and European Integration," 146.

[79] Olivia Gippner, "The 2°C target: a European norm enters the international stage—following the process to adoption in China," International Environmental Agreements 16 (2016).
Piero Morseletto, Frank Biermann, and Philipp Battberg, "Governing by targets: reductio ad unum and evolution of the two-degree climate target," International Enviornmental Agreements 17 (2017).

[80] Louise Van Schaik and Simon Schunz, "Explaining EU Activism and Impact in Global Climate Politics: Is the Union a Norm- or Interest-Driven Actor?," Journal of Common Market Studies 50, no. 1 (2012).

actions to curtail climate change. Having previously endorsed the norms they were difficult for EU actors to argue against without triggering backlash from the public for their hypocrisy.[81] However, he also noted the EU's lack of influence at Copenhagen discredited arguments about EU leadership on global climate change and the Global Financial Crisis (GFC) made some EU leaders less receptive to compromising economic benefits for climate action.[82]

There are a number of responses to constructivist critiques of rationalism. Firstly, taking a rationalist stance does not necessarily mean ignoring how norms and other ideational factors influence actors' behaviours. Risse argues "soft rationalist" approaches, with an expanded definition of what actors should rationally respond to, can adequately incorporate norms and values.[83] Dai also argues that constructivist insights can be reconciled with a rationalist decision making calculus. She notes rationalism "only presupposes that actors pursue their goals in an instrumentally rationalist way, regardless of whether these goals are defined in terms of material interests." She goes on to say "the desire of society - materialistic or idealistic - is consequential for governmental policymaking."[84] If voters value norm-driven environmental policy because they have internalised those beliefs, it is rational for a government to follow through on those policy expectations so as to stay in power. Under this conception it would be rational for governments to develop policies in line with the 2°C warming limit if that goal was widely supported in the electorate.

The second response is that, even if we accept that it is not a given actors will behave rationally, they may have been socialised into that behaviour. Johnston argues that constructivists could explain the dominance of realpolitik behaviour in international diplomacy as the result of 'socialisation' into that mode of thinking.[85] A similar argument could be made

[81] Jakob Skovgaard, "The Limits of Entrapment: The Negotiations on EU Reduction Targets, 2007–11," Journal of Common Market Studies 51, no. 6 (2013): 1144-48.

[82] Jakob Skovgaard. "EU climate policy after the crisis." *Environmental Politics* 23, no. 1 (2014): 2. Skovgaard, "The Limits of Entrapment: The Negotiations on EU Reduction Targets, 2007–11," 1147.

[83] Risse, "Social Constructivism and European Integration," 146.

[84] Xinyuan Dai, International Institutions and National Policies (Cambridge: Cambridge University Press, 2007), 10, 149.

[85] Alistair Iain Johnston, "Treating International Institutions as Social Environments," International Studies Quarterly 45, no. 4 (2001): 507-08.

about the culture of climate negotiations in the EU and internationally being one that favours rationalist behaviour. At that point to explain the result of climate negotiations you should still adopt a rationalist framework, even if that mode of thinking may not be the dominant approach forever. This demonstrates that either the three-level game will be able to take on board constructivist insights about non-material influences on negotiations and combine them into a rationalist framework effectively or, due to socialism, rationalism is the dominant frame for negotiators and thus the three-level game is an appropriate theory for analysing their actions.

Conclusion

The three-level game is the best lens through which to understand the EU's behaviour in climate negotiations. EU-centric theories fail to deal properly with the international dimensions of negotiations. IR theories need to be supplemented by proper analysis of the EU level to show how decisions are made and EU actorness is achieved. The three-level game corrects for these flaws. This chapter has shown the three-level game can be effectively operationalised, and has detailed the 'rules of the game' at the EU and international levels, drawing on insights from IR and policymaking literature, which strengthens the three-level metaphor. This chapter has shown that LI's focus on economic incentives as the drivers of negotiating tactics is problematic. Similarly MLG's claims about states losing powers are empirically untrue in climate negotiations. Moreover, both under appreciate the international elements of climate negotiations. Finally, constructivist critiques about rationalism do not hold. Either their insights about non-material drivers of action can be incorporated into a rationalist framework, or the negotiators' rationalist ethic can be explained as a result of socialisation. Neither degrade the three-level games' analytical worth.

3. The EU's 2030 Climate Targets

This chapter analyses the EU-level negotiations over the bloc's 2030 GHG emissions reduction, renewable energy, and energy efficiency targets. The GHG emissions reduction target went on to become the EU's INDC[86] for COP21. The INDCs detailed the initial GHG emissions reductions parties would commit to make at COP21, independent of the agreement negotiations. This chapter aims to show two things, firstly how the EU's targets were agreed and secondly that the three level game is the best theory for analysing their developments. It begins by outlining what the EU's 2030 targets were compared to the Commission's preferred targets. It then tracks the development of Germany, the UK, France and Poland's preferred targets in turn. The chapter next analyses how these four member states' concerns were addressed through a compromise agreement comprised of three sub-compromises: a deal between the Western member states on what the targets would be; a side payment to minimise costs for Poland; and finally an ambiguous review clause that provides governments with a way to claim their views had been respected in negotiations. The conclusion reiterates why the three-level game is the most appropriate framework for analysing this process.

Background

In October 2014, the EU adopted an 'at least 40%' GHG reduction target, legally binding on all member states, a 27% target for renewable energy legally binding on the EU as a whole but not individual member states, and a 27% non-binding energy efficiency target all by 2030.[87] These closely reflected the targets the Commission had advocated in its initial proposal for the 2030 climate and energy targets in January 2014 (the only difference was that the Commission advocated a flat 40% GHG reduction target, not 'at least 40%'). However, this continuity does not reflect the significant bargaining that ensued between states as they tried to strengthen

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[86] Intended nationally determined commitment.

[87] European Council, *European Council (23 and 24 October 2014) Conclusions* EUCO 169/14, Brussels: European Council, 2014. <http://data.consilium.europa.eu/doc/document/ST-169-2014-INIT/en/pdf>, accessed 4 August 2019.

and weaken various targets. The preferred targets of Germany, the UK, France and Poland are outlined in Table 1.

Table 1: Preferred targets of EU member states before October 2014 Environment Council meeting

Member States	GHG Target	Renewables Target	Efficiency Target	Explicitly Threatening Veto
UK	>40%	None, but prepared to compromise on an EU-wide target	None, but prepared to compromise on a non-binding target	No
Germany	>40%	30% binding on member states	>30%	No
France	40% but could compromise upwards	27% EU binding	30% EU binding	No
Poland	<40%	None	None	Yes

Sources: Carbonbrief, Euractiv [88]

Germany

Germany has historically been one of the strongest advocates for climate action in the EU. It has had a strong green movement since the 1970s and Green party representation in federal parliament since the 1980s.[89] Germany shouldered approximately 75% of the EU's GHG reductions under the Kyoto Protocol and helped keep the EU's GHG reduction on track by overachieving its targets.[90] It was able to do this because of incidental emissions reductions

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[88] Simon Evans, "Analysis: Who wants what from the EU 2030 climate framework," Carbon Brief 2014, https://www.carbonbrief.org/analysis-who-wants-what-from-the-eu-2030-climate-framework.
James Crisp, "Member states' positions on 2030 climate and energy targets revealed," Euractiv, 17 October 2014, https://www.euractiv.com/section/energy/news/member-states-positions-on-2030-climate-and-energy-targets-revealed/.

[89] Sven Rudolph, "Public Participation in Market-based Climate Policy: A Political Economy Perspective and the Cases of Japan and Germany," Carbon and Climate Law Review (CCLR) 2015, no. 4 (2015): 339.

[90] Martin Jänicke, "Germany: Innovation and Climate Leadership," in The European Union in International Climate Change Politics: Still Taking a Lead?, ed. James Connelly, Duncan Liefferink, and Rudiger Wurzel (New York, N.Y.: Routledge, 2017), 116.
Tim Rayner and Andrew Jordan, "The United Kingdom: A Record of Leadership Under Threat," in The European Union in International Climate Change Politics: Still Taking a Lead?, ed. James Connelly, Duncan Liefferink, and Rudiger Wurzel (New York, N.Y.: Routledge, 2017), 183.

after the collapse of East German industries.[91] By the 2000s all major German parties accepted climate change as a serious problem and supported Germany being ambitious in order to keep global warming below 2°C. After the 2011 Fukushima nuclear disaster, Germany's renewable energy targets were raised to 35% by 2020 and 80-95% by 2050 in order to encourage renewable energy generation that could replace nuclear generators. This energised the *Energiewende,* a long term project for improving energy security and efficiency, and creating new jobs through a transition to renewable energies.[92]

There are three main reasons Germany supported an 'at least 40%' GHG reduction cut, a 30% renewable energy target binding on member states, and a greater than 30% energy efficiency improvement target: there was a political consensus supporting the targets, they benefited the growing German 'CleanTech' sector, and Germany wanted to raise ambitions ahead of COP21. As noted above there was political consensus that Germany needed to take action on climate change. This minimised contrarian debate about the efficiency of renewable energy or the effectiveness of the targets. Moreover a 55% GHG reduction target for 2030 and a 35% renewable energy target for 2020 were already legislated, meaning the costs of increasing renewable energy generation and cutting GHG emissions were already priced in by business and the general public.[93] This limited the political backlash against the targets.

Germany's world leading 'CleanTech' sector further explains why it backed ambitious 2030 targets. The sector grew massively after Germany raised its renewable energy targets in 2011. By 2013, the German CleanTech sector was worth about €344 billion, contributed 13% of Germany GDP and had a global marketshare of about 14%.[94] The sector's growth had two impacts.

Firstly, Germany's high proportion of renewable energy (making up 28% of Germany's energy production in 2014) made GHG emissions cuts more achievable than in other parts of Europe,

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[91] Jänicke, "Germany: Innovation and Climate Leadership," 116, 25.

[92] Eckersley, "National identities, international roles and the legitimation of climate leadership: Germany and Norway compared," 185.

[93] DEA, Energy and Climate Policies beyond 2020 in Europe- Overall and selected countries (Copenhagen: Danish Energy Agency, 2015), 29.

[94] Jänicke, "Germany: Innovation and Climate Leadership," 124-25.

therefore Germany had less incentives to fight the targets.[95] Secondly, Germany would also have substantially benefited from imposing renewable energy targets on the rest of the EU. German CleanTech would be in greater demand across the EU, generating profit for an industry that employs over 848,000 people.[96] Notwithstanding the additional government revenue the sector's growth would have brought, this is a large proportion of the population who would support imposing renewable energy and energy efficiency targets, and which a rational government would look to appease by supporting strong renewable energy targets.

Finally, German leaders explicitly linked setting ambitious 2030 targets in the EU with influencing the positions of other countries ahead of COP21. That argument was made by German Environment State Secretary Jochen Flasbarth who said:

> "the German government was pushing to see the EU commit to adequate climate
>
> protection targets and thus provide an important impetus to the climate negotiations."[97]

German Environment Minister Barbara Hendricks was even more specific, arguing in April 2014 that:

> "At an international level it is important that we use this year to pave the way for a
>
> binding post-2020 agreement. Europe must play a leading role in this process. This is
>
> why we want to set an EU-wide climate target of at least 40 percent by 2030 as quickly
>
> as possible".[98]

These statements show that German leaders were cognisant that the decisions they made at the EU level would effect the international level of climate negotiations. This interaction of negotiation levels is something uniquely explained by the three-level game.

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[95] European Commission, *EU Energy in Figures: Statistical Pocketbook 2016,* Luxembourg: European Union, 2016, 184.

[96] Jänicke, "Germany: Innovation and Climate Leadership," 123.

[97] Federal Ministry for Environment, Nature Conservation and Nuclear Safety. *Getting the carbon market in shape for global climate action.* Federal Ministry for Environment, Nature Conservation and Nuclear Safety. 28 May 2014. <https://www.bmu.de/en/pressrelease/getting-the-carbon-market-in-shape-for-global-climate-action/>. accessed 8 August 2019.

[98] Federal Ministry for Environment, Nature Conservation and Nuclear Safety. *Energy system transformation is key to better climate action.* Federal Ministry for Environment, Nature Conservation and Nuclear Safety. 13 April 2014. <https://www.bmu.de/en/pressrelease/energy-system-transformation-is-key-to-better-climate-action/>. accessed 8 August 2019.

The UK

The UK advocated a GHG reduction target of 'at least 40%', possibly rising to as high as 50% in the event of a deal at COP21.[99] This was the most ambitious GHG reduction target in the negotiations. However, the governing Conservative-Liberal Democrat coalition could never support domestically-binding renewable energy or energy efficiency targets because of domestic political pressures.

The UK's ambitious GHG reduction target position was the result of three main factors: the emergence of a 'competitive consensus' around climate change in the UK from around 2005 previous political commitments (including under the UK Climate Change Act (2008)), and a desire to influence the outcome of COP21. From around 2005 the three major UK parties, Labour, the Conservatives and the Liberal Democrats, competed to be the most environmentally-friendly party creating a dynamic Carter describes as a 'competitive consensus'.[100] While Labour and the Liberal Democrats had some track record on environmental issues, the Conservatives' stance was instigated by David Cameron as part of a larger strategy to 'modernise' the Conservative Party and win back younger voters and those with more liberal social leanings. Importantly, the shifting views of the Conservative opposition changed the calculus of the business sector. Businesses started cooperating with the government because there was no reasonable chance climate change would disappear from the political agenda in the near future, even if the Conservatives were elected in 2010.[101] They showed what Rayner and Jordan termed a "willingness to be led" on climate issues that continued through the early 2010s.[102]

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[99] Evans, "Analysis: Who wants what from the EU 2030 climate framework."
Patrick Wintour and Rowena Mason, "Ed Davey urges EU to adopt 40% emissions cut target," Guardian, 18 June 2014, https://www.theguardian.com/environment/2014/jan/17/cut-carbon-emissions-ed-davey-tells-eu.

[100] Neil Carter, "The politics of climate change in the UK," Wiley Interdisciplinary Reviews: Climate Change 5, no. 3 (2014): 430.

[101] Carter, "The politics of climate change in the UK," 425-27.

[102] Rayner and Jordan, "The United Kingdom: A Record of Leadership Under Threat," 185.

The 2010 General Election delivered a Conservative-Liberal Democrat coalition government, which Cameron promised would be the "greenest government ever".[103] Both parties had made climate change central to their revitalised images and the Liberal Democrats' presence in the Coalition was expected push UK climate policy in a more ambitious direction. The Coalition's program for government promised they would "push the EU to demonstrate leadership on tackling international climate change".[104] They also promised to "work towards an ambitious global climate deal that will limit emissions" and increase climate finance.[105] The Coalition's firm commitments on climate change meant that they had to back aggressive climate action during high profile policy debates, like the 2030 Climate and Energy Package. Supporting an 'at least 40%' GHG reduction target fitted well within a narrative about UK leadership within the EU and support for aggressive climate action. Furthermore the UK Climate Change Act, had set a legally binding target of 80% GHG reductions by 2050.[106] Not meeting that, or being seen to reject proposals that were in line with the Act would have led to political backlash. It was rational for the Coalition to back an 'at least 40%' GHG reduction target in light of these previous targets and predictable potential backlash.

UK leaders also saw the EU making ambitious GHG emission reductions as a way to energise global climate negotiations. They believed if the EU took action it would encourage others to follow, thus rearranging the position of actors at the international level. The statements of Cameron and Climate and Energy Secretary Ed Davey (a Liberal Democrat) illustrate this motivation. Davey argued:

> "Getting a good ambitious deal is vital for climate change policy in this country and
> across Europe, … It is vital for the 2015 [global] talks. … If Europe doesn't take that

[103] James Randerson, "Cameron: I want coalition to be the 'greenest government ever'," Guardian, 15 May 2010, https://www.theguardian.com/environment/2010/may/14/cameron-wants-greenest-government-ever.

[104] HM Government, The Coalition: Our Programme for Government, London: HM Government, 2010, p. 16.

[105] HM Government, The Coalition: Our Programme for Government, p. 17.

[106] DEA, Energy and Climate Policies beyond 2020 in Europe- Overall and selected countries, 34.

ambitious position, the chances of getting the Americans, the Chinese and others to commit or put forward plans … just won't happen."[107]

Cameron echoed similar sentiments saying:

"We know from Copenhagen that we are not just going to turn up in Paris and reach a deal. We need to work hard now to raise the level of ambition".[108]

Critically, however, the UK did not see the mechanism for GHG reductions as important for signalling ambition.

There are two main reasons the UK government did not support renewable energy targets binding on member states. The first was because of the UK's energy mix. By 2014 the UK was not on target to reach its 2020 EU target for renewable energy, and was investing in nuclear energy and shale gas.[109] The UK may have struggled to reach a higher, binding target, and the target may have undermined the UK's investments in other energy sources.

The second reason was political. Cameron was under pressure from UKIP and Eurosceptic backbenchers to push back against what they perceived as EU interference in UK domestic affairs. This pressure was especially acute leading into the 2014 EU and 2015 general elections. EU targets legally requiring member states to change their energy mix were seen as infringements on UK 'sovereignty' and allowing the country to be dictated to by Brussels.[110] That made the targets politically untenable. Additionally, this political context meant the UK government would probably benefit from 'playing hardball' with Brussels in the negotiations. It was rational for the UK government to push back on renewable energy targets in negotiations so as to marginalise those political attacks.

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[107] Wintour and Mason, "Ed Davey urges EU to adopt 40% emissions cut target."

[108] David Cameron. *UN Climate Summit 2014: David Cameron's remarks*. Department of Energy & Climate Change and Prime Minister's Office. 23 September 2014. <https://www.gov.uk/government/speeches/un-climate-summit-2014-david-camerons-remarks>. accessed 11 August 2019.

[109] DEA, Energy and Climate Policies beyond 2020 in Europe- Overall and selected countries, 3,13.

[110] Arthur Nelsen, "EU leaders agree to cut greenhouse gas emissions by 40% by 2030," Guardian, 24 October 2014, https://www.theguardian.com/world/2014/oct/24/eu-leaders-agree-to-cut-greenhouse-gas-emissions-by-40-by-2030.

France

France's performance on international climate action has fluctuated somewhat. It has alternated between "bandwagoning at an EU level, resistance to specific policy goals and instruments, and occasional bids for leadership at the EU and international level."[111] The 2030 climate and energy package negotiations and COP21 were among France's high profile bids for leadership. France's position on the 2030 targets cut a middle ground between the UK and Germany. It supported a 40% GHG reduction target, opposed nationally binding renewables targets but not a EU-level target of 27%, and supported a stronger 30% energy efficiency target binding at an EU level.[112] This can be explained as the result of a desire to propel international action before COP21, mixed with domestic economic conditions that were not particularly favourable for renewable energy generation.

France was in a fairly good position to achieve GHG emissions reductions. France's primary energy source was nuclear, which has a low carbon intensity. In 2014 nuclear energy accounted for over 80% of France's primary energy production.[113] France like the UK, it was also not on track to meet its 2020 renewable energy targets and it had poor energy efficiency.[114] While EU imposition of targets was less politicised than in the UK, these conditions nevertheless did not encourage France to strongly advocate for renewable energy or energy efficiency targets that were nationally binding.

The most influential reason why France looked to secure an ambitious 2030 energy package was its hosting of COP21. Bocquillon and Evrard argue that "since 2007, climate change [had]

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[111] Pierre Bocquillon and Aurélien Evrard, "French Climate Diplomacy: Diplomacy in the Service of Symbolic Leadership," in The European Union in International Climate Change Politics: Still Taking a Lead?, ed. James Connelly, Duncan Liefferink, and Rudiger Wurzel (New York, N.Y.: Routledge, 2017), 110.

[112] Evans, "Analysis: Who wants what from the EU 2030 climate framework."
Bocquillon and Evrard, "French Climate Diplomacy: Diplomacy in the Service of Symbolic Leadership," 106.

[113] European Union, *EU Energy in Figures: Statistical Pocketbook 2016*, 194.

[114] DEA, Energy and Climate Policies beyond 2020 in Europe- Overall and selected countries, 13, 38.
Bocquillon and Evrard, "French Climate Diplomacy: Diplomacy in the Service of Symbolic Leadership," 108-09.

become a prestige issue for the French government and a key area to demonstrate the country's environmental credentials and international standing".[115] Domestic attention on climate change, and COP21 specifically, increased in France leading up to 2015.[116] The success or failure of the conference would also have major impacts on France's international reputation. For France's President Francois Hollande, COP21 was a particularly high stakes personal opportunity. It was "an opportunity for the Socialist government to 'green' its discourse after a series of environmental policy failures" and a "landmark" in Hollande's presidency.[117] This context meant that firstly France wanted an ambitious COP21 agreement, and as noted above, the EU agreeing to ambitious GHG emissions cuts was seen as a way to raise global ambitions. Secondly, it would have been deeply embarrassing for France, as the host of the conference, if its negotiating bloc (the EU) came to COP21 with an unambitious target. But it would have been even more embarrassing if it had no target. Consequently, France had an incentive to bargain for an ambitious target but also had the most to lose in the event of negotiations failing. This, combined with France's nuclear dependency and poor energy efficiency policies, meant France was unlikely to reject compromise deals that weakened the renewable energy and energy efficiency targets. It had a very broad win-set going into EU negotiations.

Poland

Poland's position on the EU's 2030 targets bore little similarity to Germany, the UK or France's positions. It advocated for a below 40% GHG reduction target, and no targets for energy efficiency or renewables, ostensibly because it believed that EU regulations would affect

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[115] Bocquillon and Evrard, "French Climate Diplomacy: Diplomacy in the Service of Symbolic Leadership," 110.

[116] Bocquillon and Evrard, "French Climate Diplomacy: Diplomacy in the Service of Symbolic Leadership," 99-100.

[117] Bocquillon and Evrard, "French Climate Diplomacy: Diplomacy in the Service of Symbolic Leadership," 110.
Fiona Harvey, "France launches global drive for climate deal," Guardian, 19 October 2015, https://www.theguardian.com/world/2015/oct/19/france-launches-global-drive-for-climate-deal.

Poland's economic competitiveness.[118] The 2030 target negotiations was just one in a series of negotiations where Poland took unambitious stances. Poland had become a veto player in EU climate politics. In 2007 Poland built a coalition in the Council centred around the Visegrad countries (Poland, Hungary, the Czech Republic and Slovakia) to water down the 2020 Climate and Energy Package.[119] Poland went on to criticise the EU's negotiating stance for Copenhagen in 2009 and in 2012 vetoed the '2050 Low Carbon Roadmap' proposed by the Commission. It was the only state to veto it.[120]

There were four main reasons Poland's preferred targets were so unambitious: Poland's economic structures were not favourable for any of the targets, it saw protecting coal as a security issue, it was concerned about the effects of the targets on Polish industrial competitiveness, and the immediate political context meant there was heightened scrutiny on the Polish prime minister making it harder to compromise with Brussels. Poland saw climate change as an economic issue rather than a threat in its own right.[121] This disadvantage pro-climate actors because the defining feature of Poland's economy was its coal dependence. In 2014, approximately 76% of Poland's energy production came from coal. It was also a net exporter of coal, an unusual characteristic within the EU.[122] The coal industry provided close to 100,000 jobs in Poland. Those workers were a highly unionised and politically mobilised voter group, which made taking action against the coal industry politically risky.[123] Additionally, four of the five largest hard coal mining companies were state controlled and there were close ties

[118] Christian Oliver and Peter Spiegel, "EU agrees target to cut gas emissions," Financial Times, 24 October 2014, https://www.ft.com/content/490885ec-5b14-11e4-8625-00144feab7de.

[119] Karolina Jankowska, "Poland's clash over energy and climate policy: Green economy or grey status quo?," in The European Union in International Climate Change Politics: Still Taking a Lead?, ed. James Connelly, Duncan Liefferink, and Rudiger Wurzel (New York, N.Y.: Routledge, 2017), 152.

[120] DW, "Coal-fired Poland vetoes fresh EU emissions targets," Deutsche Welle 2012, https://www.dw.com/en/coal-fired-poland-vetoes-fresh-eu-emissions-targets/a-15801127-1.

[121] Kamil Marcinkiewicz and Jale Tosun, "Contesting climate change: mapping the political debate in Poland," East European Politics 31, no. 2 (2015): 189.

[122] European Union, EU Energy in Figures: Statistical Pocketbook 2016, 216.

[123] Tobiasz Adamczewski. Poland's Approach to the Paris COP. Heinrich Böll Stiftung. <https://www.boell.de/en/2015/11/24/background-polands-approach-paris-cop>. accessed 10 August 2019. Julian Schwartzkopff and Sabrina Shulz, Climate and Energy Snapshot: Poland: The Political Economy of the Low Carbon Transition (Germany: E3G, 2017), 2.

between the fossil fuel industry and Polish politicians.[124] This gave the politicians a direct stake in the success of the coal industry, and coal supporters strong capacity to lobby the government. Consequently, Polish politicians almost universally condemned the EU's climate policies, which were framed as 'costly impositions' on Poland. Political parties clashed over who had given in to Brussels the most, and regular citizens, who showed less concern for climate change than citizens in other EU countries, did not reward politicians for action on climate change.[125] Consequently, it would be politically and economically costly for Polish politicians to endorse GHG reduction and renewable energy generation targets of any significance.

Coal's importance to Poland went well beyond economic considerations. Poland and other Eastern European states were concerned about energy security and depended on imports from Russia to secure their energy market.[126] Coal was the most abundant domestically available source of energy and using it was the best way to overcome their import dependency. In this context, policies that jeopardised Polish coal also jeopardised Polish security.

Poland was further influenced to lobby against the 2030 targets by economy-wide consideration of competitiveness. Poland and other Eastern member states believed Western member states had not acted in the spirit of solidarity they were required to.[127] While Western states viewed exporting climate regulations as 'levelling the playing field', as Gawlikowska-Fyk notes:

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[124] Schwartzkopff and Shulz, Climate and Energy Snapshot: Poland: The Political Economy of the Low Carbon Transition, 5.
Jankowska, "Poland's clash over energy and climate policy: Green economy or grey status quo?," 151.

[125] Marcinkiewicz and Tosun, "Contesting climate change: mapping the political debate in Poland," 197-201.

[126] Aleksandra Gawlikowska-Fyk, "Poland: Coping with the Challenges of Decarbonization and Diversification," in New Political Economy of Energy in Europe: Power to Project, Power to Adapt, ed. Jakub M. Godzimirski (Basingstoke: Palgrave Macmillan, 2019), 210-11.

[127] Skovgaard, "The Limits of Entrapment: The Negotiations on EU Reduction Targets, 2007–11," 1148.

"since the countries of Central and Eastern Europe are lower in GDP, they fear that

stringent environment and climate measures may hamper economic growth, delaying the

process of catching up with more developed EU economies."[128]

Poland's concerns about competitiveness also influenced how it believed the EU should

engage with the international climate regime. Poland never pledged to be a climate action

leader.[129] It instead believed that EU positions should be generated in response to what the

international norm was, to avoid any competitive disadvantage. Consequently, arguments

about influencing COP21 made little sense in Poland.

Finally, the immediate political conditions in Poland did not create a situation conducive to

Poland offering major compromises in EU negotiations. There was heightened media attention

on the new Polish Prime Minister Ewa Kopacz because it was her first major European

negotiation.[130] She had promised to "not accept increases in the costs of energy in Poland and

the impacts to the economy [sic]".[131] Any failure to keep that promise would have incurred

political backlash. These domestic constraints meant Poland's win-set was highly restricted

entering into EU negotiations, and meant it was particularly difficult to get Poland to support

any formulation of the targets remotely resembling what Western member states wanted

without significant compensation.

A compromise full of sub-compromises

The eventual 2030 targets agreement was made up of a number of compromises. The first was

a compromise between ambitious member states setting out what the three targets would be.

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[128] Gawlikowska-Fyk, "Poland: Coping with the Challenges of Decarbonization and Diversification," 207.

[129] Tim Boersma and Stacy D. VanDeveer, 'World on Fire: Coal Politics and Responsibility Among Great Powers', paper prepared for the International Studies Association meetings in Toronto, March 2019, p. 14.

[130] Severin Fischer, The EU's new energy and climate policy framework for 2030: implications for the German energy transition (Berlin: Stiftung Wissenschaft und Politik -SWP- Deutsches Institut für Internationale Politik und Sicherheit., 2014), 2. https://nbn-resolving.org/urn:nbn:de:0168-ssoar-412097.

[131] Henry Foy, "Poland on course for battle on new EU climate change targets," Financial Times, 1 October 2014, https://www.ft.com/content/4ec9373c-495e-11e4-8d68-00144feab7de.

This section will show why the GHG target ended up being towards the more ambitious end of proposed targets and why the renewable energy and energy efficiency targets were watered down, explaining these in relation to both the negotiating parties' win-sets and the international game member states were attempting to influence. The second compromise was a large side payment that secured Polish cooperation when it was skeptical of the deal outright. The third compromise was the insertion of a 'review' clause that provided the ambiguity necessary for governments to present the deal domestically as a 'win'.

Western states' target compromise

The EU's GHG reduction target ended up being the most ambitious target on the table; an 'at least 40%' reduction as advocated for by the UK and Germany. This target can be explained with reference to how the UK, France and Germany wanted the EU to be viewed internationally and how the target would impact the international negotiations. At the UNFCCC the only part of parties' INDC that would be directly comparable would be their respective GHG emission reductions because the INDCs allowed each party to determine how they would make their reductions. Consequently, the most important part of the EU's submission for spurring international action and showing it was an ambitious actor by international standards, was the GHG reduction target.

In addition to those considerations, the 'at least 40%' wording added some ambiguity to the proposal. It allowed states that only wanted to make a 40% reduction, like France, to only make a 40% reduction, while other, more ambitious states could take greater action and claim that was endorsed by the EU agreement.

The EU's agreed 27% renewable energy target binding only at an EU level and 27% non-binding energy efficiency target were closer to the UK's targets than most other EU players' preferences. The three-level game can provide three explanations for this which centre on features of the EU-level game: the UK had a much smaller win-set than other member states, it had more issue-specific power, and its negotiating tactics were better. The UK's win-set was

restricted because of the political implications of binding member states renewable energy targets and its economic structures, as outlined above. Germany's win-set, however, was more flexible than it initially appeared. There was a sense in which EU-wide targets for renewables and energy efficiency could be seen as a signal that would drive purchasing of German CleanTech, albeit a more limited signal than Germany would have liked. By contrast, there was no way that binding member-state level targets could be seen as the UK pushing back against Brussels' increasing power over UK affairs. France's domestic political and economic dynamics did not encourage it to advocate strongly for higher renewable energy or energy efficiency targets, and additionally the proposed compromise roughly aligned with its preferred position. This could explain why the EU moved closer to the UK's preferred agreement.

The UK had a lot of issue-specific power relating to climate policy, and the EU needed its goodwill going forward so may have been prepared to compromise on the structure of the deal. Issue specific power in climate politics, as defined in chapter 2, is the power a state has to mitigate climate change. The UK had one of the largest EU economies and had taken on and achieved large emissions reductions in previous burden-sharing agreements (agreements amongst EU member states about what GHG reductions each state would make). The UK would be crucial for meeting the EU's 40% GHG reduction. This likely influenced EU leaders when they made concessions to the UK. This view seems to be endorsed in the statement of Finnish Prime Minister Alexander Stubb, who told the Guardian:

> "The UK will be needed for brokering a deal on burden-sharing as they have a big vested interest here. We need all the big muscles we can get to solve this and the UK brokering a deal would be warmly welcomed."[132]

The UK invested a lot of diplomatic energy into shaping the EU's 2030 targets. In 2010, the UK founded the 'Green Growth Group', a loose coalition of states that collaborated to "make EU climate policy more ambitious and sustainable."[133] The Group's members have included (at

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[132] Arthur Nelsen, "UK hailed as 'leader' in 2030 climate talks," Guardian, 8 October 2014, https://www.theguardian.com/environment/2014/oct/07/uk-hailed-as-leader-in-2030-climate-talks.

[133] Green Growth Group, *Common statement on the long-term strategy and the climate ambition of the EU,* 25th June 2018, Government of France, <https://www.ecologique-solidaire.gouv.fr/sites/default/files/2018.06.25_statement_ggg_climat.pdf>, accessed 10 September 2019.

various times) Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Italy, Luxembourg, Netherlands, Portugal, Slovenia, Spain, Sweden, UK and Norway.[134] It has gone on to be an influential grouping in EU climate politics. The largest growing divide in EU climate policy today is between the Green Growth Group members and Eastern member states.[135]

Davey credited the Green Growth Group for the compromise 2030 targets in an interview with Euractiv, suggesting "what the UK achieved by setting up the Green Growth Group shows that you can reform the EU from within."[136] Moving the negotiation venue from the Council to one initiated and controlled by the UK may have allowed it to steer the compromise towards positions it preferred. It is also notable that the Green Growth Group statement of 3rd March 2014 articulates two of the three elements of the compromise deal, 'at least 40%' GHG emissions reductions targets and a 27% renewable energy target binding at an EU level only, months before they were adopted.[137]

A side payment for Poland

The second sub-compromise was a deal with Poland. Poland's demands were well outside anything the UK, France and Germany would consider, but Poland was also threatening to veto the proposal, which would have been disadvantageous for the Western member states.[138] The key to bringing Poland on board was a 'side payment'. Poland's opposition to GHG reductions was not based on ideology but, as outlined above, an economic calculation. What Poland

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[134] Norway is not an EU state. For details of membership see; Dupont and Oberthür, "The Council and the European Council: Stuck on the Road to Transformational Leadership," 71.

[135] Wurzel, Liefferink, and Di Lullo, "The European Council, the Council and the Member States: changing environmental leadership dynamics in the European Union," 259.

[136] James Crisp, "UK Climate Minister: 'I completely welcome Cañete's appointment'," Euractiv, 29 October 2014, https://www.euractiv.com/section/uk-europe/interview/uk-climate-minister-i-completely-welcome-canete-s-appointment/.

[137] Green Growth Group. *Green Growth Group Ministers' statement on climate and energy framework for 2030.*

[138] Georgi Gotev, "Poland says it 'won' at the EU summit," Euractiv, 25 October 2014, https://www.euractiv.com/section/energy/news/poland-says-it-won-at-the-eu-summit/.

wanted from the EU was assistance to prevent energy price increases.[139] The final agreement saw developing EU countries receive free ETS permits for their power sector, up to a cap of 40% of permits. Poland stood to gain the most from this provision. It would receive up to 200 million emissions credits, valued at about €4 billion if carbon was priced at €30 per tonne.[140] It also gained access to a new fund to modernise its energy sector financed from 2% of ETS allowances. This was increased from the Commission's preferred 1%.[141] This allowed Kopacz to argue she had 'won' in Brussels by securing massive compensation for the targets. "I said that we will not return from this summit with new [financial] burdens, and indeed there are no new burdens," she told reporters after the negotiations.[142]

The review clause

The final sub-compromise was a review clause inserted into the final agreement stating that the EU would revisit the targets after COP21. The clause was ambiguously worded, such that Poland believed the clause would ensure the EU's ambition could be scaled back if the Paris Agreement was unambitious, thus safeguarding EU competitiveness, while the UK claimed the 40% GHG reduction target could only be scaled up.[143] Member states could portray this clause differently domestically to buttress their own claims they had achieved the 'right' outcome at the summit, and consequently save face.

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[139] Foy, "Poland on course for battle on new EU climate change targets."

[140] Simon Evans, "Q&A: The EU's 2030 climate targets," Carbon Brief, 24 October 2014, https://www.carbonbrief.org/qa-the-eus-2030-climate-targets.

[141] Henriette Jacobsen and James Crisp, "EU leaders adopt 'fexible' energy and climate targets for 2030," Euractiv, 24 October 2014, https://www.euractiv.com/section/sustainable-dev/news/eu-leaders-adopt-flexible-energy-and-climate-targets-for-2030/.

[142] Jacobsen and Crisp, "EU leaders adopt 'fexible' energy and climate targets for 2030."

[143] Severin Fischer and Oliver Geden, "The Changing Role of International Negotiations in EU Climate Policy," The International Spectator 50, no. 1 (2015): 5.
Crisp, "UK Climate Minister: 'I completely welcome Cañete's appointment'."
Gotev, "Poland says it 'won' at the EU summit."

Conclusion

Scholars need to appreciate all three levels of the climate negotiations game to understand how the EU reached is 2030 targets. The above analysis has shown that inter-state bargaining is a key part of the story. This might have been predicted by LI, but the three-level game serves to better analyse it for a number of reasons. Firstly, it can explain intergovernmental bargaining more effectively than LI. Not only has it shown that win-sets are a good framework for analysis but additionally the three-level game framework isolates the relevant influences on negotiations better than LI because it considers the factors IR scholars have shown to be key determinants of climate negotiation outcomes: negotiation tactics and the issue-specific power of states. Secondly, the three-level game broadens the explanations for states' win-sets beyond economic considerations to encompass how politicians seek to appease voters' desires more generally. This can include intangible considerations, like support for the COP21 process and concerns about the EU eroding British sovereignty. These are crucial for explaining the negotiations' outcomes, but are ignored by LI. Thirdly, the three-level game adds greater analytical rigger by considering how the international level effects EU states' behaviours. Desire to influence international negotiations was a key reason the UK, France and Germany adopted more ambitious positions on GHG reduction targets. Moreover, the rules of the international game help explain why the EU's GHG reduction target was more ambitious than its renewable energy or energy efficiency targets. These insights are only provided by the three level game.

4. The EU's COP21 Negotiating Mandate

While the previous chapter detailed the negotiations over the EU's GHG reduction commitment for COP21, this chapter analyses the EU's negotiating mandate for COP21. This mandate set out the EU's preferred architecture for the Paris Agreement. The chapter particularly focuses on how the EU wanted the Paris Agreement to be structured and what global mitigation efforts the EU favoured. These were articulated in the Commission's communication *The Paris Protocol – A blueprint for tackling global climate change beyond 2020* released in February 2015, and endorsed at the September 2015 Environment Council meeting.[144] This chapter is structured around explaining four of the EU's key negotiating demands:

1) A 'below 2°C' limit on warming

2) A legally binding agreement

3) The inclusion of strong measurement, reporting and verification rules, particularly a five-yearly review cycle

4) GHG emission reductions by developing countries

It also considers two key omissions from the EU's negotiating mandate:

1) References to historical responsibility

2) References to decarbonisation

It argues that these inclusions and omissions can only be explained by considering all three levels of the three-level climate negotiations game.

The 2°C limit

A 2°C limit on global temperature rises was central to the EU's negotiating position at COP21 and one of the least controversial elements of the EU's platform. The target dates back to Yale

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[144] European Commission. *The Paris Protocol – A blueprint for tackling global climate change beyond 2020* COM(2015) 81 final. <https://eur-lex.europa.eu/resource.html?uri=cellar:e27fdb4d-bdce-11e4-bbe1-01aa75ed71a1.0003.03/DOC_1&format=PDF>. accessed 5 August 2019.
Council of the European Union. *Outcome of the Council Meeting, 3409th Council Meeting, Environment.* PRESSE 54. 18 September 2015. <https://www.consilium.europa.eu/media/23000/st12166en15.pdf>. accessed 4 August 2019.

University studies from the 1970s and was adopted by the EU in the 1990s, prior to the Kyoto negotiations. It has been central to EU policy planning and climate diplomacy ever since.[145] Constructivists have highlighted the 2°C target as a norm that has been internalised by the EU, and consequently appears in policy statements. The three-level game can provide two alternate explanations for the target's position in the negotiation mandate. Firstly, it would not dispute that the target had widespread support in the EU and was effective at mobilising a wide range of scientists, policymakers and activists behind the EU's climate policy goals, as Morseletto, Biermann and Pattberg have argued.[146] However, the three-level game would suggest that, at the point that the norm had such widespread support, EU governments needed to include the target to mobilise those groups behind the EU's new position. That is a rational calculation. Secondly, including the 2°C target is also related to how the EU wanted to position itself in the international negotiations. Including a scientific-based target showed the EU took climate science seriously, something demanded by many of the Alliance of Small Island States (AOSIS) countries and Least Developed Countries (LDCs), and gave the EU significant moral power in the negotiations.[147] It was an avenue through which the EU could legitimise its demands. Hence the 2°C target can be explained by considerations at the EU and international levels.

A legally binding agreement

Legally binding international agreements have been controversial in international climate negotiations because of the strict requirements they place on states. The EU has generally been in favour of the legally binding environmental agreements since the UNFCCC's foundation. In the lead up to COP21 EU member states, including all the Visegrad countries who were usually the most critical of EU environmental policy, were on the record as

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[145] Gippner, "The 2°C target: a European norm enters the international stage—following the process to adoption in China," 55-62.

[146] Morseletto, Biermann, and Battberg, "Governing by targets: reductio ad unum and evolution of the two-degree climate target," 667.

[147] Van Schaik and Schunz, "Explaining EU Activism and Impact in Global Climate Politics: Is the Union a Norm- or Interest-Driven Actor?," 174-75.

supporting a legally binding agreement.[148] Constructivist scholars attribute this support to the EU's history. The EU is an institution where member states 'pool sovereignty' in order to achieve desirable outcomes. Member states have become comfortable with ceding control and enforcement powers to supranational bodies and believe international law is a mechanism to solve international problems.[149] This natural acceptance of international law was articulated by EU leaders when discussing the architecture of the Paris Agreement. French Foreign Minister Laurent Fabius said it was "obvious" that the Paris Agreement would have legally binding elements.[150] The EU's Director General Climate Action Jos Delbeke told the Oxford Martin School:

> "As a European it is hard to understand why the United States is so emotional about an international treaty … For a European it's hard to understand [US opposition] while we are having an EU, where we are giving powers to the EU [sic]".[151]

The three-level game would not ignore these considerations. Undoubtably the EU does have more sympathy for international law than many other actors. However, the EU's advocacy for a legally binding agreement has to be seen in broader context. Member states had made statements supporting an ambitious deal. Failure to secure adequate checks and balances within the deal would have provoked backlash from NGOs and other pro-climate actors. Legally binding provisions should be seen as the ultimate assurance for pro-climate actors that any COP21 agreement would help curb climate change. In that context, the EU could not avoid advocating for an internationally binding agreement.

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[148] Robyn Eckersley, "Who's Afraid of a Climate Treaty?," in Who's Afraid of International Law?, ed. Raimond Gaita and Gerry Simpson (Clayton: Monash University Publishing, 2017), 98.
Visegrad Prime Ministers and President of France. *Press Statement on the Occasion of the Summit of V4 Prime Ministers and the President of the French Republic*. Visegrad Group. 19 June 2015. <http://www.visegradgroup.eu/calendar/2015/press-statement-on-the>. accessed 22 August 2019.

[149] Ian Manners, "Normative Power Europe: A Contradiction in Terms?," Journal of Common Market Studies 40, no. 2 (2002): 240-41.
Helene Sjursen, "The EU as a 'Normative' Power: How Can This Be?," Journal of European Public Policy 12, no. 2 (2006): 242, 45.
Van Schaik and Schunz, "Explaining EU Activism and Impact in Global Climate Politics: Is the Union a Norm- or Interest-Driven Actor?," 173.
Eckersley, "Who's Afraid of a Climate Treaty?," 98-99.

[150] Arthur Neslen and Damian Carrington, "Paris climate deal must be legally binding, EU tells John Kerry," Guardian (London), 13 November 2015, https://www.theguardian.com/environment/2015/nov/12/paris-climate-deal-must-be-legally-binding-eu-tells-john-kerry.

[151] Jos Delbeke, *EU climate policy – where are we headed? Presentation to the Oxford Martin School,* 3 November 2015, <https://www.youtube.com/watch?v=ZE-c-XBeZIY>, 12 September 2019.

International factors also prompted the EU to advocate for a legally binding agreement. One might suggest the US' well known opposition to legally binding agreements would make the EU reticent to make this demand. However, as will be examined more fully in chapter five, the EU had made significant efforts to engage with the US. Delbeke explained that the EU was "looking at ways to have [the Paris Agreement be] legally binding without forcing the US … to go through the Senate" for ratification.[152] Moreover, even if the US was to reject a legally binding agreement, this kept pressure on the US to justify its position and come up with genuine alternatives, and pushed them closer to the strong agreement the EU wanted. Cañete alluded to this saying "[i]t is no secret that the USA and a number of countries are reluctant to agree to some form of binding deal. It's up to these countries to demonstrate a convincing alternative".[153] Hence, while the EU's advocacy of legally binding agreements was influenced by its history, it was also a rational calculation based on pressure at a member state level and a desire to push the international negotiations towards the most effective deal possible.

Measurement, reporting and verification provisions

There were two components of the EU's negotiating mandate that aimed to strengthen the measurement, reporting and verification requirements for countries' GHG emissions cuts. Firstly, the EU wanted a comprehensive rulebook for measuring GHG reductions developed that would apply to all countries, and secondly they wanted there to be five yearly reviews of global commitments, where states would have to present evidence of their actions and be encouraged to make more ambitious commitments in a way that was more 'dynamic' than a fixed emission reduction pledge. The Council conclusions make it clear that the pledges made by states should, at every review point, be equal to or more ambitious than previous submissions and keep the world on track to meet the 2°C target.[154]

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[152] Delbeke, *EU climate policy – where are we headed? Presentation to the Oxford Martin School.*

[153] Gerorgi Gotev, "EU anxious ahead of COP21 conference," Euractiv, 21 August 2015 2015, https://www.euractiv.com/section/energy/news/eu-anxious-ahead-of-cop21-conference/.

[154] Council of the European Union. *Outcome of the Council Meeting, 3409th Council Meeting, Environment.* PRESSE 54.

These provisions were designed to balance two considerations. The first was pressure from member states that were concerned the flexibility inherent in the Paris Agreement would hamper efforts to curb GHG emissions.[155] The UK government argued that:

> "Our experience with pledges put forward in Copenhagen has clearly highlighted the need for rules, as it has been extremely challenging to understand the true level of ambition of commitments and the rate of delivery because of the lack of a common and clear framework to track progress."[156]

Germany was also particularly concerned to ensure the agreement was sufficiently strong to inspire action. Merkel told the Petersburg Climate Dialogue: "[w]e can all more easily face the challenge posed by climate change if we can have confidence that our international partners pursue the same goal".[157] Similar views were articulated by EU officials who wanted to ensure the agreement was "about actions rather than words".[158] This coalesced into a broad push for strong accountability measures within the COP21 agreement.

The second consideration was the international dynamics. While as noted above the EU was optimistic countries would accept some form of legally binding agreement, they also had to be pragmatic in their negotiating stance. COP21 was not going to enshrine fully binding Kyoto-style reduction targets because the US and BASIC countries (Brazil, South Africa, India and China) would not support it.[159] Delbeke talked about trying to "rethink" the international climate regime, and "land [somewhere] between a pure top down and pure bottom up" arrangement.[160] The best way to achieve this was to advocate a strict rulebook and review process, which had some support beyond the EU. Notably, just weeks after the Council approved the EU's

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[155] Aline Robert and Frederic Simon, "COP 21 national contributions behind schedule, France warns," Euractiv 2015, https://www.euractiv.com/section/sustainable-dev/news/cop-21-national-contributions-behind-schedule-france-warns/.

[156] HM Government, Paris 2015: Securing Our Property Through a Global Climate Change Agreement, London: HM Government, 2014, p. 55.

[157] Euractiv and AFP, "Merkel and Hollande push for 'ambitious' climate deal," Euractiv, 20 May 2015 2015, https://www.euractiv.com/section/climate-environment/news/merkel-and-hollande-push-for-ambitious-climate-deal/.

[158] Gotev, "EU anxious ahead of COP21 conference."

[159] Parker, Karlsson, and Hjerpe, "Assessing the European Union's global climate change leadership: from Copenhagen to the Paris Agreement," 247-48.

[160] Delbeke, *EU climate policy – where are we headed? Presentation to the Oxford Martin School*

negotiating mandate, France managed to secure Chinese support for the review mechanism.[161] The three-level game can show how the EU's negotiating position attempts to balance this European push for 'top down', strict provisions against the international push for 'bottom up', looser requirements.

Ultimately, the EU gave up on agreeing the exact accountability and transparency rules at COP21, deferring it to later COPs. It was the one element of the negotiating mandate jettisoned before the summit. This decision was likely driven by desires to avoid overloading the negotiation agenda. But Oberthur and Groen also characterise the decision as part of a longer term strategy to 'downscale' EU ambition and ensure it was not locked out of negotiations for making demands unreasonable to other parties.[162] At all points the EU was attentive to what effect advocating a given position would have on negotiations.

GHG reductions by developing countries

The responsibilities developing countries would have under the Paris Agreement was one of the most contested elements of the international negotiations because it required interpreting the "common but differentiated responsibilities" (CBDR) clause in the UNFCCC which is supposed to guide the allocations of burdens to curb climate change. The EU's position was that all states should make mitigation efforts, but those efforts should be different based on states' "different national circumstances and evolving economic realities and capabilities".[163] This had been its position since the Durban COP (2011), when it made its commitment to a second Kyoto reduction period conditional on all major emitters (including high-emitting

[161] Tom Phillips, "China and France say Paris climate pact should have five-year reviews," Guardian, 3 November 2015 2015, https://www.theguardian.com/environment/2015/nov/02/china-and-france-say-paris-climate-pact-should-have-5-year-reviews.

[162] Oberthür and Groen, "Explaining goal achievement in international negotiations: the EU and the Paris Agreement on climate change.", p. 719

[163] Council of the European Union. *Outcome of the Council Meeting, 3409th Council Meeting, Environment.* PRESSE 54.
René Audet, "Climate justice and bargaining coalitions: a discourse analysis," International Environmental Agreements: Politics, Law and Economics 13, no. 3 (2013): 381.

developing countries) agreeing to work towards a universal deal on climate change.[164]

The EU's public justification for the stance rested on international-level considerations. The UK argued "even if the EU and US … reduced their emissions to zero we would not achieve the below 2°C goal".[165] The EU was additionally under domestic political pressure not to 'let large emitters off the hook'. There was a public perception that the two track system was 'unfair'.[166] Delbeke noted that China's per capita emissions were similar to the EU's and suggest that while there was:

> "some margin of manoeuvre for those [countries] with a very low level of greenhouse gas emissions per head, … after a certain while this question [of developing countries' emission reductions] needs to be addressed."[167]

Economic considerations had also become much more important for the EU since the GFC, particularly in Eastern European states.[168] They argued that undertaking costly emissions reductions programs would put the EU at a competitive disadvantage if developing countries did not make emissions cuts. Poland, and President Duda particularly, made this argument vocally, at one point threatening to veto the Paris deal if it did not protect European and Polish competitiveness.[169] Consequently, the EU had to advocate for significant emissions cuts from emerging economies.

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[164] Carl Death, "A predictable disaster for the climate–but who else won and lost in Durban at COP17?," Environmental Politics 21, no. 6 (2012): 982.
Bäckstrand and Elgström, "The EU's role in climate change negotiations: from leader to 'leadiator'," 1377.

[165] HM Government, Paris 2015: Securing Our Property Through a Global Climate Change Agreement, p. 51.

[166] HM Government, Paris 2015: Securing Our Property Through a Global Climate Change Agreement, p. 52.

[167] Delbeke, *EU climate policy – where are we headed? Presentation to the Oxford Martin School.*

[168] Jakob Skovgaard, "EU climate policy after the crisis," Environmental Politics 23, no. 1 (2014): 10., p; Diarmuid Torney, "Climate change as a driver of regional integration in Europe," in Drivers of Integration and Regionalism in Europe and Asia: Comparative Perspectives, ed. Louis Brennan and Philomena Murray (New York: Routledge, 2015), 190.

[169] Kalina Oroschakoff and Anca Gurzu, "Duda's climate critique gets chilly reaction," Politico, 21 August 2015 2015, https://www.politico.eu/article/duda-climate-emissions-poland/.
Tobiasz Adamczewski, *Poland's Approach to the Paris COP.*

The three-level game provides the most compelling analysis of why the EU wanted all countries to make GHG emissions reductions. While LI would have expected EU member states to be concerned about their economic competitiveness, it would not have seen the international dimensions to this concern because, as noted in chapter two, it only theorises about intra-EU bargaining. Scholars need the third level to contextualise competitiveness considerations and understand the relevance of the concerns about emerging economies' emissions. Additionally LI would have underplayed how public opinion in some member states, particularly the UK, was against the Kyoto-style differentiation. Given this effects how voters view the legitimacy of their governments' arguments, they are important considerations in the climate negotiation process. The next two sections will discuss the key omissions from the negotiation mandate.

Historical responsibility

The concept of historical responsibility for climate change is notable by its absence from EU documents. It appears in UK documents, but is dismissed summarily as something that "will not solve the problem" of formulating GHG reduction burdens.[170] The omission of references to historical responsibility can be explained by both member state level and international level factors. At the international level its inclusion would have put the EU at a negotiating disadvantage by conceding the principle to the BASIC countries.[171] Climate Analytics estimates the EU is responsible for 17% of cumulative GHG emissions, almost as much as China (12%) and India (6%) combined.[172] Making historical responsibility an issue at COP21 would have led to the EU negotiating position being discredited.

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[170] HM Government, Paris 2015: Securing Our Property Through a Global Climate Change Agreement, p. 51.

[171] Audet, "Climate justice and bargaining coalitions: a discourse analysis," 379.

[172] Marcia Rocha et al., Historical Responsibility for Climate Change – from countries emissions to contribution to temperature increase (Climate Analytics, 2015), 8, https://climateanalytics.org/publications/2015/historical-responsibility-for-climate-change-from-countries-emissions-to-contribution-to-temperature-increase/.

At a member state level the EU's largest historical emitters, the UK, France and Germany, were three of the most powerful countries in the EU.[173] They had no incentive to put historical responsibility on the agenda. Moreover, Eastern European countries, who were in credit from their Kyoto reductions, and had low historic emissions than Western Europe, could negotiate lower GHG reduction targets during EU burden sharing negotiations.[174] They would have gained little political capital for future negotiations within the EU by pushing historic responsibility onto the agenda.

Decarbonisation and long term targets

Decarbonisation objectives and long term GHG reduction targets were the most controversial elements of the EU's mandate in Council negotiations. Just months previously the UK, France, Germany and Italy had signed onto a G7 statement where they committed to "decarbonise the global economy in the course of this century".[175] However, Poland backed by Eastern member states opposed the Commission's target for reducing global GHG emissions and references to decarbonisation.[176] The EU ultimately made two compromises. Firstly, it replaced the 60% reduction off a 2010 baseline with a 50% reduction off a 1990 baseline.[177] Secondly, it omitted the goal of 'decarbonisation' of the global economy in favour of achieving 'climate neutrality'.[178] This section will firstly explain Polish opposition to decarbonisation and the global target. It will then explain why the EU compromised with Poland.

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[173] Rocha et al., Historical Responsibility for Climate Change – from countries emissions to contribution to temperature increase, 8.

[174] Adamczewski, *Poland's Approach to the Paris COP.*

[175] Kate Connolly, "G7 leaders agree to phase out fossil fuel use by end of century," Guardian, 9 June 2015, https://www.theguardian.com/world/2015/jun/08/g7-leaders-agree-phase-out-fossil-fuel-use-end-of-century.

[176] Barbara Lewis, "EU ministers unite on climate mandate ahead of Paris summit," Reuters, 18 September 2015 2015, https://www.reuters.com/article/us-climatechange-eu/eu-ministers-unite-on-climate-mandate-ahead-of-paris-summit-idUSKCN0RI1JF20150918?feedType=RSS&feedName=environmentNews.

[177] Aminata Niang, "Climate: EU's mandate for negotiating binding agreement with long-term goal," Agence Europe, 19 September 2015 2015.

[178] Lewis, "EU ministers unite on climate mandate ahead of Paris summit."

Poland's opposition can be explained by its political and economic environment. As explained in chapter three, Poland relies on coal fired power and is a large coal exporter. Decarbonisation was seen as meaning the end of the coal sector, which was politically and economically untenable for the Polish government. Additionally, the pressure on the Polish government was particularly acute because the Environment Council meeting, where these proposals were being debated, took place in the middle of the Polish election campaign. The opposition Law and Justice Party had been campaigning on saving the coal industry and criticising EU environmental laws.[179] The Civic Platform-led government could not be seen to be abandoning the coal industry, a highly unionised and politically mobilised voter group, by supporting decarbonisation. Instead climate neutrality, in Poland's opinion, allowed it to continue burning and exporting coal, as long as it was offset by Carbon Storage Capture technology or forest planting.[180] Notably, Poland did not object outright to the structure of the negotiating mandate, only the provisions that would have prevented its continued use of coal.

The initial, and somewhat puzzling, thing to note about the EU brokering a compromise with Poland is that the EU could have enforced a qualified majority vote on the Council decision and outvoted Poland, but it choose not to. This decision corresponds with Kliene's contention that EU decisions are guided by 'informal governance' rules. She argues, drawing on constructivist insights, that there is a strong norm within the Council that favours unanimity unless it absolutely cannot be reached.[181] However, the three-level game can better explain the EU's reticence to use qualified majority voting. Firstly, the costs of compromise were fairly low for other EU leaders in this case. The EU could portray the compromises as "irrelevant but face-saving" changes to wordings designed to help the Polish government during its election

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[179] Barbara Lewis, "Polish elections complicate EU quest for Paris climate stance," Reuters, 18 September 2015, https://www.reuters.com/article/climatechange-eu/polish-elections-complicate-eu-quest-for-paris-climate-stance-idUSL5N11N2L920150917.

[180] Adamczewski, *Poland's Approach to the Paris COP.*
Niang, "Climate: EU's mandate for negotiating binding agreement with long-term goal."

[181] Mareike Kleine, Informal governance in the European Union: How governments make international organizations work (Cornell University Press, 2013), 98.

campaign that did not damage the EU's climate credentials.[182] Secondly, Poland had much stronger bargaining power than is predicted by EU-centric theories, like LI or MLG. Not reaching a unanimous agreement would have shown that the EU was divided going into COP21 and harmed its negotiating ability.[183] For the EU to effectively negotiate and articulate a message at COP21 it needed all its member states to be seen as being on the same page, especially because each EU member state had its own delegation to the UNFCCC and the EU could not force them to vote in any particularly way. Visible disunity was a much greater potential harm for ambitious EU member states than embarrassment over decarbonisation's exclusion from the EU statement, so the member states compromised. The impact of EU unity on negotiations will be discussed further in chapter five.

Conclusion

There were many considerations that informed the different aspects of the EU's negotiating mandate for COP21. As table 2 shows there were national, supranational and international factors all at work, sometimes concurrently. The three-level game can best explain how all these factors fit together. EU-centric theories only focus on the supranational level, or at best include some analysis of the member state level. This is insufficient to explain the EU's negotiating mandate and gives an incomplete picture of why some states, like Poland, had so much bargaining power in EU negotiations. Moreover, even where constructivist theories have previously provided the greatest insights, like around the endorsement of a 2°C warming limit and why the EU did not use qualified majority voting to outvote Poland, the three-level game can provide rational explanations for how these decisions came about. Chapter five will outline how effective the EU was at achieving the goals set out in its negotiation mandate at COP21, and show how the various decisions made in negotiations about its INDC (chapter three) and negotiating mandate (this chapter) influenced the EU's performance at COP21.

[182] Kalina Oroschakoff, "EU climate goals set to clash with US aims," Politico, 19 September 2015 2015, https://www.politico.eu/article/eu-climate-goals-set-to-clash-with-us-aims-cop21-paris-canete/.

[183] Louise G Van Schaik and Karel Van Hecke, Skating on Thin Ice: Europe's internal climate policy and its position in the world', Working Paper Egmont Institute (2008); Groen and Niemann, "The European Union at the Copenhagen climate negotiations: A case of contested EU actorness and effectiveness."; Vogler, "Global Climate Politics: Can the EU be an Actor?," 20-30.

Table 2: Considerations influencing the EU negotiating mandate

Position	National consideration	Supranational consideration	International consideration
2°C warming target		Important for bringing civil society on board across the EU	
Legally binding provisions	Domestic pressure for a strong COP21 deal	Favourable view of international law	
Measurement, reporting and verification	Domestic pressure for a strong COP21 deal		Accountability provisions were a more widely supported back-up if legally binding provisions weakened
			Rulebook negotiations jettisoned because COP21 agenda was overloaded
GHG reductions by developing countries	Poland concerned about competitiveness		The size of emerging economy emissions
Historic responsibility	France, Germany and the UK are large historic emitters	Eastern European states could be compensated in EU burden-sharing agreements rather than the UNFCCC	Would have weakened the EU's negotiating position
Decarbonisation and long term targets	Polish election campaign	Poland had significant leverage	Visible disunity would have hurt the EU's negotiating credibility at COP21

Source: Author's compilation

5. The EU at COP21

This chapter examines why the EU was able to be an influential actor at the COP21 in Paris. COP15 in Copenhagen in 2009 was widely regarded as a disaster for EU climate diplomacy. It was variously described as 'a disappointment', 'frustration' and 'political humiliation' by EU officials.[184] The Commission and EU Presidency were sidelined by the end of COP15, as a deal was struck between 25 major emitters outside the UNFCCC plenary process.[185] By contrast, the Paris Agreement strongly reflected the EU's preferences. It was a legally binding, universal agreement, with strong accountability and transparency measures including a five-yearly stocktake of global emissions.[186] It also incorporated the EU's preferred below 2°C limit for long term global warming, while also referencing making "efforts to limit the temperature increase to 1.5°C above pre-industrial levels".[187] This chapter argues that the EU's performance at COP21 is best explained by examining its careful manoeuvring at all three levels of the climate negotiations game. It begins by considering the impact of the international environment on the EU's negotiating ability. It then discusses the EU's climate diplomacy program and the two key benefits that came from it: additional information about negotiating parties and a strong international negotiating coalition. Finally the chapter looks at how the EU was able to maintain unity among member states and why it could compromise effectively in negotiations.

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[184] José Manuel Durão Barosso. *Statement of President Barroso on the Copenhagen Climate Accord.* SPEECH/09/588. 19 December 2009. <http://europa.eu/rapid/press-release_SPEECH-09-588_en.pdf>. accessed 18 June 2019.
Cañete. *Historic climate deal in Paris: speech by Commissioner Miguel Arias Cañete at the press conference on the results of COP21 climate conference in Paris*

[185] Tobias Rapp, Christian Schwägerl, and Gerald Traufetter, "How China and India Sabotaged the UN Climate Summit," Spiegel, 5 May 2010, https://www.spiegel.de/international/world/the-copenhagen-protocol-how-china-and-india-sabotaged-the-un-climate-summit-a-692861-druck.html.

[186] Oberthür and Groen, "Explaining goal achievement in international negotiations: the EU and the Paris Agreement on climate change," 713-15.

[187] UNFCCC, 'Paris Agreement', FCCC/CP/2015/10/Add.1, Article 2.1(a).

International environment

COP15 was a challenging environment for the EU to negotiate in. The EU's GHG emissions were declining, so its position was less important for future climate agreements compared to the BASIC countries and the US. Its global economic influence was also dented by the Global Financial Crisis (GFC). This meant the EU had less ability to compel major emitters like China and the US to adopt its positions. The US and BASIC countries were simultaneously under strong domestic pressure to prioritise economic competitiveness over taking climate action, especially in the context of increased attention to economic performance during the GFC.[188] Developing countries were determined to pursue rapid economic development, while simultaneously becoming more important veto players in climate negotiations.[189] This created a much less favourable set of circumstances for the EU than previous climate negotiations.

The international environment leading into COP21 was altogether different. The conference took place under significantly better social, economic and political conditions.[190] There was rising concern about climate change across Europe, Latin America, Africa and Asia. The Obama administration were more receptive to a climate agreement.[191] Moreover, the failure of Copenhagen had energised diplomats both in the EU and beyond to try and make COP21 a success. Euractiv reported negotiators saying Paris was an "anti-Copenhagen".[192] There was a

[188] Bäckstrand and Elgström, "The EU's role in climate change negotiations: from leader to 'leadiator'," 1371-72.
Lisanne Groen, Arne Niemann, and Sebastian Oberthür, "The EU as a Global Leader? The Copenhagen and Cancun UN Climate Change Negotiations," Journal of Contemporary European Research 8, no. 2 (2012): 180-81, 87.

[189] Andrew Hurrell and Sandeep Sengupta, "Emerging powers, North–South relations and global climate politics," International Affairs 88, no. 3 (2012): 463-65, 81.

[190] Oberthür and Groen, "Explaining goal achievement in international negotiations: the EU and the Paris Agreement on climate change," 717.

[191] Peter Christoff, "The promissory note: COP 21 and the Paris Climate Agreement," Environmental Politics 25, no. 5 (2016): 768.
Coral Davenport, "A Climate Deal, 6 Fateful Years in the Making," New York Times, 13 December 2015, https://www.nytimes.com/2015/12/14/world/europe/a-climate-deal-6-fateful-years-in-the-making.html?searchResultPosition=39.

[192] Suzanne Goldenberg, "The climate circus comes to town," Euractiv, 26 November 2015, https://www.euractiv.com/section/climate-environment/news/the-climate-circus-comes-to-town/.

perception that, as one delegate put it to the IISD, "there [was] just too much at stake to fail" at Paris.[193]

In Putnam's terms, international fear of climate change and more stable global economic conditions almost universally weakened 'isolationist' forces and strengthened 'internationalist' forces globally. This had three important impacts. Firstly, it meant any state that attempted to block the deal would have likely incurred significant domestic political costs, additional to any international reputational damage they would have incurred.[194] Secondly, it effectively shifted the range of politically acceptable offers states could make at COP21 towards the more ambitious end of the spectrum. This does not mean there were no unambitious states, but that broadly states were inclined towards more than a lowest common denominator deal. This was important for a reformist actor like the EU because it reduced the distance between its minimum requirements and compromise options nearer to the lowest common denominator, making the EU's proposals seem more reasonable and minimising losses for the EU if it did eventually have to compromise. Thirdly, stronger internationalist forces lowered the costs for unambitious actors of compromising for a deal, because there was a general acceptance that pursuing a deal was, in itself, important.[195] This was advantageous for actors pushing moderately ambitious agendas, like the EU, because it became less costly domestically for unambitious states to agree to stricter terms.

Climate diplomacy

Climate diplomacy is an essential element for success in international negotiations, especially for ambitious actors. It allows states to understand what positions are and are not acceptable to other actors, meaning states can target their contributions such that they are not likely to be completely discarded by other negotiating parties. It is also important for building alliances

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[193] International Institute for Sustainable Development (IISD), 'COP21 9', *Earth Negotiations Bulletin* 12, no. 660, 9 December 2015, <https://enb.iisd.org/climate/cop21/enb/29nov.html>, accessed 27 August 2019, 3.

[194] Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," 438-39.

[195] Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," 443.

prior to the conference, which are necessary for gaining negotiating leverage and, in the case of ambitious actors, important for allowing ideas to spread more widely. The EU did not invest enough time in climate diplomacy prior to COP15 to achieve any of these benefits.[196]

By contrast, an expansive climate diplomacy program was central to the EU's strategy for COP21. The EU's diplomatic assets were mobilised to an unprecedented extent and highly effectively in the lead up to COP21.[197] The EU 'Action Plan for Climate Diplomacy' in 2015 noted:

> "Having the world's largest diplomatic network … the EU has collectively enormous foreign policy capacity and must mobilise this network based on political will to secure its objectives."[198]

The EU identified over 40 events where climate diplomacy could be undertaken in 2015 alone and member states followed up, placing climate change on the agendas of major diplomatic events.[199] Many diplomatic efforts were organised by the EU's Green Diplomacy Network, a grouping that brought together representatives of member states' diplomatic services to coordinate climate diplomacy. Where the EU did not have a major presence in a country the UK, Germany, and to a lesser extent France, became coordination points for EU climate diplomacy, with their embassy staff supporting EU staff in meetings.[200] This meant the EU could reach out to an enormous number of stakeholders. The French negotiating team, independently in their capacity as COP21 President, travelled the world conducting bilateral

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[196] Bäckstrand and Elgström, "The EU's role in climate change negotiations: from leader to 'leadiator'," 1377.

[197] Vogler, "Global Climate Politics: Can the EU be an Actor?," 26-27.

[198] European Union External Action Service and European Commission. *Draft: Action Plan for Climate Diplomacy, From Lima to Paris: Climate Diplomacy in 2015*. Brussels: EEAS and European Commission, 2015. <https://drive.google.com/file/d/1dSm8fhLv79LAuiO1tB-gWDmUgOHn-y6lC_94vs5l31ekWEyF0tcBJehA-EkXtEsFL9B6V3ToOjN_ZD52/view>. accessed 24 August 2019, 1.

[199] European Union External Action Service and European Commission. *Draft: Action Plan for Climate Diplomacy, From Lima to Paris: Climate Diplomacy in 2015,* 6-7.

[200] Diarmuid Torney and Mai'a K. Davis Cross, "Environmental and Climate Diplomacy: Building Coalitions Through Persuasion," in European Union External Environmental Policy, ed. Camilla Adelle, Katja Biedenkopf, and Diarmuid Torney (Basingstoke: Palgrave Macmillan, 2018), 46.

meetings with China, South Africa, and India among others.[201] This ensured climate change was at the front of world leaders' minds.

IR theories have been fairly adept at explaining the impact climate diplomacy can have on international negotiations. However, they provide little insights about how the EU managed to mobilise its diplomatic forces effectively. MLG would say climate diplomacy benefited from the 'multi-level reinforcement' that Schreurs and Tibergherian noted was a central feature of EU environmental policymaking.[202] Climate diplomacy was constantly placed on the EU's agenda in the lead up to COP21 by different actors. The Commission and European External Action Service (EEAS) issued reflection papers in 2011 and 2013 which argued for a "further step-up [of] efforts on climate diplomacy to address climate change at all political levels and to strengthen the EU voice and activities internationally", and nurturing a "strategic alliance for ambition" among other proposals.[203] France also pushed climate policy onto the agenda of the March 2015 European Council meeting. However, the three-level game can provide a more complete explanation than MLG. The reason France introduced climate diplomacy onto the European Council agenda was that it wanted other EU member states to "prod the late-comers [those states who had not submitted their INDCs] into action."[204] A French source told Euractiv "[s]ome European countries have close contacts with countries we are interested in. We hope to mobilise all the diplomatic forces we can".[205] This is best explained as a manoeuvre within a three-level game. By altering the arrangement of actors at the EU level (prodding them to undertake climate diplomacy), France sought to make EU member states change the positions

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[201] Harvey, "France launches global drive for climate deal."
Anne-Sylvaine Chassany, "Fabius relies on his clout in quest for Paris climate deal," Financial Times, 28 November 2015, https://www.ft.com/content/c2a54a0e-89fb-11e5-90de-f44762bf9896.

[202] Schreurs and Tiberghien, "Multi-Level Reinfocement: Explaining European Union Leadership in Climate Change Mitigation," 22.

[203] Council of the European Union. *Council conclusions on EU Climate Diplomacy, 3106th Foreign Affairs.* PRESSE 246. 18 July 2011. <https://ec.europa.eu/clima/sites/clima/files/docs/0052/council_conclusions_en.pdf>. accessed 27 August 2019.
European Union External Action Service and European Commission. *EU Climate Diplomacy for 2015 and Beyond: Reflection Paper*. Brussels: EEAS and European Commission, 2013: 2-3.

[204] Robert and Simon, "COP 21 national contributions behind schedule, France warns."

[205] Robert and Simon, "COP 21 national contributions behind schedule, France warns."

of non-EU states at the international level. France made a move at the EU level to reshape the international level. This is the core insight of the three-level game.

There were two important results of the EU's climate diplomacy effort: an understanding of what policies would be acceptable to other countries, and an alliance termed the 'High Ambition Coalition' (HAC). They were crucial to the EU's effectiveness at COP21, and will be analysed in the next two sections.

Testing the waters on climate compromises

The EU's consistent struggle in global climate politics has been to push for "the most ambitious margin within the realms of the realistically possible agreements".[206] If the EU's "position is feasible at the international level and if the preference distance between the EU and the negotiation partners is not too large" they can deliver ambitious climate agreements.[207] The difficulty comes in working out at what distance from other actors' aims compromise is achievable. In Copenhagen the EU's aims were "too ambitious to be reconcilable with the interests of the United States and BASIC countries" and their negotiating strategy did not sufficiently account for other negotiating parties' conservatism.[208] This left the EU isolated. It was determined not to make the same mistake in Paris.

Climate diplomacy helped the EU to gain a wholistic understanding about other parties' domestic politics, and how states' climate policy sat within their broader social, political, and economic contexts.[209] This then gave the EU a better understanding of the true limits of other

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[206] Groen, Niemann, and Oberthür, "The EU as a Global Leader? The Copenhagen and Cancun UN Climate Change Negotiations," 187.

[207] Tom Delreux, "Multilateral Environmental Agreements: A Key Instrument of Global Environmental Governance," in European Union External Environmental Policy, ed. Camilla Adelle, Katja Biedenkopf, and Diarmuid Torney (Basingstoke: Palgrave Macmillan, 2018), 34.

[208] Groen, Niemann, and Oberthür, "The EU as a Global Leader? The Copenhagen and Cancun UN Climate Change Negotiations," 181.

[209] Torney and Cross, "Environmental and Climate Diplomacy: Building Coalitions Through Persuasion," 43.

states' win-sets, and helped the EU ascertain how ambitious it could make its goals while not antagonising other negotiating parties by advocating 'unacceptable' positions. This was important for securing a legally binding climate agreement. The legal form of the agreement depended on the US, whose Republican-controlled Senate refused to ratify a climate treaty or protocol.[210] The EU was consistently in dialogue with the US, testing a large number of possible legal configurations for the agreement to gauge how much the US could actually compromise, and how much of their rhetoric was simply leveraging the threat of Congress rejecting the deal to gain a negotiating advantage.[211] Delbeke described the strategy in October 2015 saying:

> "between legally binding and not legally binding there is a grey zone, and it has to do with compliance … we are now teasing out the ground of that grey zone in pushing the US as far as possible with coming on board, but at the same time not pushing them overboard that the Senate would turn the treaty down. [sic]"[212]

Hence the EU could go to Paris not backing down on its legally binding agreement demand, despite a general consensus in the public sphere that the US would reject anything remotely legally binding.

The High Ambition Coalition

Actors that are advocating ambitious positions in international negotiations have to work hard to get their views accepted by the international community. The key method their views can reach broad acceptance is through building coalitions.[213] At Copenhagen the EU alienated potential coalition partners from developing countries by "abandoning" the Kyoto Protocol's two track approach. It was also too preoccupied with internal coordination to reach out

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[210] Raymond Clémençon, "The two sides of the Paris climate agreement: Dismal failure or historic breakthrough?," Journal of Environment and Development (2016): 6.

[211] Oberthür and Groen, "Explaining goal achievement in international negotiations: the EU and the Paris Agreement on climate change," 720.
Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," 437-40.

[212] Delbeke, *EU climate policy – where are we headed? Presentation to the Oxford Martin School.*

[213] Oberthür and Groen, "Explaining goal achievement in international negotiations: the EU and the Paris Agreement on climate change," 713.

effectively to other parties.[214] Leading into Paris, the EU invested significant energy in building coalitions. The most important coalition it helped found was the HAC.

Cañete described the HAC as "the masterplan of Europe and its allies".[215] It was a group of likeminded developed and developing countries who argued for an ambitious climate agreement at Paris. It operated informally and secretively through most of COP21.[216] Its members included a mix of Latin American, Caribbean, African and Pacific countries, alongside the EU and Norway.[217] The EU and Norway began co-convening meetings of progressive countries from 2011, with the Marshall Islands taking over convening duties after May 2015.[218] The group met on the sidelines of the major climate forums throughout 2015, and the EU also recruited for the HAC during meetings with Pacific Island leaders and at its INDC facilitation forum in Rabat.[219]

The HAC was important for advancing the EU's objectives in several ways. Firstly, the HAC acted as forum through which the EU could disseminate its preferred policy positions. HAC members, including the EU, were formatting their negotiating positions concurrently. This meant that the EU could push other members to adopt policies it preferred, and it could absorb ambitious ideas that had support internationally. By December 2015 the HAC's aims had crystallised around agreeing on a legally binding agreement that included five-yearly reviews of NDCs, a clear long term trajectory for climate mitigation centring on 'deep cuts' by

[214] Afionis, "The European Union as a negotiator in the international climate change regime," 352. Groen, Niemann, and Oberthür, "The EU as a Global Leader? The Copenhagen and Cancun UN Climate Change Negotiations," 181, 87.

[215] Cañete, Miguel Arias. *Historic climate deal in Paris: speech by Commissioner Miguel Arias Cañete at the press conference on the results of COP21 climate conference in Paris.*

[216] International Institute for Sustainable Development (IISD), "COP21 Final", *Earth Negotiations Bulletin* 12, no. 663, 15 December 2015, <https://enb.iisd.org/climate/cop21/enb/29nov.html>, accessed 27 August 2019, 44.

[217] Karl Mathiesen and Fiona Harvey, "Climate coalition breaks cover in Paris to push for binding and ambitious deal," Guardian, 9 December 2015, https://www.theguardian.com/environment/2015/dec/08/coalition-paris-push-for-binding-ambitious-climate-change-deal.

[218] Aslak Brun, "Conference Diplomacy: the Making of the Paris Agreement," Politics and Governance 4, no. 3 (2016): 121.

[219] Cañete. *Historic climate deal in Paris: speech by Commissioner Miguel Arias Cañete at the press conference on the results of COP21 climate conference in Paris.*

2050, and limiting global warming to 1.5°C, all ideas that originated from, or were agreeable to, the EU.[220]

Secondly, HAC members coordinated positions in the lead up to, and supported each other's statements throughout COP21. This minimised the chance the EU would be advocating for unpopular positions or would be locked out of the main COP21 discussions.[221]

Thirdly, it gave the EU's policies an extra veneer of legitimacy because they were being articulated by the Marshall Islands, a 'moral superpower' in climate negotiations.[222] The HAC's developing country members could attack the positions of large emitters in ways the EU could not. Fourthly, and most importantly, the HAC fundamentally undermined the arguments of China, India and other major developing emitters who argued developing countries should be excluded from undertaking significant mitigation measures, or be subject to different transparency provisions. Brun argues that

> "[t]hese developing countries could no longer hide behind poorer developing countries with little capacity, because many of the most vulnerable countries had become vocal champions of high ambition."[223]

The HAC gathered enormous momentum in the final days of the conference. When the HAC made its existence known publicly on 10 December, it had over 100 members, including the US (who had joined that day) and all 28 EU member states.[224] It also peeled off Brazil from the BASIC group the following day.[225] The HAC's public reveal radically changed the dynamics of COP21. The IISD reported that it "created a show of solidarity that some said effectively

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[220] IISD, "COP21 Final", 44.
Brun, "Conference Diplomacy: the Making of the Paris Agreement," 121.

[221] Brun, "Conference Diplomacy: the Making of the Paris Agreement," 121.

[222] Brun, "Conference Diplomacy: the Making of the Paris Agreement," 120.

[223] Brun, "Conference Diplomacy: the Making of the Paris Agreement," 121.

[224] Mathiesen and Harvey, "Climate coalition breaks cover in Paris to push for binding and ambitious deal."

[225] European Commission. *COP21: Brazil joins high ambition coalition; group pushes for strong deal as Paris talks enter final stretch*. 11 December 2015. <https://ec.europa.eu/clima/news/articles/news_2015121101_en>. accessed 10 September 2019.

marginalised those not in the group."[226] It became so large that it made opposition extremely costly. This inverted the typical dynamics of the COP, whereby it was easier for unambitious states to justify their positions domestically, to one where they had to move, hence countries like Australia piled into the HAC. In the process, the EU's preferred policies became the orthodoxy. The HAC was ultimately secured the inclusion of key demands in the final agreement, notably legally binding provisions, a 1.5°C target and five-yearly reviews.[227]

While IR literature can tell us why the HAC was important for the negotiations, the three-level game can extend those insights and show how the EU's ability to join the HAC was contingent on EU level decisions. Chapters three and four showed how the EU was able to agree an ambitious INDC and negotiating mandate. This built the EU's credibility with developing countries, particularly those that saw climate as an existential threat. The EU would not have had the political capital to convince African and Pacific Island states to join the HAC, or to reach out to the Marshall Islands, if the EU's INDC and negotiating stance had not positioned it among the most ambitious actors at COP21.

Maintaining EU unity

While not the sole explanation of the EU's goal achievement at COP21, internal unity "facilitates external effectiveness" for the EU in international negotiations.[228] As noted in chapter 2, the EU has no voting power at the UNFCCC. In order for the EU to matter as an entity, its member states need to work together. If the EU appears divided its message becomes incoherent and other actors can attempt to pit member states against each other, stopping the EU from agreeing any further negotiating positions. The EU was noticeably divided at COP15. Public high-profile disputes about the EU's 2020 Climate and Energy package, and public disagreements at the December 2009 European Council meeting over

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[226] IISD, "COP21 Final", 44.

[227] Christoff, "The promissory note: COP 21 and the Paris Climate Agreement," 773-74.

[228] Delreux, "Multilateral Environmental Agreements: A Key Instrument of Global Environmental Governance," 32-33.
Also see: Van Schaik, "The sustainability of the EU's model for climate diplomacy."

whether the EU should offer to reduce its GHG emissions by 30% by 2020 made the EU appear divided at Copenhagen.[229] This weakened the EU's effectiveness as an actor.[230] The EU was keen to avoid that mistake at Paris.

The most difficult member state to keep in line was likely to be Poland. The October 2015 Polish elections had removed the Civic Platform-led government and replaced them with the Law and Justice Party, whose MPs had called for the government to veto the Paris Agreement. President Duda also showed a willingness to veto international climate agreements, vetoing the Doha Amendment to the Kyoto Protocol.[231] However, days prior to the conference beginning, the Polish environment minister announced that his government would be part of the negotiations and would not act to block an agreement.[232]

The Polish government's decision to cooperate in COP21 negotiations can be attributed to EU-level factors. EU officials had concluded deals with the previous government (see chapters three and four) and used them to leverage the new government into cooperating. Cañete emphasised publicly that the EU:

> "had an agreement in the European Council … and Poland was on board with that agreement. We [have] approved our INDC, [which] Poland also supported … and we have a mandate of negotiation which Poland was very active in shaping … I understand that we will be able to negotiate in Paris under the negotiation mandate and that Poland will be on board."[233]

[229] Andrew Grice, "EU split over size of emissions cut," The Independent, 11 December 2009, https://www.independent.co.uk/news/world/europe/eu-split-over-size-of-emissions-cut-1838178.html. BBC, "Nations challenge EU climate plan," BBC, 15 October 2009, http://news.bbc.co.uk/2/hi/europe/7672335.stm.

[230] Groen, Niemann, and Oberthür, "The EU as a Global Leader? The Copenhagen and Cancun UN Climate Change Negotiations," 178.

[231] Sara Stefanini, "Poland's Duda bucks EU on climate," Politico, 29 October 2015, https://www.politico.eu/article/poland-kyoto-protocol-doha-amendment-law-justice-duda/.

[232] Poland Radio, "Poland presents COP21 position," Poland Radio, 26 November 2015, http://archiwum.thenews.pl/1/6/Artykul/230483,Poland-presents-COP21-position.

[233] European Commission, Live EC press conference by Commissioner Miguel Arias Cañete ahead of the United Nations Climate Change Conference in Paris (COP21), 25 November 2015, <https://audiovisual.ec.europa.eu/en/video/I-112657>, 1 September 2019.

Cañete portrayed the policies as locked in after they cleared Council, making it difficult for the Polish government to argue against them. This tactic also had important ramifications for Polish domestic politics. As Putnam argues, constraints at the international level can help governments rearrange domestic actors.[234] By claiming their hands were tied by the EU, the Polish government had a viable excuse for ignoring pleas to tear up the Paris Agreement, thus saving their domestic reputation.

The EU managed to maintain unity throughout COP21 by sticking closely to its negotiating mandate. Notably, the EU continually advocated for the inclusion of 'carbon neutrality' in the agreement text rather than 'decarbonisation', despite strong pressure to change its stance. The change was reportedly discussed and vetoed by Poland in coordination meetings because of the impact decarbonisation entailed for the Polish mining and energy sectors.[235] EU coordination meetings are effectively a release valve for domestic pressures. They allow the EU to ensure it is accomodating the domestic politics of its member states, so they do not break ranks and undermine the EU. The result was that EU negotiators were clear throughout. Cañete told reporters "[w]e have had a mandate from member states to underline a path to carbon neutrality, not decarbonisation."[236] This level of unity ensured "all 28 member states spoke with one voice throughout negotiations" and consequently made the EU's diplomacy as targeted as possible.[237] In this case, the EU's minimalistic win-set regarding decarbonisation and strong internal constraints forced other countries to adapt their policies. Decarbonisation was excluded from the final agreement text.

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[234] Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," 431, 53.

[235] Aline Robert, "Poland drives rewrite of EU decarbonisation stance at COP21," Euractiv, 11 December 2015, https://www.euractiv.com/section/climate-environment/news/poland-drives-rewrite-of-eu-decarbonisation-stance-at-cop21/.

[236] Robert, "Poland drives rewrite of EU decarbonisation stance at COP21."

[237] Torney and Cross, "Environmental and Climate Diplomacy: Building Coalitions Through Persuasion," 51.

Adjusting negotiating positions

The corollary of the EU's extensive coordination procedures is that the processes can become rigid and cumbersome. Any significant change to the EU's negotiating position needs to be agreed in coordination meetings. Consequently, Delreux argues "the EU often has difficulties in reacting quickly to proposals by third countries, showing flexibility and strategically prioritising issues in the endgame of negotiations".[238] This became a problem for the EU at COP15. When major emitters refused to compromise with the EU:

> "[t]here was no plan B included in the EU negotiating strategy, which would have allowed the EU to react to the negotiating realities and stay more closely involved in the process of arriving at some sort of compromise agreement".[239]

The EU coordination process failed to agree an alternate negotiating mandate and consequently EU negotiators had no ability to compromise with other states.

During COP21 the EU agreed to shift its position on a long-term global warming limit from 2°C to 1.5°C.[240] This decision contrasts to the EU's inflexibility over decarbonisation, another target that entails a quicker, and more costly transition to a low carbon global economy. While it is hard to know what was said in the EU coordination meeting to change member states' views, the three-level game can provide three explanations for the change.

At the domestic level, the 1.5°C target was less politically controversial for Poland. Poland did not tend to object to general climate actions, like strict accountability provisions, legally binding agreements or the 2°C target. It objected to measures where the costs were born squarely by industries that are significant domestic political players. Hence it could not agree

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[238] Delreux, "Multilateral Environmental Agreements: A Key Instrument of Global Environmental Governance," 25, 31.

[239] Groen, Niemann, and Oberthür, "The EU as a Global Leader? The Copenhagen and Cancun UN Climate Change Negotiations," 181.

[240] Kalina Oroschakoff and Sara Stefanini, "The politics behind climate summit's 1.5 degree target," Politico, 10 December 2015, https://www.politico.eu/article/politics-behind-climate-summit-1-5-degree-2-degree-target/.
Euractiv, "In last hours of COP21, its ambition rises by half a degree," Euractiv, 11 December 2015, https://www.euractiv.com/section/climate-environment/news/in-last-hours-of-cop21-its-ambition-rises-by-half-a-degree/.

to decarbonisation, which has very specific impacts for the coal industry, but could agree to a 1.5°C target because that requires emissions to be reduced generally.

At the EU level Poland also had a mechanism to lessen the burdens of the 1.5°C target. The burdens on Poland could be reduced through EU effort sharing arrangements. Hence, even if there were domestic burdens, they could be significantly ameliorated.

Finally, at the international level, compromising on the 1.5°C limit was more important for the EU's overall negotiating strategy. The target was the top demand of AOSIS, LDCs, some African countries, and crucially the HAC.[241] Christoff suggests adopting the target helped weaken developing countries' insistence that they accept liability for damage to developing countries caused by historic emissions from the West, a demand the EU and most developed countries were keen to rebuff.[242] However, equally importantly, failing to adopt the 1.5°C limit would have harmed the EU's relationship with the HAC, cutting the EU off from its path to getting its policies adopted.[243] Furthermore two EU member states (Germany and the UK) were founding members of the coalition.[244] Rebuking the group's demand would have embarrassed its own member states, or worse cause them to speak out, undermining EU unity. Those were never acceptable propositions.

Conclusion

The EU performed vastly better at Paris than at Copenhagen. To understand why, we need to consider all three levels of the climate negotiations game. Table 3 shows that the key choices the EU made at COP21 cannot be explained by any one level of analysis. The international environment influenced the range of deals acceptable domestically in non-EU countries,

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[241] Brun, "Conference Diplomacy: the Making of the Paris Agreement," 118.
Clémençon, "The two sides of the Paris climate agreement: Dismal failure or historic breakthrough?," 8.

[242] Christoff, "The promissory note: COP 21 and the Paris Climate Agreement," 776.

[243] Oroschakoff and Stefanini, "The politics behind climate summit's 1.5 degree target."

[244] Cañete. *Historic climate deal in Paris: speech by Commissioner Miguel Arias Cañete at the press conference on the results of COP21 climate conference in Paris.*

pushing them closer to the EU's position. The EU's climate diplomacy was effective at Paris and allowed it to negotiate more successfully. The three-level game can show that the climate diplomacy push came about because of EU factors. France's actions in lobbying other member states to step up their climate diplomacy shows EU member states knew how various levels of climate politics are connected. Moving players at the EU level could help reposition players at the international level. The EU's ability to reach out effectively to the HAC was dependent on ambitious EU-level agreements. The EU's unified appearance relied on reaching agreements between member states and being acutely aware of the domestic-level constraints member states faced. The compromises the EU made in international negotiations were similarly influenced by domestic constraints, but we should add they were also influenced by international-level considerations about how important compromising was for delivering an international agreement. All of this shows that explaining the EU's behaviour in international climate negotiations involves considering more than LI's EU-centric intergovernmental bargaining. It also involves more complicated international inputs than MLG appreciates. The three-level game is the only model dynamic enough to explain the EU's behaviour.

Table 3: EU decisions at COP21

EU decision	National-level factor	Supranational-level factor	International-level factor
Undertaking climate diplomacy		France and the Commission pushed EU member states to undertake climate diplomacy	EU wanted to reposition international actors
Joining the HAC		EU had credibility from its ambitious INDC and negotiating mandate	
EU sticking to its negotiating mandate	Political limitations on member states were respected	EU negotiating mandate was already agreed and followed closely	
EU compromising on 1.5°C target	1.5°C did not impact politically important industries in Poland as much as decarbonisation.		Compromising on 1.5°C was important for concluding an international agreement

Source: Author's compilation

6. Conclusion

This chapter returns to the question posed at the start of the thesis: what influenced the EU's behaviour at COP21. It begins by summarising the findings of this research. It then highlights the thesis' academic contribution and presents avenues for future research.

Research findings

What influenced the EU's behaviour at COP21? The short answer is that there were a range of national, supranational and international factors at play. This thesis has shown that the three-level game is the best way to identify those factors and explain why they mattered to the domestic, EU and international negotiations process.

Table 4 provides a full summary of key decisions the EU made in the COP21 pre-negotiations and negotiations processes and what factors (national, supranational, international) were at play. However, in order to illustrate the findings of this thesis further, the next three sections provide a brief recap of decisions made at each level of negotiations leading to COP21 and shows how they are interrelated.

Table 4: Influences on EU climate policy

EU decision	National-level factor	Supranational-level factor	International-level factor
40% GHG reduction target binding on member states	X		X
27% EU-wide renewable energy target	X		
27% non-binding energy efficiency target	X		
2°C warming limit		X	
Legally binding deal	X	X	
Strict measurement, reporting and verification rules	X		X
GHG reductions by developing countries	X		X
No historic responsibility	X	X	X
No decarbonisation	X	X	X
Undertaking climate diplomacy		X	X
Joining the HAC		X	
EU sticking to its negotiating mandate	X	X	
EU compromising on 1.5°C target	X		X

Source: Author's compilation

National level

Domestic political and economic considerations influenced the positions member states took at EU and international negotiations but were not the sole influence. Germany's support for strong renewable energy targets was driven by economic considerations, while the UK position on renewable energy targets was influenced by its energy mix and political debate about EU incursions on UK sovereignty. Poland's opposition to decarbonisation was triggered by its large and political active coal industry. However, governments were additionally influenced by the

international factors. The UK, France and Germany advocated for an ambitious INDC and negotiating mandate to try and influence the COP21 outcomes.

Supranational level

At the Council and European Council the relative power and domestic constraints of member states influenced negotiation outcomes, and consequently the positions the EU took to the UNFCCC. The UK was important for EU burden sharing agreements, so it was accommodated in negotiations over the renewable energy and energy efficiency targets. Poland won massive concessions in negotiations because of its domestic constraints. Adding the international level to the analysis helps explain EU agreements further. Certain negotiating demands, like the five-yearly review of GHG reductions, were more acceptable because they had support outside the EU. Strict measurement, reporting and verification requirements were added to the EU's negotiating mandate because it feared other parties would weaken the legally binding aspects of the Paris Agreement. Moreover, the EU's decision not to use majority voting to overrule Poland on the negotiating mandate makes most sense in the context of international negotiations where the EU needed to appear united.

International level

At COP21 the international environment, particularly growing concern about climate change and pressure on governments globally to reach an agreement, influenced the range of acceptable negotiation compromises and advantaged the EU. Effective diplomacy and coalition building, particularly joining the HAC, helped the EU secure its preferred outcomes. However, the international level cannot be divorced from the other two levels. France knew that by prompting EU member states to undertake climate diplomacy it could reposition actors at the international level. The EU had credibility at COP21 because of its ambitious INDC and negotiation mandate. Moreover, the EU's unified image depended on effectively aggregating preferences at the EU level and sticking to its agreements. If it wanted to compromise, the EU

needed to be aware of the domestic limitations on its member states. Hence it could never compromise on decarbonisation because of Poland's objections, but could compromise on the 1.5°C target.

Interconnected levels

The inescapable conclusion is that confining one's analysis to any one or even two levels leads to a significantly diminished picture of EU and international climate politics. This thesis has provided strong evidence that EU leaders, when negotiating at each level, are aware the decisions they make may change:

1) Whether domestic constituents will support an agreement and the government that negotiated it.

2) Whether other member states will tolerate a certain decision and if not, how they react to it.

3) How the EU and/or its member states will be viewed internationally, and particularly whether other parties will be willing to work with it.

They take these risks into account during negotiations. This explanation, derived from the three-level game, is superior to the explanations provided by other theories.

Academic contributions

This thesis has made four significant contributions to the literature on EU and international climate politics. Firstly, it has made an original contribution by developing the three-level game as a model for analysing EU climate politics. The three-level game helps trace actions and reactions across the national, supranational and international climate negotiations. This thesis has shown that the expansion from a two-level game to a three-level game is analytically sound and that the three-level game can provide better insights than many of the frameworks previously applied to EU climate politics, like LI, MLG and constructivism. This is the most significant contribution this thesis makes to the academic corpus.

Secondly, it attempts to bridge the gap between IR and EU policymaking literatures. This thesis sits at the intersection of those two literatures, which have generally remained compartmentalised. In reality there are many commonalities between them, and the insights of both are needed to properly understand the EU's behaviour in international forums. This thesis has shown that the EU-specific structures influence the EU's behaviour internationally. Similarly, it has provided strong evidence that EU governments and agencies consider the international (as in beyond the EU) ramifications of their behaviours before they act, and are influenced by the behaviour of actors outside their borders. There is still work to be done teasing out the complementarities between EU and IR literature, but this thesis provides some insight into how it can be done.

Thirdly, it has contributed to growing literature on the COP21 negotiations and the Paris Agreement. As a conference that delivered a legal binding agreement with 195 parties, the conference and agreement deserve academic attention. This thesis adds to that.

Fourthly, this thesis contributes an important case study on the EU's behaviour at COP21 to climate politics literature. As noted in the introduction, the EU is one of the most ambitious actors in global climate politics. Their INDC and negotiating mandate were highly ambitious by international standards. This thesis continues the discussion about how that came about.

Future research opportunities

This thesis has shown that the three-level game is an important and effective tool for analysing EU climate politics. Further research could apply the framework to other COPs to unlock new insights into the EU's behaviour at the UNFCCC. The three level game could be used in comparative studies of COPs. Comparisons of COPs like Cancun (2010) and Durban (2011) which are, for want of a better phrase, 'agenda setting COPs' with 'decision making COPs' like

Kyoto (1997), Copenhagen (2009) and Paris (2015), where international agreements are being written, may be particularly useful.[245]

This thesis has also been upfront about limiting its scope to discussions on climate mitigation, particularly GHG emissions reductions. Future research would benefit from expanding the scope of topics considered to climate finance, adaption, and other issues that are prominent on the international climate agenda. Taking a broader view of issues in climate negotiations may also allow for better understanding of the compromises made at the international level. It is possible the EU struck additional side deals with other countries on issues, like climate finance, to secure more ambitious legal provisions and transparency frameworks. However, it was difficult for the thesis to assess this.

Finally, scholars need to commit to seriously engaging with how EU and international factors both effect the EU's climate policies and EU policymaking more generally. Although sub-disciplines like European studies and IR are well entrenched in academia their boundaries are somewhat artificial. Scholars should seek to analyse influences on EU policy regardless of which political 'level' they originate in. If scholars are not prepared to cast the net widely they risk drawing incomplete pictures of EU policymaking. This thesis shows that it is possible to analyse in depth national, EU and international factors together, and that the three-level game can help to do that going forward.

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[245] Charles Parker and Christer Karlsson, "The UN Climate Change Negotiations and the Role of the United States, Assessing American Leadership form Copenhagen to Paris," Environmental Politics 27, no. 3 (2018).

Postscript

On 19 September 2019, Ursula von de Leyen's announced her new Commission lineup including a new super-portfolio for the 'European Green Deal', allocated to Executive Vice-President Frans Timmermans.[246] This seems to signal the EU is about to increase its ambition on climate policy again. Yet at all levels of the climate negotiations there are challenges. Poland, the Czech Republic, Hungary and Estonia vetoed a proposal for EU to go carbon neutral by 2050 in June 2019.[247] More problematically, after Brexit the EU will lose a member state which has had the capacity and political will to make deep emissions cuts.[248] Internationally the populist and mercantilist streaks in the Trump administration have slowed climate action, and dented the international climate regime. Ultimately climate politics is a complicated game. A lot of factors need to line up to accomplish significant climate action. I hope Timmermans has been practising his chess.

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[246] Megan Darby, "European Green Deal portfolio handed to EU vice president, in major elevation," Climate Change News, 10 September 2019, https://www.climatechangenews.com/2019/09/10/european-green-deal-portfolio-handed-eu-vice-president-major-elevation/.

[247] Sam Morgan, "EU climate deal falls at summit, four countries wield the axe," Euractiv, 21 June 2019, https://www.euractiv.com/section/climate-strategy-2050/news/eu-climate-deal-falls-at-summit-four-countries-wield-the-axe/.

[248] Charlotte Burns and Paul Tobin, "The Limits of Ambitious Environmental Policy in Times of Crisis," in European Union External Environmental Policy, ed. Camilla Adelle, Katja Biedenkopf, and Diarmuid Torney (Basingstoke: Pulgrave Macmillan, 2018), 320-21, 28-30.

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